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Wednesday
January 21, 1987

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

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: January 29; at 9 am.

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.

RESERVATIONS: Mildred Isler 202-523-3517

PORTLAND, OR

WHEN: February 17; at 9 am.

WHERE: Bonneville Power Administration Auditorium, 1002 N.E. Holladay Street, Portland, OR.

RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Portland 503-221-2222
Seattle 206-442-0570
Tacoma 206-383-5230

LOS ANGELES, CA

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

Contents

Federal Register
Vol. 52, No. 13
Wednesday, January 21, 1987

Agency for International Development
RULES
Acquisition regulations, 2354

Agriculture Department
See also Food and Nutrition Service
NOTICES
Privacy Act:
Systems of records, 2247

Alcohol, Tobacco and Firearms Bureau
RULES
Alcoholic beverages:
Caribbean Basin Economic Recovery Act; imported rum excise taxes distribution; correction, 2222

Army Department
NOTICES
Meetings:
Science Board, 2253

Bicentennial of the United States Constitution Commission
See Commission on the Bicentennial of the United States Constitution

Coast Guard
PROPOSED RULES
Regattas and marine parades:
Sacramento Water Festival, CA, 2237

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 2248

Commission on the Bicentennial of the United States Constitution
RULES
Project recognition and support; National Bicentennial Logo, etc., 2384

Defense Department
See Army Department; Navy Department

Delaware River Basin Commission
NOTICES
Hearings, 2253

Drug Enforcement Administration
RULES
Schedules of controlled substances:
Tiletamine and zolazepam, 2221

Education Department
NOTICES
Grants; availability, etc.:
Handicapped migratory agricultural and seasonal farmworker vocational rehabilitation service projects; correction, 2254

Employment and Training Administration
NOTICES
Adjustment assistance:
Gilbert Manufacturing Corp. et al., 2304
Standard Oil Production Co., 2306
Unemployment compensation program; extended benefit periods:
Puerto Rico, 2306

Energy Department
See Federal Energy Regulatory Commission; Western Area Power Administration

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Illinois, 2224
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Fluzaifop-butyl and oxyfluorfen, 2225
PROPOSED RULES
Water pollution; effluent guidelines for point source categories:
Leather tanning and finishing industry, 2370
NOTICES
Pesticide programs:
Confidential information and data transfer to contractors, 2281
Pesticide registration, cancellation, etc.:
Pentachlorophenol, 2282
Pesticides; temporary tolerances:
Merck Sharp & Dohme Research Laboratory, 2282
Toxic and hazardous substances control:
Premanufacture notices receipts, 2293

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness directives:
Beech, 2217
Gates Learjet, 2215
Sikorsky, 2216
Control zones, 2218
Standard instrument approach procedures, 2219
PROPOSED RULES
Air traffic operating and flight rules:
Special Federal Aviation Regulation No. 50; Grand Canyon National Park; flight rules in vicinity, 2236

Federal Communications Commission
RULES
Common carrier services:
Customer premises equipment; nonstructural safeguards, 2226
PROPOSED RULES
Common carrier services:
Interstate telecommunications services; Alaska et al., rates integration policies, 2238

Radio services, special:
Amateur service—
Novice and technician operators; additional privileges in certain geographic areas; correction, 2239
NOTICES
Applications, hearings, determinations, etc.:
Discovery & Decision Educational Foundation, Inc., et al., 2294
Kingdom of God Ministries, Inc., et al., 2294
Mercyhurst College et al., 2295

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Wisconsin Power & Light Co. et al., 2278
Environmental statements; availability, etc.:
Lehighton, PA, et al., 2258
Ypsilanti, MI, et al., 2260
Hydroelectric applications, 2271
Natural gas certificate filings:
Columbia Gas Transmission Corp. et al., 2276
National Fuel Gas Supply Corp. et al., 2266
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 2261
Preliminary permits surrender:
Symons, John L., et al., 2270
Yeadon, Robert Jay, 2256
Small power production and cogeneration facilities; qualifying status:
Charles Cogen Partners et al., 2258
Cogeneration National Corp. et al., 2260
Applications, hearings, determinations, etc.:
Cities Service Oil & Gas Corp., 2257
Connecticut Light & Power Co., 2261
FMP Operating Co., 2255
(2 documents)
Mid Louisiana Gas Co., 2265
Odeco Oil & Gas Co., 2256
Oxy Cities Service NGL, Inc., 2258
Panhandle Eastern Pipe Line Co., 2269
Rosewood Resources et al., 2256
Sun Exploration & Production Co., 2278
Tenneco Oil Co., 2270

Federal Maritime Commission
NOTICES
Agreements filed, etc., 2295

Federal Reserve System
RULES
Reserve requirements of depository institutions (Regulation D):
Technical amendment; authority citation, 2215
NOTICES
Agency information collection activities under OMB review, 2295
Electronic fund transfers:
Payment system risks—
Book entry securities transactions; cap levels, "de minimis" caps, and inter-affiliate Fedwire transfer limits, 2296
Meetings; Sunshine Act, 2350

Fish and Wildlife Service
RULES
Endangered and threatened species:
Florida scrub plants (seven), 2227
PROPOSED RULES
Endangered and threatened species:
Findings on petitions, etc., 2239
Florida lizards (sand skink and blue-tailed mole skink), 2242

Food and Drug Administration
NOTICES
Food for human consumption:
Identity standard deviation; market testing permits—
Green beans, canned, 2297
Polybrominated biphenyls in milk and dairy products, meat, eggs, and animal feeds; action levels revoked, 2296

Food and Nutrition Service
NOTICES
Child nutrition programs:
Summer food service program; reimbursement rates, 2247

Health and Human Services Department
See Food and Drug Administration

Indian Affairs Bureau
NOTICES
Facilities improvement and repair priority list, 2298

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office

International Development Cooperation Agency
See Agency for International Development; Overseas Private Investment Corporation

International Trade Administration
NOTICES
Meetings:
Automated Manufacturing Equipment Technical Advisory Committee, 2248
Computer Systems Technical Advisory Committee, 2248, 2249
(4 documents)
Applications, hearings, determinations, etc.:
Agricultural Research Service et al., 2250
Mount Sinai School of Medicine et al., 2250
University of Florida et al., 2251

Interstate Commerce Commission
NOTICES
Rail carriers:
Waybill data; release for use, 2301

Justice Department
See also Drug Enforcement Administration
NOTICES
Pollution control; consent judgments:
Baird & McGuire, Inc., et al., 2301
Lightolier, Inc., 2301
Paul B. Morris Co., Inc., 2302
Superior Industries, Inc., 2302
Virco Manufacturing Corp., 2302

Labor Department
See also Employment and Training Administration; Mine Safety and Health Administration
NOTICES
Agency information collection activities under OMB review, 2303
Meetings:
Trade Negotiations and Trade Policy Labor Advisory Committee, 2303

Land Management Bureau
NOTICES
Meetings:
Coeur d'Alene District Advisory Council, 2299
Idaho Falls District Advisory Council, 2298
Prineville District Advisory Council, 2299
Richfield District, 2298
Realty actions; sales, leases, etc.:
California, 2299, 2300
(2 documents)
Nevada; correction, 2352
Survey plat filings:
Colorado, 2298
Withdrawal and reservation of lands:
California, 2300
Idaho; correction, 2300

Maritime Administration
NOTICES
Trustees; applicants approved, disapproved, etc.:
Hibernia National Bank, 2346
War risk insurance; ship value determination, 2348

Mine Safety and Health Administration
NOTICES
Safety standard petitions:
Acme Coal Co., 2307
BethEnergy Mines, Inc., 2307
Greenwood Mining, 2308
Jim Walter Resources, Inc., 2308
(2 documents)
Neumeister Coal Co., 2309

Minerals Management Service
NOTICES
Environmental statements; availability, etc.:
Gulf of Mexico OCS—
Oil spills resulting from drilling; statistical compilation, 2300

National Labor Relations Board
NOTICES
Meetings; Sunshine Act, 2350

National Mediation Board
NOTICES
Meetings; Sunshine Act, 2350

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Foreign fishing—
Bering Sea and Aleutian Islands groundfish, 2235
NOTICES
Environmental statements; availability, etc.:
Commercial shrimp fishing operations; trawling efficiency device requirements, 2252
Marine mammals:
Incidental taking; authorization letters, etc.—
Geophysical Service Inc., 2252
Meetings:
North Pacific Fishery Management Council, 2252
Permits:
Marine mammals, 2251
(2 documents)

Navy Department
NOTICES
Environmental statements; availability, etc.:
Naval Station, Treasure Island, CA; homeporting, 2253
Meetings:
Chief of Naval Operations Executive Panel Advisory Committee, 2253

Nuclear Regulatory Commission
RULES
Bankruptcy filing; reporting requirements
Correction, 2352
NOTICES
Meetings:
Reactor Safeguards Advisory Committee
Proposed schedule, 2324
Meetings; Sunshine Act, 2350
Regulatory agreements:
Illinois; corrected republication, 2309
Illinois; revised comment date, 2309
Applications, hearings, determinations, etc.:
Northeast Nuclear Energy Co. et al., 2325
Texas Engineering Experimental Station, 2326

Overseas Private Investment Corporation
NOTICES
Meetings; Sunshine Act, 2351

Personnel Management Office
RULES
Retirement:
Federal Employees Retirement System—
Death benefits and employee refunds; correction, 2352

Presidential Documents
PROCLAMATIONS
Special observances:
Sanctity of Human Life Day, National (Proc. 5599), 2213

Public Health Service
See Food and Drug Administration

Securities and Exchange Commission
RULES
Securities:
Shareholder communications, facilitation; correction, 2220
NOTICES
Agency information collection activities under OMB review, 2328
Meetings; Sunshine Act, 2351
Self-regulatory organizations; unlisted trading privileges:
Midwest Stock Exchange, Inc., 2335
Applications, hearings, determinations, etc.:
Banco de Bilbao, S.A., et al., 2328
M.D.C. Mortgage Funding Corp. II, 2330
Salomon Brothers Unit Investment Trust, Insured Tax-Exempt Series One, 2333
U.S. Home Corp., 2334

State Department
NOTICES
International conferences:
Private-sector representatives on U.S. delegations, 2335

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program submission:
Indiana, 2223

Transportation Department
See Coast Guard; Federal Aviation Administration; Maritime Administration; Urban Mass Transportation Administration

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau
NOTICES
Notes, Treasury:
U-1989 series, 2347

Urban Mass Transportation Administration
NOTICES
Environmental statements; availability, etc.:
San Mateo County, CA, 2347

Veterans Administration
NOTICES
Agency information collection activities under OMB review, 2348

Western Area Power Administration
NOTICES
Power rate adjustment:
Boulder Canyon Project, 2280

Separate Parts in This Issue

Part II
Environmental Protection Agency, 2354

Part III
Environmental Protection Agency, 2370

Part IV
Commission on the Bicentennial of the United States Constitution, 2384

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
5599 2213

5 CFR
843 2352

10 CFR
50 2352

12 CFR
204 2215

14 CFR
39 (3 documents) 2215–2217
71 2218
97 2219
Proposed Rules:
91 2236
135 2236

17 CFR
200 2220
240 2220

21 CFR
1308 2221

27 CFR
19 2222
250 2222

30 CFR
914 2223

33 CFR
Proposed Rules:
100 2237

40 CFR
52 2224
180 2225
Proposed Rules:
425 2370

45 CFR
2001 2384

47 CFR
Ch. I 2226
Proposed Rules:
67 2238
97 2239

48 CFR
Ch. 7 2354

50 CFR
17 2227
611 2235
675 2235
Proposed Rules:
17 (2 documents) 2239, 2242

Federal Register
Vol. 52, No. 13
Wednesday, January 21, 1987

Presidential Documents

Title 3—

The President

Proclamation 5599 of January 16, 1987

National Sanctity of Human Life Day, 1987

By the President of the United States of America

A Proclamation

In 1973, America's unborn children lost their legal protection. In the 14 years since then, some twenty million unborn babies, 1.5 million each year, have lost their lives by abortion—in a nation of 242 million people. This tragic and terrible toll continues, at the rate of more than 4,000 young lives lost each day. This is a shameful record; it accords with neither human decency nor our American heritage of respect for the sanctity of human life.

That heritage is deeply rooted in the hearts and the history of our people. Our Founding Fathers pledged to each other their lives, their fortunes, and their sacred honor in the Declaration of Independence. They announced their unbreakable bonds with its immutable truths that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Americans of every succeeding generation have cherished our heritage of God-given human rights and have been willing to sacrifice for those rights, just as our Founders did.

Those rights are given by God to all alike. Medical evidence leaves no room for doubt that the distinct being developing in a mother's womb is both alive and human. This merely confirms what common sense has always told us. Abortion kills unborn babies and denies them forever their rights to "Life, Liberty and the pursuit of Happiness." Our Declaration of Independence holds that governments are instituted among men to secure these rights, and our Constitution—founded on these principles—should not be read to sanction the taking of innocent human life.

A return to our heritage of reverence and protection for the sanctity of innocent human life is long overdue. For the last 14 years and longer, many Americans have devoted themselves to restoring the right to life and to providing loving alternatives to abortion so every mother will choose life for her baby.

We must recognize the courage and love mothers exhibit in keeping their babies or choosing adoption. We must also offer thanks and support to the millions of Americans who are willing to take on the responsibilities of adoptive parents. And we must never cease our efforts—our appeals to the legislatures and the courts and our prayers to the Author of Life Himself—until infants before birth are once again afforded the same protection of the law we all enjoy.

Our heritage as Americans bids us to respect and to defend the sanctity of human life. With every confidence in the blessing of God and the goodness of the American people, let us rededicate ourselves to this solemn duty.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 18, 1987, as National Sanctity of Human Life Day. I call upon the citizens of this blessed land to gather on that day in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to the dignity of every human being and the sanctity of each human life.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of January, 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. 87-1383
Filed 1-16-87; 4:37 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 13
Wednesday, January 21, 1987

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

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Regulation D]

Reserve Requirements of Depository Institutions Authority Citation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Technical Amendment.

SUMMARY: The Board is amending 12 CFR Part 204 (Regulation D—Reserve Requirements of Depository Institutions) for the purpose of consolidating the authority citations for this part.

EFFECTIVE DATE: January 9, 1987.

FOR FURTHER INFORMATION CONTACT: John Harry Jorgenson, Senior Attorney (202/452-3778), Legal Division. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson (202/452-3544); Board of Governors of the Federal Reserve System, Washington, DC 20551.

List of Subjects in 12 CFR Part 204

Banks, banking; Federal Reserve System; Reporting and recordkeeping requirements.

For the reasons outlined above, the Board amends 12 CFR Part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. The authority citation for Part 204 is revised to read as follows:

Authority: Secs. 11(a), 11(c), 19, 25, 25(a) of the Federal Reserve Act (12 U.S.C. 248(a), 248(c), 371a, 371b, 461, 601, 611); sec. 7 of the International Banking Act of 1978 (12 U.S.C. 3105); and sections 327 and 411 of the Garn-St Germain Depository Institutions Act of 1982 (12 U.S.C. 3503 and 461) (96 Stat. 1501, 1520).

§§ 204.2, 204.3, 204.4 and 204.9 [Removed]

2. In addition, the authority citations following sections 204.2, 204.3, 204.4 and 204.9 are removed.

By order of the Board of Governors of the Federal Reserve System, January 12, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-1202 Filed 1-20-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-229-AD; Amdt. 39-5520]

Airworthiness Directives; Gates Learjet Models 35, 36, and 55 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Gates Learjet Models 35, 36, and 55 series airplanes, which requires inspections for cracking of the forward engine mounts. Cracked forward engine mounts have been found, where the residual strength was determined to be inadequate to sustain design flight loads. This condition, if not corrected, could result in separation of an engine from the airplane.

DATE: Effective February 6, 1987.

ADDRESS: The applicable service information may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Larry Abbott, Wichita Aircraft Certification Office, FAA, Central Region, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION: The right forward engine-mount on a Gates Learjet Model 35 airplane was found cracked during a 6,000 landing inspection, at which time the airplane had accumulated 3,435 hours time-in-service. Two cracks, at the forward and aft corner radii between the pylon beam box and the upper support arm, had a combined length of 4.74 inches. Cracks of less total length were detected on the left-hand mount. A static test of the cracked right-hand mount indicated the mount was incapable of sustaining design limit loads. This condition, if not corrected, could result in separation of the engine from the airplane.

The FAA has reviewed and approved Gates Learjet Corporation Service Bulletins 35/36-71-3 and 55-71-2, both dated January 5, 1987, which describe procedures for visual and magnetic particle inspections of the forward engine mounts, and replacement, as necessary. In addition, the manufacturer has developed an improved engine mount that is presently used on airplanes in production.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires repetitive visual and magnetic particle inspections for cracks of the engine mounts, and replacement, as necessary, in accordance with the appropriate service bulletin mentioned above.

In addition, this AD requires operators to report to the FAA the results of the initial visual and magnetic particle inspections. This information will be used to determine if any further rulemaking action is necessary. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), and have been assigned OMB Control Number 2120-0056.

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

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been

further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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:

Gates Learjet: Applies to the following Gates Learjet series airplanes, models/serial numbers listed below, certificated in any category; except those airplanes equipped with Part Number (P/N) 2651034 forward engine mount assembly due to spare replacements:

Model	*Serial number*
35	001 through 522
36	001 through 053
55	001 through 107

Compliance required as indicated, unless previously accomplished.

To ensure the structural integrity of the forward engine mounts, accomplish the following:

A. Prior to the accumulation of 2,400 hours time-in-service or 2,400 landings (whichever occurs first), or within the next 75 hours time-in-service after the effective date of this AD, whichever occurs later, conduct a visual inspection of the installed left and right forward engine mounts in accordance with Paragraph 2A of Gates Learjet Service Bulletin 35/36-71-3 or 55-71-2, both dated January 5, 1987, or later FAA-approved revisions, as appropriate.

1. If no cracks are found, repeat the visual inspection at intervals not to exceed 420 hours time-in-service.

2. If cracks are found, inspect or replace as indicated below:

a. For total visible crack length (forward plus aft) of 1.0 inch or more, prior to further flight accomplish one of the following:

(1) Replace cracked mount(s) with P/N 2651034 mount assembly; or

(2) Conduct the magnetic particle inspection and disposition in accordance with paragraph B. of this AD.

b. For total visible crack length (forward plus aft) of less than 1.0 inch, accomplish one of the following:

(1) Replace the cracked mount(s) with P/N 2651034 mount assembly within the next 420 hours time-in-service; or

(2) Conduct the magnetic particle inspection and disposition in accordance with paragraph B. of this AD within the next 420 hours time-in-service.

B. Prior to the accumulation of 2,400 hours time-in-service or 2,400 landings (whichever occurs first), or within the next 1,500 hours time-in-service after the effective date of this AD, whichever occurs later, conduct a magnetic particle inspection of the removed left and right engine mounts, in accordance with Paragraph 2B of Gates Learjet Service Bulletin 35/36-71-3 or 55-71-2, both dated January 5, 1987, or later FAA-approved revisions, as appropriate.

1. If no cracks are found, repeat the inspection at intervals not to exceed 1,500 hours time-in-service.

2. If cracks are found, replace as indicated below:

a. For total crack lengths (forward plus aft) of 3.0 inches or more, replace cracked mount(s) with P/N 2651034 mount assembly prior to further flight.

b. For total crack lengths (forward plus aft) of less than 3.0 inches, replace cracked mount(s) with P/N 2651034 mount assembly within 420 hours time-in-service.

C. The installation of a P/N 2651034 mount assembly constitutes terminating action for the repetitive inspections required by paragraphs A. and B. of this AD.

D. Duplicate copies of the Compliance Response form, included in Gates Learjet Service Bulletins 35/36-71-3 and 55-71-2, both dated January 5, 1987, use for reporting the results of the initial visual and magnetic particle inspections, must be submitted within one week after the inspection to the FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

E. 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.

F. Alternate means of compliance, which provides an acceptable level of safety, may be used when approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

This amendment becomes effective February 6, 1987.

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

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-1181 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-ASW-32; Amdt. 39-5505]

Airworthiness Directives; Sikorsky Aircraft Model S-76A and S-76B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Sikorsky Model S-76-A and S-76B helicopters by individual letters. The AD requires the removal of certain serial numbered tail rotor spars/tail rotor assemblies prior to further flight. The AD is prompted by a report of a recent failure of a tail rotor spar due to improper manufacture which could result in loss of control of the helicopter if both spars fail.

EFFECTIVE DATE: Janauary 30, 1987, as to all persons except those to whom it was made immediately effective by individual priority letter AD No. 86-19-14, issued September 23, 1986, which contained this amendment.

Compliance: As required in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Cheryl McCabe, ANE-152, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7112.

SUPPLEMENTARY INFORMATION: On September 23, 1986, priority letter AD No. 86-19-14 was issued and made effective immediately as to all known U.S. owners and operators of certain Sikorsky Model S-76A and S-76B helicopters.

The AD required removal and replacement of certain tail rotor assemblies which may have been improperly manufactured. AD action was necessary because of recent failure of a tail rotor spar due to improper manufacture.

Since it was found that immediate corrective action was required, notice

and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual letter, issued September 23, 1986, as to all known U.S. owners and operators of certain Sikorsky Model S-76A and S-76B helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviaton Regulations to make it effective as to all persons.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviations 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 (AD):

Sikorsky Aircraft: Applies to all Model S-76A and S-76B helicopters, certificated in any category, equipped with tail rotor blade assemblies as follows:

Model	Part numbers	Serial numbers
S-76A	76101-05001 or 76101-05101.	A137-00766, -00774, -00775, -00779, -00781, -00783, and -00785.
S-76B	76101-05501	A245-00025; -00026, -00027, -00028, -00037, -00040, -00041 and -00047.

Compliance is required as indicated, unless already accomplished.

To prevent possible operation with an improperly manufactured tail rotor assembly, accomplish the following:

(a) Prior to further flight after receipt of this AD, remove the above listed serial numbered tail rotor assemblies/spars, and replace with a serviceable part. The above listed serial numbered tail rotor assemblies/spars, marked with the suffix (X) are serviceable parts.

(b) Aircraft may be ferried in accordance with the provisions of FAR sections 21.197 and 21.199 to a base where the requirements of this AD may be accomplished.

(c) Upon request, an alternative means of compliance which provides an equivalent level of safety with the requirements of this AD may be approved by the Manager, Boston Aircraft Certification Office, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7118.

(d) Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the Manager, Boston Aircraft Certification Office, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7118, may adjust the compliance time specified in this AD.

This amendment becomes effective January 30, 1987, as to all persons except those persons to whom it was made immediately effective by individual priority letter AD No. 86-19-14 issued September 23, 1986, which contained this amendment.

Issued in Fort Worth, Texas, on December 24, 1986.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87-1182 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-CE-49-AD, Amdt. 39-5513]

Airworthiness Directives; Beech 99 and 100 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to Beech 99 and 100 Series airplanes which requires inspection and replacement of rivets which attach each elevator outboard hinge to the stabilizer. Loose or sheared rivets have been found in ten instances. Replacement of the rivets with bolts as specified in Beech Service Bulletin No 2132 will prevent a loose hinge bracket and possible loss of the hinge attachment. Hinge failure will result in loss of elevator control and could cause loss of the airplane.

EFFECTIVE DATE: February 20, 1987.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Beech Service Bulletin No. 2132 Revised December 1986, may be obtained from Beech Aircraft Corporation, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, FAA, Airframe Branch, ACE-120W, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection and replacement of rivets which attach each elevator outboard hinge to the stabilizer on certain Beech 99 and 100 Series airplanes was published in the Federal Register on October 29, 1986, 51 FR 39544. The proposal resulted from the discovery of loose or sheared rivets on ten different elevator outboard hinges. Replacement of the rivets with bolts as specified in Beech Service Bulletin No. 2132 will prevent a loose hinge bracket and possible loss of the hinge attachment. Hinge failure will result in loss of elevator control and could cause loss of the airplane.

Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Subsequently, the Beech Service Bulletin No. 2132 has been revised to make it compatible with the proposed AD, and to incorporate minor corrections to rivet hole tolerances, which imposes no additional burden on the public. Accordingly, the proposal is adopted without any change except for including references to Revision 1 of Service Bulletin No. 2132.

The FAA has determined that this regulation only involves 624 airplanes at an approximate one-time cost of $400.00 for each aircraft or a total one-time fleet cost of $249,600.00. The cost of compliance with the proposed AD is so small that the expense of compliance will not be a significant financial impact

on any small entities operating these airplanes.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Beech: Applies to Model 99, 99A, A99A, B99 and C99 (Serial Numbers U-1 thru U-240); 100 and A100 (Serial Numbers B-1 thru B-247); and B100 (Serial Numbers BE-1 thru BE-137), airplanes certificated in any category.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To detect looseness of the elevator outboard hinge attachment to the stabilizer and prevent loss of integrity of the hinge attachment, accomplish the following:

(a) Upon the accumulation of 1000 hours total time-in-service (TIS) or within the next 100 hours TIS after the effective date of this AD, whichever comes later, and thereafter at intervals not to exceed 100 hours TIS for Model 99 Series or 150 hours TIS for Model 100 Series airplanes, visually inspect each elevator outboard hinge attachment as follows:

(1) Hold the elevator steady at the trailing edge.

(2) Push up and down on the elevator leading edge and visually inspect for movement of the elevator hinge bearing bracket.

(b) If movement for the hinge bearing bracket is detected in (a)(2) above, prior to further flight, replace the hinge attach rivets with bolts in accordance with the instructions in Beech Service Bulletin No. 2132, revised December 1986.

(c) Unless previously required by paragraph (b) of this AD, on all airplanes with more than 1000 hours total TIS, within the next 600 hours TIS after the initial inspection required by paragraph (a) of this AD, install bolts in place of the four hinge attach rivets in accordance with the instructions in Beech Service Bulletin No. 2132 revised December 1986.

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

(e) The repetitive inspection intervals, required by this AD may be adjusted up to 10 percent of the specified interval so as to coincide with other scheduled maintenance.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4400.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Beech Aircraft Corporation, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201; or the FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on February 20, 1987.

Issued in Kansas City, Missouri, on January 6, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87-1183 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AEA-2]

Alteration to Control Zone, Tipton Army Air Field, Fort George G. Meade, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the operating hours of the Tipton AAF, Fort George G. Meade, MD, Control Zone to more correctly align the effective hours of the Control Zone with the operating hours of the Air Traffic Control Tower.

EFFECTIVE DATE: 0901 UTC, February 20, 1987.

FOR FURTHER INFORMATION CONTACT: Glenn A. Bales, Airspace and Planning Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

SUPPLEMENTARY INFORMATION:

History

On Thursday, July 31, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the control zone hours of operation to (from 0700 to 1600 hours, local time, Mondays, Tuesdays, Thursdays and Fridays and from 0700 to 2200 hours, local time, Wednesdays, and from 0800 to 1600 hours local time, Saturday), (51 FR 27421). Interested parties were invited to participate in this proposed rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7460.6 dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations is to realign the published control zone hours with the normal operating hours of the Air Traffic Control Tower. The expanded hours are due to increased military aviation mission requirements. This action, when taken, will provide all users of the Tipton Army Airfield those services associated with the Control Zone. The FAA has determined that this amendment only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034: February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zone.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Fort Meade, MD [Amended]

By removing the words "This control zone shall be in effect from 0700 to 1600 hours, local time Mondays, Tuesdays, Thursdays and Fridays, 0700 to 2200 hours, local time Wednesdays, 0900 to 1700, local time Saturdays. Closed Sundays and on Federal legal holidays, or during the specific dates and times established in advanced by a Notice to Airmen." and by substituting the words "This Control Zone is effective from 0700 to 1600 hours, local time, Monday, Tuesday, Thursday and Friday and from 0700 to 2200 hours, local time, Wednesday, and from 0800 to 1600 hours local time Saturday. Closed Sundays and Federal legal holidays, or during the specific dates and times established in advance by a Notice to Airmen.

Issued in Jamaica, New York, on January 6, 1987.

Edmund Spring,

Manager, Air Traffic Division.

[FR Doc. 87-1184 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 25172; Amdt. No. 1338]

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 or 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 Standards Branch (AFS-230), Air Transportation 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 effective 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 9, 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, Pub. 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: Section 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

Saginaw, MI—Harry W. Browne, VOR/DME-A, Amdt. 3
Saginaw, MI—Harry W. Browne, NDB RWY 27, Orig.

. . . Effective March 12, 1987

Indianapolis, IN—Indianapolis Downtown, COPTER VOR/DME 287, Amdt. 1
Fairmont, MN—Fairmont Muni, VOR RWY 13, Amdt. 4
Fairmont, MN—Fairmont Muni, VOR/DME RWY 13, Amdt. 1
Fairmont, MN—Fairmont Muni, VOR RWY 31, Amdt. 7
Fairmont, MN—Fairmont Muni, VOR/DME RWY 31, Amdt. 1
Sedalia, MO—Sedalia Memorial, NDB RWY 18, Amdt. 6

. . Effective February 12, 1987

Dothan, AL—Dothan, LOC BC RWY 13, Amdt. 5
Dothan, AL—Dothan, ILS RWY 31, Amdt. 6
Ocala, FL—Ocala Muni/Jim Taylor Field, LOC RWY 36, Amdt. 6
Ocala, FL—Ocala Muni/Jim Taylor Field, NDB RWY 36, Amdt. 2
Madison, GA—Madison Muni, VOR/DME-A, Amdt. 5
Statesboro, GA—Statesboro Muni, LOC RWY 32, Amdt. 2
Statesboro, GA—Statesboro Muni, NDB RWY 32, Amdt. 2
Oxford, MS—University-Oxford, VOR/DME-A, Amdt. 3
Oxford, MS—University-Oxford, RNAV RWY 9, Amdt. 2
Oxford, MS—University-Oxford, RNAV RWY 27, Amdt. 2
Raton, NM—Raton Muni/Crews Field, NDB RWY 2, Amdt. 3
Schenectady, NY—Schenectady County, NDB RWY 22, Amdt. 13
Elizabeth City, NC—Elizabeth City CG Air Station/Muni, VOR/DME RWY 1, Amdt. 9
Elizabeth City, NC—Elizabeth City CG Air Station/Muni, VOR DME RWY 19, Amdt. 8
Laurens, SC—Laurens County, NDB RWY 7, Orig.
Orangeburg, SC—Orangeburg Muni, NDB-A, Amdt. 6, CANCELLED
Green Bay, WI—Austin Straubel Field, VOR/DME or TACAN RWY 36L, Amdt. 4
Green Bay, WI—Austin Straubel Field, ILS RWY 36L, Amdt. 4

. . . Effective December 23, 1986

Lancaster, CA—General Wm. J. Fox Airfield, VOR-B, Amdt. 2
Lancaster, CA—General Wm. J. Fox Airfield, NDB-C, Amdt. 2

. . . Effective December 19, 1986

Baltimore, MD—Baltimore Washington Intl, ILS RWY 10, Amdt. 13
Baltimore, MD—Baltimore Washington Intl, ILS RWY 331L, Amdt. 5

[FR Doc. 87-1185 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200 and 240

[Release Nos. 34-23847A; IC-15435A]

Facilitating Shareholder Communications; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published December 9, 1986 (51 FR 44267) which implements provisions of the Shareholder Communications Act of 1985. The document is needed to correct typographical errors and for clarification.

FOR FURTHER INFORMATION CONTACT: Sarah A. Miller, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 86-27127, Facilitating Shareholder Communications published in the **Federal Register** on December 9, 1986 (51 FR 44267).

1. The subject heading on page 44267 is corrected to read "Facilitating Shareholder Communications."

2. Footnote 39 on page 44271 which reads "The Commission understands that IECA, upon request, will provide a registrant with a list of beneficial owners of its debt securities" is revised to read as follows: "The Commission understands that IECA, upon request, will provide a registrant with a list of acquiescing beneficial owners of its debt securities held by record holders or respondent banks for which it acts as intermediary."

3. The last sentence of the second full paragraph of the first column on page 44273 which reads in part ". . . despite the fact that the principal has an unlimited right to withdraw the corpus of the trust" is revised to read as follows: ". . . despite the fact that the principal may have an unlimited right to withdraw the corpus of the trust."

4. The last sentence of the first full paragraph of the first column on page 44274 which reads in part ". . . which hold securities on behalf of beneficial owners. . . ." is revised to read as follows: ". . . which holds securities on behalf of beneficial owners. . . ."

5. In § 240.14a-13 paragraph (a)(1)(ii)(A) (effective July 1, 1987) the word "and" before the word "disclosed" should be replaced with the word "are" in the first column of page 44277.

6. In § 240.14b-1 paragraph (a) introductory test (page 44277) the section reference is revised to read "§ 240.14a-13(a)".

7. On page 44278, in the effective date note preceding, § 240.14b-2, change the section to read "§ 240.14b-2".

8. In § 240.14b-2 paragraph (h), introductory text, (page 44279, effective December 28, 1986) the first sentence which reads in part "of this section, such information" is revised to read "of this section, shall provide such information."

9. In § 240.14c-7 paragraph (a)(2) (page 44280, effective December 28, 1986 through June 30, 1987) is corrected to read in part "Supply in a timely manner, each record holder of whom the inquiry required by paragraph (a)(1) of this section is made with copies of the information statement and/or the annual report to security holders, * * *."

10. In § 240.14c-7 paragraph (b)(1) (page 44280, effective December 28, 1986 through June 30, 1987) the first sentence is corrected to read in part "By first class mail or other equally prompt means, inquire of each record holder * * *."

Shirley E. Hollis,

Assistant Secretary.

January 13, 1987.

[FR Doc. 87-1133 Filed 1-20-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Preparations Which Contain Both Tiletamine and Zolazepam Into Schedule III

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule, issued by the Administrator of the Drug Enforcement Administration, places preparations which contain both tiletamine and zolazepam into Schedule III of the Controlled Substances Act. The effect of this action is to facilitate the marketing of a veterinary pharmaceutical product while minimizing the likelihood of the product being abused.

EFFECTIVE DATE: February 20, 1987.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: A proposed rule was published in the **Federal Register** on August 11, 1986 (51 FR 28727-28729), proposing that the substances, tiletamine and zolazepam, be placed into Schedule I and that preparations containing equal weights of both substances be placed into Schedule III of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). The proposed rule reinstated an action which was commenced in 1981 (46 FR 35529-35531, July 9, 1981). The 1981 action was initiated by the then Administrator of the Drug Enforcement Administration (DEA) in response to a recommendation from the then Acting Assistant Secretary for Health, Department of Health and Human Services (HHS), who, by letter of March 18, 1981, recommended that the substances, tiletamine and zolazepam, be placed into Schedule III of the CSA when the Food and Drug Administration (FDA) approved the New Animal Drug Application (NADA) for a tiletamine-zolazepam combination drug product. Tiletamine is a chemical analog of phencyclidine and has pharmacological properties similar to that Schedule II substance. Zolazepam is a chemical analog of the Schedule IV benzodiazepines and produces at least some of the same effects as those substances. The combination of tiletamine and zolazepam, in a 1-to-1 ratio, has been developed as an anesthetic agent for dogs and cats.

The then Administrator, based on the determination that individually the ingredients were not approved for marketing as therapeutic agents, found that neither tiletamine nor zolazepam met a finding required for inclusion in Schedule III [see 21 U.S.C. 812(b)(3)(B)] but did fulfill the criteria for Schedule I. In contrast, the tiletamine-zolazepam combination, upon approval of the NADA, would have a currently accepted medical use in the United States and would fulfill the criteria for inclusion in Schedule III. In a proposed rule, published in the **Federal Register** (46 FR 35529-35531, July 9, 1981), he proposed that tiletamine and zolazepam each be included in Schedule I and that, upon approval of the NADA, the pharmaceutical product be placed in Schedule III. Comments supporting the proposed action were received from the American Veterinary Medical Association. Objections to the placement of tiletamine and zolazepam into Schedule I were received from the American Association of Zoo Veterinarians and the Warner-Lambert Company. The latter, the sponsor of the NADA at that time, requested an administrative hearing.

On December 8, 1981, the then Administrator withdrew the proposed rule as it applied to the control of tiletamine and zolazepam in Schedule I and reaffirmed the proposed placement of preparations containing equal amounts of both substances into Schedule III (46 FR 60008-60009). The then Administrator denied the request for a hearing since withdrawal of the proposed action obviated its necessity and stated that the drug control action, as it applied to the mixture, would be finalized when the FDA approved the NADA for the combination product. No comments or objections were received in response to that announcement. On April 9, 1982, the then Acting Director of the FDA Bureau of Veterinary Medicine approved the NADA for the combination product (47 FR 15328-15329). The Warner-Lambert Company did not pursue the marketing of the product and a final rule was not issued.

In 1985, A.H. Robins Company, the current sponsor of the product (51 FR 24141-24142, July 2, 1986), notified DEA of its desire to market the product. In view of the time which had elapsed since the proposed rule was issued, the current Administrator initiated the drug control process anew and again proposed that tiletamine and zolazepam be placed into Schedule I and that preparations containing equal weights of each substance be placed into Schedule III (51 FR 28727-28729, August 11, 1986).

Interested parties were given until September 10, 1986 to submit written comments or objections regarding this matter. One response was received. In his submission, Mr. Robert T. Angarola commented on the proposal, in particular, as it related to the control of zolazepam. He argued the relative importance of the individual findings required for each schedule and the treatment previously given 35 benzodiazepines. Mr. Angarola maintained that if zolazepam were included in the CSA it should be listed in Schedule IV, not in Schedule I as proposed.

Taking into account the scientific and medical evaluations and recommendations of the Acting Assistant Secretary for Health, the recently enacted Anti-Drug Abuse Act of 1986 (Pub. L. 99-570) and his own evaluations in accordance with the provisions of 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a) and 811(b) finds that:

(1) Finalization of rules applicable to the scheduling of tiletamine and zolazepam as individual entities is not warranted at this time. Neither tiletamine nor zolazepam, as discrete substances, is perceived to pose a significant threat to the health and general welfare at this time. Neither substance has been encountered in the illicit trade and neither is available as a commercial product. In addition, persons engaged in activites prohibited by the CSA can be prosecuted if those activities involve tiletamine, pursuant to sections 102(32) and 203 of the Controlled Substances Act [21 U.S.C. 802(32) and 813], as amended by section 1201 of the Anti-Drug Abuse Act of 1986. Tiletamine has a chemical structure and a pharmacological profile substantially similar to that of a substance in Schedule II; thus, tiletamine fulfills the criteria of a controlled substance analog. Zolazepam is not affected by the 1986 amendments; however, if zolazepam is encountered in the illicit trade and found to be an imminent hazard to the public safety, the substance can be added to Schedule I on an emergency basis pursuant to 21 U.S.C. 811(h) if there is no exemption or approval in effect under 21 U.S.C. 355. These considerations are taken so as to accommodate legitimate industry in the production and marketing of a Food and Drug Administration approved drug product.

(2) Practical enforcement considerations necessitate that all mixtures of tiletamine and zolazepam be treated alike under the CSA. This will be re-evaluated if changes occur in the status under the CSA of the individual substances.

(3) In relation to mixtures of tiletamine, zolazepam and salts thereof, the Administrator finds that:

(a) Mixtures of tiletamine and zolazepam have a potential for abuse less than the drugs or other substances in Schedules I and II.

(b) Certain mixtures of tiletamine and zolazepam have an accepted medical use in treatment in the United States.

(c) Abuse of mixtures of tiletamine and zolazepam may lead to moderate or low physical dependence or high psychological dependence.

The above findings are consistent with placement of tiletamine-zolazepam mixtures into Schedule III of the CSA. The effective date of the rule will be February 20, 1987. In the event this imposes special hardship on any registrant, the Drug Enforcement Administration will entertain any justified request for an extension of time to comply with the Schedule IV regulations. The applicable regulations are as follows:

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports tiletamine-zolazepam mixtures or who engages in research or conducts intructional activities with respect to such mixtures, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Each tiletamine-zolazepam mixture must be stored in accordance with §§ 1301.71 through 1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and packaging.* All labels and labeling for commercial containers of tiletamine-zolazepam mixtures must comply with the requirements of §§ 1302.03 through 1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of a tiletamine-zolazepam mixture shall take inventories, pursuant to §§ 1304.11 through 1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of such mixtures.

5. *Records.* All registrants required to keep records pursuant to §§ 1304.21 through 1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding tiletamine-zolazepam preparations or mixtures.

6. *Prescriptions.* All prescriptions of products containing tiletamine and zolazepam shall comply with §§ 1306.01 through 1306.06 and §§ 1306.21 through 1306.25 of Title 21 of the Code of Federal Regulations.

7. *Importation and exportation.* All importation and exportation of tiletamine-zolazepam mixtures shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. *Criminal liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to tiletamine-zolazepam mixtures not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of commercial products which contain tiletamine and zolazepam into Schedule III of the Controlled Substances Act will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). Commercial products which contain titletamine and zolazepam will be used in venterinary clinics. This rule will cause such establishments to handle these products in a manner indentical to that already used in relation to other Schedule III products.

In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Pursuant to the authority vested in the Attorney General by section 201(a) of the Controlled Substances Act [21 U.S.C. 811(a)] as redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100 and for the reasons set forth above, the Administrator hereby orders Part 1308, Title 21, Code of Federal Regulations, be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Paragraph (c) of 1308.13 is amended by adding a new subparagraph (c)(12), reading as follows:

§ 1308.13 Schedule III

* * * * *

(c) Depressants. * * *

(12) Tiletamine and zolazepam or any salt thereof—7295.

Some trade or other names for a tiletamine-zolazepam combination product: Telazol.

Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.

Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-*e*] [1,4]-diazepin-7(1*H*)-one, flupyrazapon.

* * * * *

Dated: January 12, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87–1218 Filed 1–20–87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19 and 250

[T.D. ATF-233; correction]

Implementing the Caribbean Basin Recovery Act; Distribution of Excise Taxes on Imported Rum; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule (Treasury decision); correction.

SUMMARY: This document corrects a printing error made in FR Doc. 86–17440, published in the **Federal Register** on August 5, 1986, at 51 FR 28071, which implemented the Caribbean Basin Recovery Act; Distribution of Excise Taxes on Imported Rum.

FOR FURTHER INFORMATION CONTACT: Jackie White, Distilled Spirits and Tobacco Branch, (202) 566–7531.

SUPPLEMENTARY INFORMATION:

Paragraph 1

In the left-hand column on page 28078 in the twelfth line of § 250.31(b) replace "87.62889" with "87.626889".

Signed: January 14, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87–1205 Filed 1–20–87; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Approval of Permanent Program Amendment From the State of Indiana Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of an amendment to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) received by OSMRE pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

On September 24, 1986, Indiana submitted an amendment to its program to modify the Indiana regulations concerning stabilization of surface areas (rills and gullies).

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director, OSMRE, has determined that the amendments meet the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving the amendments. The Federal rules at 30 CFR Part 914 which codify decisions concerning the Indiana program are being amended to implement this action.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: January 21, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204. Telephone: (317) 269-2600.

SUPPLEMENTARY INFORMATION:

I. Background

Information regarding the general background on the Indiana State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32071-32108). Subsequent actions concerning the Indiana program are identified in 30 CFR 914.15 and 30 CFR 914.16.

II. Discussion of Proposed Amendment

On September 24, 1986, the Indiana Department of Natural Resources submitted to OSMRE pursuant to 30 CFR 732.17, proposed State program amendments for approval. The amendments modify the Indiana regulations at 310 IAC 12-5-56.1 and 12-5-121.1 concerning the stabilization of surface areas, and in particular the repair of rills and gullies. The amendments are intended to address, in part, the requirement for a program amendment found at 30 CFR 914.16(d).

OSMRE published a notice in the **Federal Register** on October 21, 1986, announcing receipt of the proposed program amendments and procedures for the public comment period and for requesting a public hearing on the substantive adequacy of the proposed amendments (51 FR 37298). The public comment period ended November 20, 1986. There was no request for a public hearing and the hearing scheduled for November 17, 1986, was not held.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the program amendments submitted by Indiana on September 24, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII.

Indiana has amended its rules at 310 IAC 12-5-56.1 and 12-5-121.1 to require that for certain rills and gullies that form in regraded topsoiled areas (where the rills and gullies disrupt the approved postmining land use, disrupt the re-establishment of vegetative cover or cause or contribute to a violation of applicable effluent limitations and where the rill or gully is not vegetated or otherwise stabilized) the rill or gully shall be filled, graded or otherwise stabilized, topsoil shall be replaced and the area shall be reseeded or replanted. In a **Federal Register** notice published May 15, 1985 (51 FR 20206), the Director, OSMRE required that Indiana so amend its rules. In Finding 9 of the **Federal Register** notice the Director required Indiana to amend its rules at 310 IAC 12-5-56.1(b) and 12-5-121.1(b) to be no less effective than the Federal rules at 30 CFR 816.95(b) and 817.95(b) which require that such rills and gullies be filled, regraded or otherwise stabilized, topsoil shall be replaced and the area shall be reseeded or replanted. The Director finds that Indiana has satisfactorily addressed this required amendment and that its amended rules are no less effective than the Federal rules.

IV. Public Comment

In response to the Director's request for comments, comments were submitted by the Indiana Coal Council, Inc. The commenter stated that the amendments to the Indiana rules satisfied the requirement in the May 15, 1985 **Federal Register** notice and should be approved. The Director agrees with the commenter and is approving the amendments.

V. Director's Decision

The Director, based on the above findings, is approving the Indiana regulatory amendment as submitted on September 24, 1986, under the provisions of 30 CFR 732.17. The Federal rules at 30 CFR Part 914 are being amended to implement this decision.

VI. Procedural Matters

1. Compliance With the National Environmental Policy Act

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

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE as exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB. The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

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

Dated: December 29, 1986.

Carl C. Close,

Acting Deputy Director, Operations and Technical Services.

PART 914—INDIANA

30 CFR Part 914 is amended as follows:

1. The authority citation for Part 914 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 914.15 is amended by adding a new paragraph (o) as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(o) Amendments to the Indiana regulations at 310 IAC 12–5–56.1 and 12–5–121.1 concerning the stabilization of surface areas, and in particular the repair of rills and gullies, submitted by the Indiana Department of Natural Resources to OSMRE on September 24, 1986, are approved effective January 21, 1987.

3. 30 CFR 914.16 is amended by revising paragraph (d) to read as follows:

§ 914.16 Required program amendments.

* * * * *

(d) Indiana shall submit for OSMRE approval, an amendment to 310 IAC 12–5–12.1(a)(3) and 310 IAC 12–5–78.1(a)(3) to remove the term "permanent impoundments" from the listing of sites for which topsoil need not be removed.

[FR Doc. 87–1251 Filed 1–20–87; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-3124-8]

Approval and Promulgation of Implementation Plans; Illinois

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

ACTION: Final rulemaking.

SUMMARY: The USEPA announces final rulemaking to approve a revision to the Illinois State Implementation Plan (SIP) for Total Suspended Particulates (TSP). The revision pertains to a revised particulate emission limit for the City of Rochelle Municipal Steam Power Plant. USEPA's action is based upon a revision which was submitted by the State.

EFFECTIVE DATE: This final rulemaking becomes effective on February 20, 1987.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Randolph O. Cano, at (312) 886–6035, before visiting the Region V Office.)

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

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20480

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

Copies of this revision to the Illinois SIP are available for inspection at:

Office of the Federal Register, 1100 L Street, N.W., Room 8301, Washington, DC

SUPPLEMENTARY INFORMATION: On April 18, 1983, the Illinois Environmental Protection Agency (IEPA) submitted a February 24, 1983, Illinois Pollution Control Board (IPCB) Order (R78–15) as a proposed revision to the SIP for TSP. This Order establishes a 0.6 lb TSP/MMBTU emission limit for the City of Rochelle Municipal Steam Power Plant. The City of Rochelle operates a municipal steam plant on South Main Street, Rochelle in Ogle County. Ogle County is a rural, primarily agricultural area that is designated as attainment for the TSP National Ambient Air Quality Standards (NAAQS).[1] The plant contains two coal-fired boilers with a maximum rated capacity of 107 MMBTU/hr each. Both boilers are vented to a common 45.7m stack. On April 18, 1983, IEPA submitted a site-specific rule change for the City of Rochelle Municipal Steam Power Plant as a revision to the Illinois TSP SIP. The IPCB adopted Order R78–15 on February 24, 1983. This Order establishes Illinois Rule 203(g)(1)(C)(iii) which reads as follows:

(iii) As of March 14, 1983, the rate of emissions from Boilers 1 and 2 located at the Rochelle Municipal Steam Power Plant, South Main Street, City of Rochelle in Ogle County, Illinois, shall not exceed 0.6 lbs/MMBTU of actual heat input.

This Order effectively establishes a 0.6 lb TSP/MMBTU emission limit for the Rochelle plant to replace the lower State limit (i.e., 0.18 lbs/MMBTU) which, along with the Rule 203(g) has been invalidated as a matter of State law by the Illinois Supreme Court. There is, at present, no federally enforceable emission limit for this source. Illinois has recently recodified its air pollution control regulations and is currently seeking to revalidate old Rule 203(g). These other actions do not affect the applicability of the site-specific rule for the City of Rochelle.

On June 14, 1983, USEPA notified the State that the air quality analysis provided in support of the proposed SIP revision was not consistent with current air quality modeling guidelines and that the proposed SIP revision could not be approved for this reason. On May 24, 1985, the State submitted a revised modeling analysis intended to satisfy USEPA's concerns.

The revised modeling analysis was performed in order to demonstrate that the proposed TSP emission limitation would not cause or contribute to a violation of the TSP NAAQS. The Rochelle plant TSP emissions were modeled to determine their ambient impact, including background concentrations that were determined from available TSP monitoring data. There are no other major TSP sources in the area expected to significantly interact with the Rochelle steam plant. Examination of the revised modeling analysis indicates that it is consistent with USEPA modeling requirements. The modeling predicted a high, second-high TSP 24-hour concentration of 8.4 $\mu g/m^3$ (at 2.164 km) and a high annual concenration of 0.68 $\mu g/m^3$ due solely to the Rochelle plant. When these results are added to the monitored background concentrations, no violations of the TSP NAAQS are predicted.

This SIP revision was reviewed for consistency with the July 8, 1985, Stack Height Regulations. These regulations require that an emission limitation shall not be affected by that portion of a stack which exceeds the Good Engineering Practice (GEP) height or "any other dispersion techniques". The GEP height is defined as the greater of 65 meters or the applicable GEP formula height. The merging of gas streams is considered a dispersion technique. However, several exemptions from the prohibition of gas steam merging are provided for existing sources. Pertinent for this SIP action, is the exemption for merging which occurred before December 31, 1970. The height of the Rochelle Municipal Steam Power Plant stack is 47.5m and the merging of the air streams from the two boilers occurred before December 31,

[1] The primary particulate matter NAAQS are violated when, in a year, either: (1) the geometric mean value of TSP concentrations exceeds 75 micrograms per cubic meter of air (75 $\mu g/m^3$) (the annual primary standard), or (2) the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once (the 24-hour standard). The secondary particulate matter NAAQS is violated when, in a year, the maximum 24-hour concentration exceeds 150 $\mu g/m^3$ more than once.

1970. Therefore, this SIP revision is not impacted by the Stack Height Regulations.

Because the Prevention of Significant Deterioration (PSD) baseline date has not been triggered in Ogle County for TSP, an increment consumption analysis is not necessary for this revision. Regardless, it is noted the maximum predicted 24-hour and annual TSP concentrations from the Rochelle plant are well below the corresponding PSD increments for TSP.

On February 11, 1986 (51 FR 5092), USEPA proposed approval of IPCB Rule 203(g)(1)(C)(iii), which provides the revised emission limit for this facility. Public comment was solicited on the proposed SIP revision and on USEPA's proposed approval of it. No public comments were received in response to USEPA's proposed rulemaking action. Today's final rulemaking action approves the State's request to incorporate IPCB 203(g)(1)(C)(iii) into the Illinois SIP for TSP.

There are at present no opacity provisions in the Illinois SIP. The IPCB is presently considering a regulatory proposal to satisfy the requirement for such a regulation found at 40 CFR 51.19(c). However, the mass emission limit for the Rochelle Steam plant being approved today can be enforced using the State's stack test procedures, which require use of USEPA's Reference Method 5 (40 CFR Part 60, Appendix A). Even so, the State will not have a fully approved SIP relative to the Rochelle steam plant until an opacity provision is incorporated into the SIP.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 23, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Particulate matter, Intergovernmental relations.

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

Dated: November 28, 1986.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATIONS PLANS

Illinois

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

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

Authority: 42 U.S.C. 7401–7642.

(2) § 52.720 is amended by adding new paragraph (c)(67) as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(67) On April 18, 1983, the State of Illinois submitted a 0.60 lb TSP/MMBTU emission limit for the City of Rochelle Municipal Steam Power Plant. On May 24, 1985, it submitted a revised modeling analysis.

(1) Incorporation by reference.

Illinois Pollution Control Board Order (R78–15), Rule 203(g)(1)(C)(iii) which is dated February 24, 1983.

[FR Doc. 87–1186 Filed 1–20–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PP 6E3384, 6E3396/R860; FRL–31426]

Pesticide Tolerances for Certain Pesticide Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish tolerances for the herbicides fluzaifop-butyl and oxyfluorfen in or on certain agricultural commodities. The regulations, to establish maximum permissible levels of residues of the herbicides, were petitioned by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on January 21, 1987.

ADDRESS: Written objections, identified by the document control number [PP 6E3384, 6E3396/ R860], may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. M–3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Donald R. Stubbs, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1806).

SUPPLEMENTARY INFORMATION: EPA issued proposed rules, published in the **Federal Register**, which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition (PP) as follows to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project and the Agricultural Experiment Station (AES) of the states indicated.

1. *PP 6E3384.* 51 FR 41811, November 19, 1986. AES of Louisiana. Proposed amending 40 CFR 180.411 by establishing of a tolerance for residues of the herbicide fluazifop-butyl (±)-2-[4-[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy propanoic acid (fluazifop), both free and conjugated and of (±)-butyl-2[4-[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the raw agricultural commodity tabasco peppers at 1.0 part per million (ppm).

The petitioner proposed that use on tabasco peppers be limited to Louisiana based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

2. *PP 6E3396.* 51 FR 41812, November 19, 1986. AES of Hawaii. Proposed amending 40 CFR 180.381 by establishing a tolerance for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolite containing the diphenyl ether linkage in or on the raw agricultural commodity guava at 0.05 ppm.

The petitioner proposed that use on guava be limited to Hawaii based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rules.

The data submitted and other relevant information have been evaluated and discussed in the proposed rules. Based on the data and information considered, the Agency concludes that the tolerances will protect the public health. Therefore the tolerances are established as set forth below.

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

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

List of Subjects in 40 CFR Part 180

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

Dated: January 6, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

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

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

2. Section 180.381 is amended by designating the current paragraph and list of tolerances as paragraph (a) and adding paragraph (b), to read as follows:

§ 180.381 Oxyfluorfen; tolerances for residues.

(a) * * *

(b) Tolerances with regional registration are established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities:

Commodities	Parts per million
Guava	0.05

3. Section 180.411 is amended by: (1) Revising the introductory paragraph and designating it as the introductory text of paragraph (a) and (2) adding paragraph (b) to read as follows:

§ 180.411 Fluazifop-butyl; tolerances for residues.

(a) Tolerances are established for residues of the herbicide fluazifop-butyl (±)-2-[4-[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy propanoic acid (fluazifop), both free and conjugated and of (±)-2-[4-[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following raw agricultural commodities:

* * * * *

(b) Tolerances with regional registration are established for residues of fluazifop-butyl (±)-2-[4-[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy propanoic acid (fluazifop), both free and conjugated and of (±)-butyl-2-[4-[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following raw agricultural commodities:

Commodities	Parts per million
Peppers, tabasco	1.0

[FR Doc. 87-1008 Filed 1-20-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No, 86-79, FCC 86-529]

Common Carrier Services; Furnishings of Customer Premises

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action replaces the mandatory imposition of the *Computer II* structural separation requirements with certain nonstructural safeguards for the provision of customer premises equipment (CPE) by the Bell Operating Companies (BOCs). It also preempts the ability of the states to impose structural separation on the BOCs or the Independent Telephone Companies (ITCs) or to impose nonstructural safeguards on the BOCs that are different from those adopted in this action. This action does permit the states to impose nonstructural safeguards on the ITCs, provided that such safeguards are no more stringent than those adopted in this action. This action is taken because the high costs of mandatory structural separation indicates that the public interest would be better served by providing the BOCs with more flexibility in organizing their CPE and network services operations, while relying on nonstructural safeguards to deter and detect cross-subsidization and discrimination.

EFFECTIVE DATE: January 21, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Melanie Haratunian, Common Carrier Bureau (202) 632-4047.

In the Matter of Furnishing of Customer Premises Equipment by the Bell Operating Companies and the Independent Telephone Companies [CC Docket No. 86-79].

This is a summary of the Commission's report and order, CC Docket No. 86-79, adopted November 25, 1986, and released January 12, 1987.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC dockets branch (room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Report and Order

1. The Federal Communications Commission (FCC) has determined that there are major inefficiencies and other costs to the public associated with the *Computer II* structural separation requirements and that the net benefits of mandatory structural separation no longer appear substantial when compared to those of nonstructural safeguards. The FCC, therefore, has concluded that the public interest would be better served by providing the BOCs with more flexibility in organizing their CPE and network services operations while relying on nonstructural safeguards to deter and detect cross-subsidization snd discrimination. Accordingly, the BOCs will no longer be subjected to the mandatory imposition of structural separation, provided that they comply with the five nonstructural safeguards discussed below.

2. To be relieved of the structural separation requirements, a BOC must comply, first, with the cost allocation and accounting safeguards established in the *Joint and Common Cost* proceeding [CC Docket 86-111].

3. Second, the BOC generally must disclose certain information regarding the introduction of a new or modified

network service when it decides to manufacture itself or procure from an unaffiliated entity any product the design of which affects or relies on the network interface. The BOC must disclose technical network information and market information relating to the service to any entity directly involved in the manufacture, design, lease, or sale of CPE, but may condition such disclosure on the execution of nondisclosure agreements. In addition, the BOC generally must disclose the technical network information and market information to the public twelve months before the introduction of the new or modified service. A BOC certifying that it will not engage in the research, development, or design of CPE must disclose the detailed network information to the public when it discloses such information to an unaffiliated entity that will engage in the research, development, design, or manufacture of CPE for the benefit of the BOC.

4. Third, the BOC must both make a customer's customer proprietary network information (CPNI) available to competing CPE vendors at the customer's request and establish procedures that permit a customer to limit the dissemination of its CPNI to BOC personnel involved only with network services. In addition, the BOC must notify its multiline business customers of their CPNI rights and must file a CPNI plan with the FCC, subject to public comment, describing the procedures it will employ to implement its CPNI obligations.

5. Fourth, the BOC must take certain steps to help ensure the nondiscriminatory provision of network services. The BOC must maintain Centralized Operations Groups for use by the independent CPE vendor community and by customers with non-BOC CPE as a point of contact, installation, coordination, and administration with the BOC. Furthermore, the BOC must file with the FCC both a plan describing the procedures it will employ to ensure nondiscrimination in the installation and maintenance of network services and quarterly reports documenting the provision of such nondiscriminatory access. The plan, which should include a detailed description of the BOC's proposed reports, will be subject to public comment.

6. Fifth, the BOC must file a plan with the FCC, subject to public comment, describing the procedures it will implement to ensure that independent CPE vendors are provided with a meaningful opportunity to market Centrex and other BOC network services through sales agency programs or other functionally equivalent means.

7. The FCC has declined to impose these nonstructural safeguards on the ITCs based primarily on a finding that there are significant differences between the BOCs and the ITCs in their abilities to engage in anticompetitive conduct in their CPE operations.

8. The FCC has preempted the states from imposing structural separation on the BOCs or the ITCs and from imposing nonstructural safeguards on the BOCs different from those set forth above. The states are permitted to establish nonstructural safeguards for the provision of CPE by the ITCs provided that those safeguards are no more stringent than those imposed on the BOCs in this action.

9. The BOCs are not permitted to implement full structural relief until all five nonstructural safeguards are developed, approved, and put in place.

10. The FCC has granted BellSouth's proposal for limited, interim relief for marketing CPE and BOC network services jointly and will permit other BOCs interested in such relief to file their own proposals.

11. The FCC has found that a regulatory flexibility analysis is not required in this action because none of the carriers is a small business entity for purposes of the Regulatory Flexibility Act.

12. The FCC has analyzed the requirements in this action with respect to the Paperwork Reduction Act of 1980 and has found that they are not subject to the procedures contained therein because fewer than ten entities are required to file compliance plans or reports.

Ordering Clauses

13. Accordingly, It Is Ordered, that pursuant to sections 4(i), 4(j), 201-205, 218, 220, 403, and 404 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201-205, 218, 220, 403, and 404, the policies, rules, and requirements set forth herein are Adopted.

14. It Is Further Ordered, that the Motion for Leave to File Late Comments filed by the Florida Public Service Commission is Granted.

15. It Is Further Ordered, that the Motion for an Evidentiary Hearing filed by the North American Telecommunications Association is Denied.

16. It Is Further Ordered, that the limited joint marketing proposal submitted by BellSouth is Approved to the extent described herein.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-1193 Filed 1-20-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Seven Florida Scrub Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status pursuant to the Endangered Species Act of 1973 (Act), as amended, for the following six plants: *Chionanthus pygmaeus* (pygmy fringe tree), *Eryngium cuneifolium* (snakeroot), *Hypericum cumulicola* (Highlands scrub hypericum), *Polygonella basiramia* (wireweed), *Prunus geniculata* (scrub plum), and *Warea carteri* (Carter's mustard). Threatened status is determined for *Paronychia chartacea* (papery whitlow-wort). These seven species are restricted to sand pine-evergreen oak scrub vegetation in south-central peninsular Florida. All known populations of these plants are on private or State owned land. These species are endangered or threatened primarily by development of their habitat for agricultural and residential purposes. This rule will implement the Federal protection and recovery provisions afforded by the Act for these plants.

EFFECTIVE DATE: February 20, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207.

FOR FURTHER INFORMATION CONTACT: David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

Sand pine scrub vegetation (locally called "scrub") consisting of sand pine (*Pinus clausa*) with shrubby evergreen oaks is restricted to Florida, where it is widespread, and the Gulf coast of Alabama. Southeastern Georgia has

evergreen oak scrub without sand pine (Wharton 1978). The major evergreen scrub oaks are myrtle oak (*Quercus myrtifolia*), Chapman oak (*Quercus chapmanii*) and sand live oak (*Quercus geminata*). Scrub, one of the most distinctive natural communities of Florida, is found along the coasts and on sand ridges in the interior of the Florida peninsula. Scrub often occupies ancient sand dunes (White 1958), but it also occurs on dry sand soils where scrub mingles with sandhills vegetation consisting of longleaf pine (*Pinus palustris*), turkey oak (*Quercus laevis*), and wiregrass (*Aristida stricta*) (*Meyers 1985*).

A number of plants and animals are endemic to (restricted to) these scrub communities. Animals of the scrub include Florida scrub jay (*Aphelocoma coerulescens coerulescens*), which is a Federal threatened species; blue-tailed mole skink (*Eumeces egregius lividus*); sand skink (*Neoseps reynoldsi*); and Florida scrub lizard (*Scleroporus woodi*). The two skinks are being proposed for listing elsewhere in today's **Federal Register**, and the lizard is a candidate for Federal listing. The following endemic plants of Florida scrub vegetation are already listed or proposed for listing under provisions of the Act: *Chrysopsis floridana, Dicerandra cornutissima, Dicerandra frutescens, Dicerandra immaculata, Lupinus aridorum. Bonamia grandiflora and Asimina tetramera.* Other scrub plants are candidates for listing, including *Polygonella macrophylla* in the Florida panhandle, and *Liatris ohlingerae* in central Florida.

The southernmost interior scrubs are on the Lake Wales Ridge in Polk and Highlands Counties, an area that includes the cities of Lake Wales, Avon Park, Sebring, and Lake Placid, and extends as far south as the small town of Venus. The scrub vegetation of these counties is distinctive for having relatively little sand pine (Abrahamson *et al.* 1984), and for its rich endemic flora (Ward 1979b), including four endemic shrubs: the very abundant shrubby evergreen inopina oak (*Quercus inopina*), *Chionanthus pygmaeus, Prunus geniculata*, and the apparently extinct *Ziziphus celata* (Judd and Hall 1984). The other endemic scrub plants are perennial or annual herbs. Highlands County has more scrub endemics than Polk, but in both counties, the scrub vegetation is varied, and some sites have more endemic species present than others. In Highlands County, some scrub sites have four or five of the endemic plants listed in this rule, while others have none (Stout 1982).

Sand pine scrub burns infrequently, roughly every 30–80 years, but the fires are intense. Most of the shrubs renew themselves from root sprouts, like shrubs in Southeastern pocosins (evergreen shrub bogs) or California chapparal. Sand pine and rosemary (*Ceratiola ericoides*) reoccupy burned scrub only by seed. Rosemary seedlings typically appear 3 years after a fire (Abrahamson *et al.* 1984); mature rosemary approaches senescence at an age of 30–35 years (Johnson 1982). Rosemary is characteristic of early vegetation development in scrub. It and some other shrubs release toxic chemicals into the soil that inhibit or prevent the growth of most other plants, resulting in areas of relatively bare, open sand between the shrubs. A few annual and perennial herbs tolerate the toxic chemicals and inhabit the otherwise bare sand, including five species from the present rule: *Eryngium cuneifolium, Hypericum cumulicola, Paronychia chartacea, Polygonella basiramia*, and *Warea carteri. Liatris ohlingerae* and *Calamintha ashei*, candidates for Federal listing, are also typical of this habitat. The bare sand areas are transitory habitats; unless renewed by fire or brush removal, they disappear after 20–30 years (Richardson 1985). The herbs that inhabit the open sand form large populations, but these populations die out unless the habitat is renewed; thus these herbaceous species, like rosemary, are characteristic of early vegetation development in scrub, and are often absent from later stages.

Six biological preserves and one Federal installation in Polk and Highlands Counties contain sand pine scrub vegetation. Avon Park Air Force Range (U.S. Air Force) in Polk County has small tracts of scrub, but lacks the plant species listed in the present rule (Wunderlin *et al.* 1982). The Lake Arbuckle Wildlife Management Area (Florida Game and Fresh Water Fish Commission) and Lake Arbuckle State Park, contiguous to each other and to the Avon Park Air Force Range, contain large tracts of scrub that have not been fully inventoried for candidate scrub plants. The Nature Conservancy acquired 31 hectares (77 acres) in the Saddle Blanket Lake area in December 1985; and the State of Florida has begun the process of acquiring an additional 283 hectares (700 acres) through its Conservation and Recreation Lands Program. In Highlands County are Highlands Hammock State Park and the privately owned Archbold Biological Station. Archbold, the richest of the preserves in terms of endemic plant species, has been thoroughly studied. The vegetation patterns found there are not necessarily typical of the entire Lake Wales Ridge. Abrahamson *et al.* (1984) distinguish two kinds of sand pine scrub at Archbold. The first, with an understory of myrtle oak and scrub hickory (*Carya floridana*), is primarily located on the slopes of a hill, occupying 143 hectares (353 acres). The scrub mint *Dicerandra frutescens* (Federally listed as endangered) is found here. The second, with an understory of rosemary, is located on several patches of dry sand, each no larger than 1 hectare (2.5 acres) and totaling 36 hectares (89 acres), surrounded by scrubby flatwood (a vegetation of inopina oak with occasional sand pine or slash pine trees), flatwoods, and flatwood ponds. Rosemary scrub is the home of *Eryngium cuneifolium, Hypericum cumulicola, Paronychia chartacea, Polygonella basiramia*, and *Warea carteri* (which also occupies scrubby flatwoods and flatwoods).

Biological data pertaining to the seven species listed herein follow:

Chionanthus pygmaeus (pygmy fringe tree) was first collected by G.V. Nash in 1894 near Eustis, Lake County, Florida. It was later collected and described by John K. Small (1924) from "ancient sand-dunes between Avon Park and Sebring" in Highlands County. The plant may represent a subspecies of *Chionanthus virginicus*, the fringe tree (R. Currie, U.S. Fish and Wildlife Service, pers. comm. 1985). It is a shrub of the olive family (Oleaceae), typically less than 1 meter tall (3 feet), with the stems rising from branches buried by blowing sand, but sometimes reaching 2-4 meters (6-13 feet). The leaves are deciduous, opposite, and entire-margined. The flowers are borne in showy panicles in late March. The corolla lobes (fused petals) are four in number, linear, white, and roughly 1 centimeter (0.4 inch) long, as opposed to 2–3 centimeters (0.8–1.2 inch) long in *Chionanthus virginicus*. The fruits are purple drupes, 2.0–2.5 centimeters (0.8–1.0 inch) long verus 1.0–1.5 centimeters (0.4–0.6 inch) long in *Chionanthus virginicus* (Kral 1983, Ward and Godfrey 1978, Wunderlin 1982, Wunderlin et al. 1980a). *Chionanthus pygmaeus* is restricted to sand pine scrub vegetation. It is known from west of Lake Apopka, Lake County; northwestern Osceola County; and the Lake Wales Ridge in Polk and Highlands Counties, including the Saddle Blanket Lakes scrub (R. Mulholland, Florida Dept. of Natural Resources, pers. comm., 1986) and Highlands Hammock State Park according to the Florida Natural

Areas Inventory (Florida Department of Natural Resources). A reported population of *Chionanthus pygmaeus* in Hillsborough County was probably *Chionanthus virginicus*, but has been extirpated (R. Currie, pers. comm., 1985). *Chionanthus pygmaeus* may be present at Fort Cooper State Park south of Inverness, Citrus County (Florida Natural Areas Inventory), but the report has not been verified.

Eryngium cuneifolium (snakeroot), a member of the parsley family (Apiaceae or Umbelliferae), was first collected in 1927 near Sebring, Highlands County, by John K. Small, who subsequently described the plant as a new species (Small 1933). Bell (1963) maintained the plant as a distinct species. It is an erect perennial herb with a long, woody taproot and usually several erect, branching stems, 0.2–0.5 meter (0.6–1.5 feet), rarely to 0.9 meter (3 feet) tall. The leaves are clustered at the base of the plant. The basal leaves are long-stalked and shaped like narrow wedges, with 3–5 bristle-tipped teeth at the apex. Stem leaves are smaller and lack leaf stalks. The flowers are small, greenish-white when first opening, turning powder blue. The flowers and bristly bracts form small heads 4–8 millimeters (0.15–0.3 inches) in diameter. The fruit is top-shaped, scaly, and 1.5–2.0 millimeters (0.06–0.08 inch) long. The plants flower from August to October. *Eryngium cuneifolium* is most similar to *Eryngium aromaticum* (Wunderlin *et al.* 1981b). The known populations of *Eryngium cuneifolium* are in an area about 16 kilometers (10 miles) long, from the west side of Lake Placid south to near Venus. Johnson (1981) reports outlying populations in Collier and Putnam Counties.

Hypericum cumulicola (Highlands scrub hypericum), a member of the St. John's wort family (Hypericaceae), was described from specimens collected on the Lake Wales Ridge between Avon Park and Sebring by John K. Small (1924), who created a new genus for this plant, *Sanidophyllum*. Subsequently, Adams (1962) transferred *Sanidophyllum* to *Hypericum*, a genus with many species in the Southeastern Coastal Plain. *Hypericum cumulicola* is a wiry herbaceous to slightly woody perennial about 0.6 meter (2 feet) tall. Several erect stems, branched near their tops, grow from a taproot. New shoots form in September and overwinter. The stems bear widely-spaced pairs of small, needlelike leaves 0.5 centimeter (0.2 inch) long. The small, numerous flowers are arranged in the upper forks and toward the tips of the stems. Each flower has five separate, obovate, bright yellow petals. The petals are asymmetrical, like the blades of a window fan. The stamens are numerous. A red to brown capsule produces many minute seeds. Flowering and fruiting occur from June through early November (Judd 1980). *Hypericum cumulicola* shares patches of sunny, relatively barren sand within the scrub with *Cladonia* lichens (reindeer moss) and with other endemic herbs, especially *Eryngium cuneifolium*. *Hypericum cumulicola* benefits from fire in its environment (Johnson 1981). The plant is endemic to the sand pine-evergreen oak scrub and rosemary scrub vegetation in the southern Lake Wales Ridge in Highlands and Polk Counties, Florida, from Frostproof and Lake Arbuckle south to Venus, where it occurs at the Archbold Biological Station (Judd 1980). Also, it occurs at Saddle Blanket Lakes.

Paronychia chartacea (papery whitlow-wort), a member of the pink family (Caryophyllaceae), was first collected by John K. Small, in the scrub between Avon Park and Sebring. Small (1925) created a new genus to accommodate the plant, which he named *Nyachia pulvinata*. Subsequent workers transferred this species into the large genus *Paronychia*; the name *Paronychia pulvinata*, however, was preoccupied, so Fernald (1936) renamed the plant *Paronychia chartacea*. Ward (1977) recognized *P. chartacea* as one of seven species of *Paronychia* in Florida. It is an annual, 3–10 centimeters (1–4 inches) tall forming bright green low round mats of many branches radiating from a taproot. The stems fork repeatedly. Leaves are opposite, scalelike, rarely longer than 3 millimeters (0.12 inch). The small, white, numerous flowers are solitary or in clusters of 3. They have 5 sepals, each less than 1 millimeter (0.04 inch) long, and no petals (Kral 1983, Wunderlin *et al.* 1981a). Flowering is in summer (Wunderlin 1982). *Paronychia chartacea* is a small plant, but it is easily distinguished from other members of its genus by its mat-forming habit, scalelike leaves, and tiny flowers. It is endemic to the interior scrub in Lake County (where it is known from only one specimen and where its current status is unknown), in Orange County (at least two sites), and in Polk and Highlands Counties, where it is present at Archbold Biological Station (Wunderlin *et al.* 1981a), at the Arbuckle Lake Wildlife Management Area (Florida Natural Areas Inventory), and at Saddle Blanket Lakes (R. Mulholland, pers. comm.). It is found only on bare sand in scrub vegetation, nearly always with inopina oak and rosemary (Stout 1982). *Paronychia chartacea* benefits from limited disturbance that creates bare sand, and it can form large local populations. However, the plant does not persist in areas that are converted to citrus groves or homes.

Polygonella basiramia (wireweed), a member of the buckwheat family (Polygonaceae), was first collected east of Lake Josephine in Highlands County by John K. Small in 1920. Small (1924) named the plant *Delopyrum basiramia*. Horton (1963) included *Delopyrum* in the genus *Polygonella* and made *Delopyrum basiramia* a variety of *Polygonella ciliata*, a species from the Tampa Bay area and the Florida east coast from Brevard County southward. Horton examined only four mature plants of *Polygonella ciliata* var. *basiramia*. Nesom and Bates (1984), working with more specimens, concluded that var. *basiramia* deserved recognition as a full species, and published the name *Polygonella basiramia*. The plant is a taprooted annual with its stems branched at or slightly below ground level, forming a cluster of 7 to more than 30 erect, slender branches of nearly equal height (Nesom and Bates 1984). The stems are up to 0.8 meter (2.5 feet) tall; the hairlike leaves are no more than 2 centimeters (0.8 inch) long. Branches of the main stems are tipped by short clusters of small white flowers. The plant blooms in fall and fruits in late fall and winter (Wunderlin *et al.* 1980b), and is conspicuous only when in bloom. *Polygonella basiramia* is endemic to sand pine scrub on the southern Lake Wales Ridge in Polk and Highlands Counties, Florida. Its geographic range extends from the northwest side of Crooked Lake (5 miles south of Lake Wales) and from the west side of Lake Weohyakapka south to the southern end of the Ridge near Archbold Biological Station. *Polygonella basiramia* grows on areas of bare sand within sand pine and rosemary scrub (Johnson 1981, Stout 1982).

Prunus geniculata (scrub plum) was named by Roland Harper in 1911 from plants he found in the high sandy hills of Lake County, Florida, just west of Lake Apopka. It is a member of the rose family (Rosaceae). *Prunus geniculata* is a scraggly, heavily branched shrub up to 2 meters (6 feet) tall. The twigs are strongly zigzag, with spiny lateral branches. The deciduous leaves have stipules and fine teeth. The white flowers are five-petalled, about 1.0–1.3 centimeter (0.4–0.6 inch) in diameter. The fruit is a bitter, dull reddish plum, 1.2–2.5 centimeter (0.4–1.0 inch) long (Kral 1983). Flowering is in winter (Wunderlin 1982). Scrub plum is native to two areas in central Florida:

(1) Lake County between Lake Apopka and Clermont, in longleaf pine-turkey oak vegetation; and

(2) Polk and Highlands Counties from Lake Wales south to Highway 27 near

Venus in scrub on the Lake Wales Ridge (Johnson 1981, Stout 1982). It is known from the Pine Ridge Nature Reserve of Bok Tower Gardens near Lake Wales (J. Shaw, President, Bok Tower Gardens, pers. comm. 1986), from Saddle Blanket Lakes in Polk County (R. Mulholland, pers. comm. 1986) and from the Nature Conservancy's Tiger Creek Preserve in Polk County, where Gary Schultz saw one plant in 1983 (D. Hardin, Florida Natural Areas Inventory, pers. comm., 1986). The plum is often found on roadcuts and fire lanes, which indicates that it benefits from moderate disturbance that removes other shrubs.

Warea carteri (Carter's mustard) was named by John K. Small in 1909 from a specimen collected near Miami in 1903. The plant is an unbranched annual 0.2–1.0 meters (0.6–3.0 feet) tall with simple, alternate leaves up to 1 centimeter (0.4 inch) long, gradually diminishing in size upward on the stem, becoming small bracts toward the top of the stem. The stem is topped by a raceme of white, four-petalled flowers. The fruits are seed pods 4–6 centimeters (1.6–2.4 inches) long, mounted on slender stalks up to 1.5 centimeter (0.6 inch) long (Kral 1983). *Warea* is a member of the mustard family (Cruciferae or Brassicaceae), but is of taxonomic interest because it resembles *Cleome* and *Polanisia* of the caper family (Capparidaceae). Over a dozen herbarium collections of *Warea carteri* were made in Dade County from 1878 to 1934, mostly from rock pinelands, but also from scrub. Careful searches have failed to relocate this plant in the remaining fragments of Dade County pineland and it appears to have been extirpated. From 1922 to 1967, *Warea carteri* was collected from scrub in Polk and Highlands Counties (Nauman 1980). The plant was also reported from Liberty County, Florida (a possible misidentification), and from Brevard County (Kral 1983). Gary Schultz, in a 1983 floristic inventory of scrub for the Florida Natural Areas Inventory in Highlands and Polk Counties, found *Warea carteri* near Lake Josephine in Highlands County. The site is now being developed (D. Hardin, pers. comm., 1986). Currently, despite recent floristic inventories by Schultz, Johnson (1981), and Stout (1982), *Warea carteri* is known only from two privately owned sites in northeastern Polk County, one site northeast of Sebring in Highlands County (N. Bissett, pers. comm. 1986), and a small area at the Archbold Biological Station, in scrub, scrubby flatwoods, and flatwoods, where it is associated with *Ceratiola ericoides, Calamintha ashei, Eryngium cuneifolium, Hypericum cumulicola,* and *Paronychia chartacea.*

Federal Government actions on these plants began as a result of Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. In the report, *Hypericum cumulicola, Paronychia chartacea, Polygonella ciliata* var. *basiramia, Prunus geniculata, and Warea carteri* were listed as endangered; *Chionanthus pygmaeus* and *Eryngium cuneifolium* were listed as threatened. On July 1, 1975 (40 FR 27823), the Service published a notice in the **Federal Register** that accepted the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) [now section 4(b)(3)] of the Act, and of its intention thereby to review the status of the plant taxa named within. The above seven taxa were included in the notice. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Hypericum cumulicola, Paronychia chartacea, Polygonella ciliata* var. *basiramia,* and *Prunus geniculata* were included in the proposed rule. General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication, which also determined 13 plant species to be endangered or threatened (43 FR 17909). On December 10, 1979, the Service published a notice of withdrawal of that portion of the June 16, 1976, proposal that had expired, along with four other proposals that had expired due to a procedural requirement of the 1978 Amendments. On December 15, 1980, the Service published a revised notice of review for native plants in the **Federal Register** (45 FR 82480); *Chionanthus pygmaeus, Eryngium cuneifolium, Hypericum cumulicola, Paronychia chartacea, Polygonella ciliata* var. *basiramia, Prunus geniculata,* and *Warea carteri* were included as Category 1 species (species for which data in the Service's possession indicate listing is warranted). On November 28, 1983, the Service published in the **Federal Register** (48 FR 53640) a supplement to the 1980 notice of review. This supplement treated *Paronychia chartacea* as a Category 2 species (species for which data in the Service's possession indicate listing is probably appropriate, but for which additional biological information is needed to support a proposed rule). Subsequent field work by Gary Schultz for the Florida Natural Areas Inventory supported the proposal of *Paronychia chartacea* as a threatened species. The proposal to list the six other species as endangered was based on the extensive field work that has been carried out since the Smithsonian Institution report of 1975 by Schultz and others (Johnson 1981, Judd 1980, Nauman 1980, Stout 1982, Wunderlin *et al.* 1980a, 1980b, 1981b). All seven species were included in Category 1 in the September 27, 1985, revised notice of review for plants (50 FR 39526).

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for all seven of the interior scrub plants because the 1975 Smithsonian report had been accepted as a petition. On October 13, 1983, October 12, 1984, and October 13, 1985, the Service found that the petitioned listing of these seven species was warranted, and that, although pending proposals had precluded their proposal, expeditious progress was being made to list other species. The proposed rule to list the seven Florida scrub plants as endangered and threatened species was published in the **Federal Register** (51 FR 12444) on April 10, 1986. That proposal constituted the next 1-year finding required on or before October 13, 1986.

Summary of Comments and Recommendations

In the April 10, 1986, proposed rule (51 FR 12444) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices that invited general public comment were published in the *Leesburg Commercial* (May 8), *Naples Daily News* (May 5), the *News Chief,* Winter Haven (May 3), *Kissimmee News-Gazette* (May 8), *Palatka Daily*

News (May 2), *The Orlando Sentinel* (May 4), and *The Sebring News-Sun* (May 4). Five written comments were received on the proposal and are discussed below.

The Florida Game and Fresh Water Fish Commission and the President of Bok Tower Gardens/The American Foundation, Inc. supported the listing proposal as published. The district biologist for the Florida Department of Natural Resources, Division of Recreation and Parks provided an additional locality for *Chionanthus pygmaeus, Hypericum cumulicola, Paronychia chartacea*, and *Prunus geniculata*. This locality has been included in the present rule. The botanist for the Florida Natural Areas Inventory commented that data in the Inventory's data base "fully support" the listing proposal; additional localities for *Warea carteri* and *Prunus geniculata* were provided, which have been incorporated into the present rule. A commercial native plant grower from Winter Haven supported the listing proposal, provided three new localities for *Warea carteri* (which have been incorporated herein), and noted that at least one private landowner was bulldozing scrub vegetation for fear that endangered plants on his land might prevent development. The Act does not affect land development, except through section 7 which applies only to Federal activities, nor does the Act prohibit removal of plants from private lands; the Service makes every effort to work cooperatively with private owners to insure protection of candidate and listed plants. In Florida, the Service is working with State government agencies, Regional planning councils, and County governments to address protection of plants on private lands. Unfortunately, in the case of the *Warea* the site was reported totally destroyed.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the seven Florida scrub plants should be classified as endangered or threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Chionanthus pygmaeus* Small (pygmy fringe tree); *Eryngium cuneifolium* Small (snakeroot); *Hypericum cumulicola* (Small) P. Adams (=*Sarodophyllum cumulicola* Small) (Highlands scrub hypericum); *Paronychia chartacea* Fernald (=*Nyachia pulvinata* Small) (papery whitlow-wort); *Polygonella basiramia* (Small) Nesom & Bates (=*Delopyrum basiramia* Small, =*Polygonella ciliata* Meisn. var. *basiramia* (Small) Horton) (wireweed); *Prunus geniculata* Harper (scrub plum); and *Warea carteri* Small (Carter's mustard) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Their Habitat or Range

Five of the seven species are restricted to sand pine scrub vegetation. *Prunus geniculata* and *Chionanthus pygmaeus* also occur in longleaf pine-turkey oak vegetation in a limited area west of Lake Apopka in Lake County. Destruction of habitat is the principal threat to all seven species herein listed as endangered or threatened.

A large portion of the interior scrub plants' habitat has been converted from sand pine scrub to citrus groves. Lake and Polk Counties are the leading citrus producers in Florida, and Highlands County is an important producer (Fernald 1981). In Lake County, essentially all of the original habitat of *Chionanthus pygmaeus* and *Prunus geniculata* has been converted to citrus groves. In Polk and Highlands Counties, housing development is concentrated on the Lake Wales Ridge along U.S. Highway 27. Many subdivisions laid out from 1952 to 1972 are evident on photorevised topographic maps published by the U.S. Geological Survey. The Ridge features well-drained soils, attractive hills, and numerous lakes. In Highlands County, 64.2 percent of the xeric vegetation (scrub, scrubby flatwoods, and southern ridge sandhills) present before settlement was destroyed by 1981. An additional 10.3 percent of the xeric vegetation was moderately disturbed, primarily by building roads to create housing subdivisions (Peroni and Abrahamson 1985). Remaining tracts of scrub in Highlands County are rapidly being developed for citrus groves and housing developments (Fred Lohrer, Archbold Biological Station, pers. comm. 1985). The situation is similar in Polk County. Many of the remaining stands of scrub are vacant lots, patches of land isolated by railroad tracks, or other fragments of the original vegetation that have escaped development. Few large tracts are left. Since not all scrub vegetation, even in Highlands County, contains the endemic plants, the remaining stands of scrub with the endemics are very limited in extent.

Chionanthus pygmaeus is known from roughly 20 sites, most apparently consisting of only a few plants (because multiple above-ground shoots grow from buried stems, the number of genetically distinct individuals is unknown). Six sites are on the Lake Wales Ridge in Polk County, nine sites in Highlands County, and the remaining sites in Lake and Osceola Counties. Only the plants at Highlands Hammock State Park and The Nature Conservancy's Saddle Blanket Lake tract are protected. *Chionanthus pygmaeus* tends to occur with *Prunus geniculata*, but not with the endemic scrub herbs.

Eryngium cuneifolium has a very narrow geographic distribution in an area 16 kilometers (10 miles) long in Highlands County. It occurs at 11 localities in the Placid Lakes subdivision, Archbold Biological Station, an area east of Archbold, and two outlying localities, one at Interlachen in Putnam County, and the other north of Naples in Collier County (Johnson 1981). The small number of localities, combined with this species' requirement for nearly barren sand, renders the plant very vulnerable to further habitat loss. Only the sites at Archbold are protected.

Hypericum cumulicola is known historically from 36 sites, 11 of them confirmed in 1983 by the Florida Natural Areas Inventory. This plant occurs at the same sites, and in the same habitat as *Eryngium cuneifolium* in southern Highlands County. All but four sites (at Archbold Biological Station, Saddle Blanket Lake, and Lake Arbuckle) are vulnerable to development; many are on vacant lots or in small remnant patches of scrub vegetation.

Polygonella basiramia shares the same habitat of bare sand as the herbs discussed above. The total known number of sites is only 21. Protected sites exist at Highlands Hammock State Park and Archbold Biological Station.

Prunus geniculata is native to two areas in central Florida. One area, in central Lake County, has now been converted almost entirely to citrus groves. The other area, in Polk and Highlands Counties, has largely been developed (see "Background" section). Roughly 36 localities have been reported, four of then in Lake County (Johnson 1981, Stout 1982). The plant is protected only at the Pine Ridge Nature Reserve of Bok Tower Gardens and at the Nature Conservancy's Tiger Creek and Saddle Blanket Lakes Preserves.

Warea carteri is presently known from four sites in Highlands and Polk counties. Only one, at Archbold Biological Station, is protected. Nearly

all of its former habitat in Dade County has been destroyed.

Paronychia chartacea has a larger geographical range than the other species, and is known from 46 sites according to the Florida Natural Areas Inventory. This plant is restricted to scrub with bare sand and is threatened by the rapid destruction of this habitat.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Chionanthus pygmaeus and *Prunus geniculata* are vulnerable to taking due to their horticultural potential as ornamentals; *Chionanthus pygmaeus* is already in cultivation (F. Lohrer, Archbold Biological Station, pers. comm. 1985) and is offered for sale by at least two nurseries. The closely related *Chionanthus virginicus* and *Prunus angustifolia* (chickasaw plum) are used as ornamentals. Collecting or vandalism could threaten the other five species as well if publicity increases.

C. Disease or Predation

Not applicable.

D. The Inadequacy of Existing Regulatory Mechanisms

Chionanthus pygmaeus, Hypericum cumulicola, and *Warea carteri* are listed as endangered under the Preservation of the Native Flora of Florida Law, section 581.185 of the Florida Statutes. The other species in this proposal are not protected by the State law at the present time. The Florida law regulates taking, transport, and the sale of plants, but it does not provide habitat protection. *Chionanthus pygmaeus, Hypericum cumulicola,* and *Prunus geniculata* were listed as endangered by the Florida Committee on Rare and Endangered Plants and Animals (Ward 1979a), but this listing confers no protection under the law.

Several of these species are protected where they grow in the privately-owned Archbold Biological Station, in Highlands Hammock State Park, in the Tiger Creek and Saddle Blanket Lakes Preserves owned by The Nature Conservancy, in the new State Park and Wildlife Management Area at Lake Arbuckle, and in a nature reserve at Bok Tower Gardens. These existing preserves, however, may not have sufficient populations of the species to assure their survival. Listing of these species under the Endangered Species Act adds Federal protection to these species.

E. Other Natural or Manmade Factors Affecting Their Continued Existence

The five herbs *(Eryngium cuneifolium, Hypericum cumulicola, Paronychia chartacea, Polygonella basiramia,* and *Warea carteri)* are all vulnerable to destruction by off-road vehicles that pass through the open spaces between shrubs. Trampling of the herbs by pedestrians is potentially a problem in areas set aside for scientific or educational use (Judd 1980). Restriction to specialized habitats and small geographic ranges tends to intensify any adverse effects upon the populations of any rare plant. This is certainly true for these seven species of the Florida interior scrub.

The herbs also depend on occasional fires (see "Background" section) or equivalent mechanical land disturbance to maintain their bare sand habitats. Conservation of the scrub ecosystem and its endemic plants requires adequately large areas of natural vegetation and long-term vegetation management, including prescribed fire or brush removal. Archbold Biological Station conducts prescribed burning, and similar vegetation management is expected for the Tiger Creek Preserve and the Arbuckle Lake Wildlife Management Area and State Park. The listing of these scrub plants may encourage the development and implementation of prescribed burning plans or other vegetation management.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in deciding to proceed with this rule final. Based on this evaluation, the preferred action is to list *Chionanthus pygmaeus, Eryngium cuneifolium, Hypericum cumulicola, Polygonella basiramia, Prunus geniculata,* and *Warea carteri* as endangered species, and to list *Paronychia chartacea* as a threatened species.

Chionanthus pygmaeus and *Prunus geniculata* have been extirpated from most of their historic ranges and presently exist in small numbers at few sites; they could become extinct in the near future as removal of scrub vegetation continues. *Eryngium cuneifolium, Hypericum cumulicola, Polygonella basiramia,* and *Warea carteri* have already lost most of their original habitat, and further habitat destruction is continuing rapidly. All of the four herbs are also endangered by vegetation change within their shared habitat. These six plants are in danger of extinction throughout all or significant portions of their ranges, and therefore fit the Act's definition of endangered.

Paronychia chartacea has been extirpated from most of its former range and is threatened by lack of fire or other disturbances that are needed to renew the bare sand it occupies in remaining areas of scrub vegetation. However, this plant has a wider geographic range and is present at more sites than the six scrub plants listed as endangered. It is therefore likely to become an endangered species within the foreseeable future rather than being in danger of extinction. Because of this, it fits the definition of a threatened species contained in the Act.

Based on current knowledge, all other alternatives to the proposed listing of these species as endangered or threatened do not adequately reflect the biological facts and therefore have been rejected. Critical habitat is not determined for the reasons described in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for these species at this time. Publication of critical habitat maps in the **Federal Register** would increase the degree of threat from taking or other human activity. Designation of critical habitat for plants affects only Federal agencies. The known sites for these species are primarily on private or State land with no known Federally funded or Federally authorized activities. The major exception is State-owned highway rights-of-way. All the species herein listed, except *Warea carteri,* exist along U.S. Highway 27 and/or other roads. These occurrences are all at the edges of tracts of scrub vegetation in private ownership. The proper agencies have been notified of the plants' locations and management needs. *Chionanthus pygmaeus* and *Polygonella basiramia* occur at Highlands Hammock State Park and *Chionanthus pygmaeus* may occur at Fort Cooper State Park. Several species may be present at Arbuckle Lake State Park and the adjoining State Wildlife Management Area. The State of Florida is aware of their locations. No Federal involvement is known at these parks. Designation of critical habitat would provide no further notification benefit. *Chionanthus pygmaeus* and *Prunus geniculata* are desirable as ornamentals, and all seven species are vulnerable to vandalism and

unintentional trampling. While collecting is prohibited in the State parks and on Federal lands, these prohibitions are difficult to enforce. The Service believes that Federal involvement in the areas where these plants occur can be identified without the designation of critical habitat. Therefore, it would not be prudent to designate critical habitat for these plants at this time, since such designation can be expected to increase the degree of threat from taking or other human activity.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened or with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and have recently been revised (see 51 FR 19926, June 3, 1986). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. All presently known sites for the Florida interior scrub endemic plants are on private or State-owned land with no known Federal involvement, with the following exceptions. Sites extending onto State-owned highway rights-of-way may be subject to Federal involvement if the U.S. Department of Transportation (Federal Highway Administration) should provide funds for maintenance or construction. Federal mortgage programs may be subject to section 7 review, including those of U.S. Department of Agriculture (Farmers Home Administration), Veterans Administration, and the U.S. Department of Housing and Urban Development (Federal Housing Administration loans). The supply of electricity to new housing developments may be subject to Federal involvement through the Rural Electrification Administration. There are currently no known Federal projects that will be affected by the listing of these species.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 for endangered species and 17.71 and 17.72 for threatened species set forth a series of general trade prohibitions and exceptions that apply to all endangered and threatened plant species. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered or threatened plant, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62, 17.63, and 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered and threatened species under certain circumstances. It is anticipated that few trade permits would be sought or issued, except for *Chionanthus pygmaeus*, which is already cultivated as an ornamental. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903 or FTS 235-1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Abrahamson, W.G. 1984. Post-fire recovery of the Florida Lake Wales Ridge vegetation. Amer. J. Bot. 71:9-21.

Abrahamson, W.G., A.F. Johnson, J.N. Layne, and P.A. Peroni. 1984. Vegetation of the Archbold Biological Station, Florida: an example of the southern Lake Wales Ridge. Florida Scientist 47:209-250.

Adams, P. 1962. Studies in the Guttiferae 11. Taxonomic and distributional observations on North American taxa. Rhodora 64:231-242.

Bell, C.R. 1963. The genus *Eryngium* in the southeastern states. Castanea 28:73-79.

Fernald, E.A. 1981. Atlas of Florida. Florida State Univ. Foundation, Tallahassee. xi + 276 pp.

Fernald, M.L. 1936. Plants from the Outer Coastal Plain. Rhodora 38:414-452.

Hardin, J.W. 1974. Studies of the Southeastern United States Flora. IV. Oleaceae. Sida 5:274-285.

Horton, J.H. 1963. A taxonomic revision of the genus Polygonella (Polygonaceae). Brittonia 15:177-203.

Johnson, A.F. 1981. Scrub endemics of the Central Ridge, Florida. Unpublished report prepared for U.S. Fish and Wildlife Service

Johnson, A.F. 1982. Some demographic characteristics of the Florida rosemary, *Ceratiola ericoides* Michx. Amer. Midl. Nat. 108:170-174.

Judd, W. (in cooperation with R.P. Wunderlin) 1980. Status report on *Hypericum cumulicola*. Unpublished report prepared for U.S. Fish and Wildlife Service.

Judd, W., and D. Hall. 1984. A new species of *Ziziphus* (Rhamnaceae) from Florida. Rhodora 86:381-387.

Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. USDA Forest Service, Technical Publication R8-TP2, x + 1305 pp.

Meyers, R. 1985. Fire and the dynamic relationship between Florida sandhill and sand pine scrub vegetation. Bull. Torrey Bot. Club 112:241-252.

Nauman, C.E. 1980. Status report on *Warea carteri*. Unpublished report prepared for U.S. Fish and Wildlife Service. 24 pp.

Nesom, G., and V. Bates. 1984. Reevaluations of infraspecific taxonomy in *Polygonella* (Polygonaceae). Brittonia 36:37-44.

Peroni, P.A., and W.G. Abrahamson. 1985. A rapid method for determining losses of native vegetation. Natural Areas Journal 5:20-24.

Richardson, D. 1985. Evidence for allelopathy in sand pine scrub. Oral presentation to Florida Native Plant Society, May 3, 1985. Based on doctoral dissertation.

Small, J.K. 1924. Plant novelties from Florida. Bull. Torrey Bot. Club 51:379-393.

Small, J.K. 1925. A new whitlow-wort from Florida. Torreya 25:11-12.

Small, J.K. 1933. *Eryngium*. *In* Manual of the Southeastern Flora. p. 964. University of North Carolina Press, Chapel Hill.

Stout, I.J. 1982. Descriptions of 84 stands of Florida sand pine scrub vegetation. Unpublished data prepared for U.S. Fish and Wildlife Service.

Ward, D.B. 1977. Keys to the Flora of Florida-2. *Paronychia* (Caryophyllaceae). Phytologia 35:414–418.

Ward, D.B. (editor). 1979a. Rare and endangered biota of Florida, vol. 5: Plants. University Presses of Florida, Gainesville. 175 pp.

Ward, D.B. 1979b. Introduction. *In* Rare and endangered biota of Florida, vol. 5: Plants. University Presses of Florida, Gainesville. 175 pp.

Ward, D.B., and R.K. Godfrey. 1979. Pygmy fringe-tree. *In* Rare and endangered biota of Florida, vol. 5: Plants. University Presses of Florida, Gainesville. 175 pp.

Wharton, C.H. 1978. The natural environments of Georgia. Geologic and Water Resources Division, and Resource Planning Section, Georgia Dept. of Natural Resources, Atlanta. 227 pp.

White, W.A. 1958. Some geomorphic features of central peninsular Florida. Florida Geological Survey Bull. 29, 256 pp.

Wunderlin, R.P. 1982. Guide to the vascular flora of central Florida. University Presses of Florida, Gainesville. 472 pp.

Wunderlin, R.P., D. Lindsay, and S. Upchurch. 1982. Vegetational survey of the Avon Park Air Force Bombing Range. Unpublished report prepared for U.S. Air Force.

Wunderlin, R.P., D. Richardson, and B. Hansen. 1980a. Status report on *Chionanthus pygmaea*. Unpublished report prepared for U.S. Fish and Wildlife Service. 49 pp.

Wunderlin, R.P., D. Richardson, and B. Hansen. 1980b. Status report on *Polygonella ciliata* var. *basiramia*. Unpublished report prepared for U.S. Fish and Wildlife Service. 26 pp.

Wunderlin, R.P., D. Richardson, and B. Hansen. 1981a. Status report on *Paronychia chartacea*. Unpublished report prepared for U.S. Fish and Wildlife Service.

Wunderlin, R.P., D. Richardson, and B. Hansen. 1981b. Status report on *Eryngium cuneifolium*. Unpublished report prepared for U.S. Fish and Wildlife Service.

Author

The primary author of this final rule is David L. Martin, Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.12(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Plants:

Note.—The "When listed" number for this rule is correct as 256. The rule for the red wolf experimental population published November 19, 1986, (51 FR 41796) was not numbered but should be number 248. The seven intervening rules will also be renumbered accordingly at the next compilation of this section.

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
* * *		* *	*	*		
Apiaceae—Parsley family:						
* * *		* *	*	*		
Eryngium cuneifolium	Snakeroot	U.S.A. (FL)	E	256	NA	NA
* * *		* *	*	*		
Brassicaceae—Mustard family:						
Warea carteri	Carter's mustard	U.S.A. (FL)	E	256	NA	NA
* * *		* *	*	*		
Caryophyllaceae—Pink family:						
* * *		* *	*	*		
Paronychia chartacea (=*Nyachia pulvinata*).	Papery whitlow-wort	U.S.A. (FL)	T	256	NA	NA
* * *		* *	*	*		
Hypericaceae—St. Johns-Wort family:						
Hypericum cumulicola	Highlands scrub hypericum	U.S.A. (FL)	E	256	NA	NA
* * *		* *	*	*		
Oleaceae—Olive family:						
Chionanthus pygmaeus	Pygmy fringe tree	U.S.A. (FL)	E	256	NA	NA
* * *		* *	*	*		
Polygonaceae—Buckwheat family:						
* * *		* *	*	*		
Polygonella basiramia (=*Polygonella ciliata* var. *basiramia*).	Wireweed	U.S.A. (FL)	E	256	NA	NA
* * *		* *	*	*		
Rosaceae—Rose family:						
* * *		* *	*	*		
Prunus geniculata	Scrub plum	U.S.A. (FL)	E	256	NA	NA
* * *		* *	*	*		

Dated: December 31, 1986.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-1281 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 61095-6195]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: The Secretary of Commerce (Secretary) extends thorugh April 20, 1987, an emergency rule amending regulations implementing the Fishery Management Plan for the Groundfish of the Bering Sea and Aleutian Islands Area (FMP) in effect through January 20, 1987. This extension is necessary to allow the Secretary (1) to prohibit domestic directed fishing for species for which the remaining total allowable catch (TAC) is necessary as bycatch in fisheries for other groundfish species during the remaining year, (2) to require domestic fishermen to treat groundfish species for which the TAC has been reached in the same manner as prohibited species, (3) to limit domestic fishing for groundfish by any method that will prevent overfishing of that species for which the TAC has been reached, and (4) to require foreign fishermen to treat groundfish species for which the TAC has been or will be reached prior to the end of the fishing year in the same manner as prohibited species. This action is intended as a conservation and management measure to make optimal use of groundfish yields.

EFFECTIVE DATE: January 20, 1987, through April 20, 1987.

FOR FURTHER INFORMATION CONTACT: Jay J.C. Ginter (Resource Management Specialist (NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION: Under section 305(e) of the Magnuson Fishery Conservation and Management Act, as amended, the Secretary issued an emergency rule effective October 20, 1986 (51 FR 37408, October 22, 1986) to provide the single-species management authority described in the preamble to the emergency rule, continue as reasons for this extension and are not repeated here.

When the North Pacific Fishery Management Council (Council) originally recommended the emergency rule to the Secretary, it contemplated a regulatory amendment to immediately succeed the emergency interim rule. Hence, the Council implied concurrence with an extension of the emergency rule until a regulatory amendment is in force.

The emergency rule is exempted from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that Order. This rule is being reported to the Office of Management and Budget, with an explanation of why following procedures of that Order is not possible.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Parts 611 and 675

Fisheries.

Dated: January 14, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 87-1245 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 13
Wednesday, January 21, 1987

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 135

[Docket No. 25149; Notice No. 86-21]

Special Federal Aviation Regulation No. 50; Flight Rules in the Vicinity of the Grand Canyon National Park; Public Hearing

AGENCY: Federal Aviation Administration (FAA), Department of Transportation, (DOT).

ACTION: Notice of public hearing.

SUMMARY: This notice announces a public hearing on FAA Notice 86-21, which proposes to establish procedures for the operation of all aircraft in the airspace above the Grand Canyon up to an altitude of 9,000 feet above mean sea level (MSL).

DATE: A public hearing will be held at 7:00 p.m. on February 10, 1987.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 25149, 800 Independence Avenue, SW., Washington, DC 20591 or delivered in duplicate to: FAA Rules Docket, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined in the Rules Docket weekdays except Federal holidays, between 8:30 a.m. and 5:00 p.m.

The public hearing will be held at the following location: Arcadia High School, 46th Street and Indian School Road, Phoenix, Arizona.

FOR FURTHER INFORMATION CONTACT: David L. Bennett, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-3491.

SUPPLEMENTARY INFORMATION:

Availability of Document

Any person may obtain a copy of Notice No. 86-21 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591; or by calling (202) 267-3471. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

On December 4, 1986, the FAA issued Notice 86-21, Special Flight Rules in the Vicinity of the Grand Canyon National Park (51 FR 44422; December 9, 1986), which proposed to establish temporary procedures for the operation of all aircraft in the airspace above the Grand Canyon up to an altitude of 9,000 feet above mean sea level (MSL). The notice also proposed a follow-on final rule to take effect upon expiration of the SFAR in June 1987. The proposed SFAR would: (1) Establish a Special Flight Rules Area from the surface of 9,000 feet MSL in the area of the Grand Canyon; (2) prohibit flights in this area unless specifically authorized by the FAA Flight Standards District Office; and (3) establish certain terrain avoidance and communications requirements for flights in the area. The proposed final rule would include, in addition to the general restrictions contained in the SFAR, (1) provisions to permit access to the special flight rules area by general aviation operators, and (2) if supported by evidence, provisions for avoidance of certain noise-critical sites in the park by low-flying aircraft. The proposed rules would reduce the risk of midair collision, reduce the risk of terrain contact accidents below the rim level, and reduce the impact of aircraft noise on the park environment.

The comment period for the temporary SFAR closed on Janaury 10, 1987. The comment period on the proposed permanent rule closes on March 1, 1987. Comments should be sent to the office listed under "**ADDRESSES**" above.

In addition to seeking comments on Notice 86-21, the FAA is holding public hearings to allow additional public input. The first hearing was held on December 16, 1986, at McCarran International Airport, Las Vegas, Nevada. A second hearing will be held in Phoenix, Arizona on February 10.

Public Hearing Schedule

The schedule for the meeting is as follows:

Date: February 10, 1987, 7:00 p.m.
Place: Arcadia High School, 46th Street and Indian School Road, Phoenix, AZ

Agenda

7:00 to 7:15—Presentation of meeting procedures.
7:15 to 8:00—FAA presentation of proposal.
8:15 to finish—Public presentations and discussion.

Meeting Procedures

Persons wishing to make a presentation at the meeting may contact William Patterson at (213) 297-1658.

Persons who plan to attend the meeting should be aware of the following procedures to be followed:

(a) The hearing will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation. Questions may be asked of each presenter by other participants or by representatives of the Administrator.

(b) The hearing will begin at 7:00 p.m. (local time). There will be no admission fee or other charge to attend and participate. The presiding officer may accelerate the meeting if it is more expeditious than planned.

(c) All meeting sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meeting may be distributed. Participants submitting handout materials should present an original and two copies to the presiding officer. There should be an adequate number of copies provided for further distribution to all partcipants.

(e) Statements made by FAA participants at the hearing should not be taken as expressing a final FAA position.

Authority: 49 U.S.C. 1303, 1348, 1354(a) 1421, and 1422; 16 U.S.C. 228g; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Issued in Washington, DC, on Janaruy 15, 1987.

John R. Ryan,

Director, Air Traffic Operations Service.

[FR Doc. 87-1210 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 100

[CGD12-86-15]

Special Local Regulations; Sacramento Water Festival

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to amend § 100.1202 of Title 33, Code of Federal Regulations. The amendment would enlarge the closed area and would extend the time period of closure during the Sacramento Water Festival. The purpose is to provide time for more events, enhance the overall safety of the event by keeping spectators further away from the race course, and ensure that all events are completed by the end of the closure period.

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

ADDRESSES: Comments should be mailed to Commander (bt), Twelfth Coast Guard District, Coast Guard Island, Alameda, CA, 94501-5100. The comments and other materials referenced in this notice will be available for inspection and copying at the Boating Technical Branch, Twelfth Coast Guard District, Coast Guard Island, Alameda, CA, Building 50-4. Normal office hours are between 7:00 a.m. and 3:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Jay Ellis, c/o Commander (bt), Twelfth Coast Guard District, Coast Guard Island, Alameda, CA 94501-5100, (415) 437-3309 or (FTS) 536-3309.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD12-86-15) and the specific section of the proposal to which their comments apply, and give reasons for each comment. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information: The draftsmen of this notice are LT Jay Ellis, project officer, Chief Boating Technical Branch, Twelfth Coast Guard District and LCDR Peter Mitchell, project attorney, Twelfth Coast Guard District Legal Office.

Discussion of Proposed Regulations.

Section 100.1202 of Title 33, Code of Federal Regulations established a specific area to be closed at certain times during the Sacramento Water Festival, held annually on the first Saturday and the following Sunday of July. Notice of the specific dates of the annual festival is provided in the Local Notice to Mariners. The festival includes high speed powerboat races, kayak races, jet ski races, water ski exhibitions, a fireworks display, helicopter demonstrations, and other activities that could pose hazards to navigation. While the special local regulations are in effect, the waters involved are patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers enforce the regulations and cite persons and vessels in violation.

The sponsors of the Sacramento Water Festival have expressed their intention to schedule additional events, and have therefore requested that the Coast Guard amend the regulations to increase the size of the closed area and extend the time period of closure. This would provide for more events and would enhance overall safety by keeping spectators further away from the race course and ensuring that events are completed by the end of the closure period.

The effect of this amendment will be to:

a. Include Friday within the Sacramento Water Festival.

b. Extend the time of closure of the Special Events Area by:

(1) Nine hours on Friday: 0900 to 1800; and

(2) One hour each on Saturday and Sunday: 0900 to 1800 vice 0900 to 1700 each day.

c. Extend the time of closure of the Formula I Power Boat Race Course Area by:

(1) Eight hours on Friday: 0900 to 1145, 1215 to 1515, and 1545 to 1800.

(2) Two hours on Saturday: 0900 to 1145, 1215 to 1515, and 1545 to 1800 vice 0930 to 1200, 1145 to 1400, and 1430 to 1630.

(3) Four hours on Sunday: 0900 to 1145, 1215 to 1515, and 1545 to 1800 vice 1200 to 1400 and 1430 to 1630.

d. Move the upstream boundary of the closed areas from 200 yards north of the Capital Avenue Tower Bridge to the Jibboom/ I Street Bridge, a distance of approximately 0.3 statute miles.

e. Change the name of the Formula I Power Boat Race Course Area to Regatta Area.

The sponsors of the Sacramento Water Festival wish to make these changes in order to allow more time for festival events. In addition, by keeping spectators further away from the actual race and event areas where activities such as high speed powerboat races, jet ski races, water ski races and exhibitions, and helicopter demonstrations take place, they will be better protected from accident. Lengthening the closure periods will also provide scheduling flexibility to ensure that all events are completed before the scheduled opening of the river to traffic. The name of the Formula I Power Boat Race Course Area would be changed to properly reflect the actual use of that area.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is not necessary. It involves negligible cost and will not have significant effect on recreational vessels, commercial vessels or other marine interests. Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend § 100.1202 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.1202 (a) and (b) (1) and (2) are revised to read as follows:

§ 100.1202 Sacramento River—Sacramento Water Festival.

* * * * *

(a) *Effective dates.* This section is effective from 0900 to 1800 PDT 3, 4, and 5 July 1987 and thereafter annually on the first Friday and the following Saturday and Sunday in July as published in the LOCAL NOTICE TO MARINERS.

(b) * * *

(1) *Special Events Area.* That portion of the Sacramento River east of the Sacramento County/ Yolo County line from the Jibboom/I Street Bridge south to 200 yards south of the Pioneer Memorial Bridge, a distance of approximately one and three tenths (1.3) statute miles, will be closed to all navigation from 0900 to 1800 daily.

(2) *Regatta Area.* That portion of the Sacramento River from the Jibboom/I Street Bridge south to 200 yards south of the Pioneer Memorial Bridge, a distance of approximately one and three tenths (1.3) statute miles, will be closed to all navigation as follows: on the days that the events are being held: from 0900 to 1145, 1215 to 1515, and 1545 to 1800.

* * * * *

Dates: January 6, 1987.

J. D. Costello,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 87-1110 Filed 1-20-87; 8:45 am]

[BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 83-1376]

Integration of Rates and Services Between Alaska and Hawaii

AGENCY: Federal Communications Commission.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Commission by a *Supplemental Notice of Proposed Rulemaking* is referring to the Federal-State Joint Board in *Integration of Rates and Services* (CC Docket No. 83-1376) issues relating to rate integration between Alaska and Hawaii that were raised by Alascom, Inc., in its April 4, 1986, petition requesting an order directing the American Telephone and Telegraph Company to immediately integrate MTS and WATS rates between Alaska and Hawaii. That Joint Board is charged with evaluating the alternative market structures for the Alaska market and to further evaluate the extent of the high costs associated with telecommunication service in Alaska. Given the interrelationship between the issues, the resolution of the related matters at the same time is more appropriate and will avoid the possibility of prejudging any of the issues.

COMMENT DATES: Interested persons may file comments on these additional issues on or before February 10, 1987. Oppositions may be filed on or before March 10, 1987, and replies may be filed on or before March 31, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Douglas L. Slotten, Policy and Program Planning Division, Common Carrier Bureau, (202) 632-9342.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission Supplemental Notice of Proposed Rulemaking referring issues relating to rate integration between Alaska and Hawaii to the Federal-State Joint Board in CC Docket No. 83-1376 (the Alaska Joint Board) adopted December 30, 1986, and released January — 1987.

The full text of this Joint Board order is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this order may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Order Requesting Data and Inviting Comments

On April 4, 1986, Alascom, Inc. (Alascom), filed a petition requesting this Commission to order the American Telephone and Telegraph Company (AT&T) to integrate rates for MTS and WATS service between Alaska and Hawaii effective May 31, 1986. Rate integration is the Commission policy adopted to provide services between the contiguous states and Alaska, Hawaii, Puerto Rico, and the Virgin Islands (the noncontiguous points) at rates that are equivalent to those prevailing for comparable distances in the contiguous states. Alascom indicates that this action is required because on May 31, 1986, equal access would become available to interested interexchange carriers in several end offices in Hawaii, subject to certain technical limitations. Alascom asserts that if rate integration is not ordered, the possibility of Alaska-Hawaii rate integration may disappear with the establishment of new operating arrangements in Hawaii. After several parties had filed comments, Alascom and AT&T advised this Commission on June 5, 1986, that they had reached an interim agreement providing for the provision of joint Alaska-Hawaii service until December 31, 1987, at rates that would compensate both parties for their costs of providing the service. On July 2, 1986, Alascom filed a motion requesting that we refer the issues concerning Alaska-Hawaii rate integration that were raised in connection with its petition to the Alaska Joint Board.

The Commission observed that it had asked the Alaska Joint Board to prepare recommendations concerning, *inter alia:* (1) What, if any, market structure changes are necessary to harmonize the Commission's rate integration and pro-competitive policies for the Alaska telecommunication market; and (2) what separations or other Commission rule changes, if any, would be necessary to implement any market structure changes. The issues presented by Alascom's petition raise similar issues of harmonizing rate integration and competition as those already referred to the Alaska Joint Board. To address the Alaska-Hawaii aspect of rate integration in isolation from the rate integration and competition issues before the Alaska Joint Board would be a piecemeal approach to solving the broader questions. More importantly, any attempt to address these issues at this point could prejudge issues that the Alaska Joint Board will be examining. No party has opposed referring the Alaska-Hawaii rate integration and competition issues raised by the Alascom petition to the Alaska Joint Board. Accordingly, Alascom's motion to refer the Alaska-Hawaii rate integration and competition issues to the Alaska Joint Board is granted.

4. The Alaska Joint Board is accordingly directed to consider the issues relating to Alaska-Hawaii rate integration and competition in connection with its consideration of the issues relating to service between Alaska and the contiguous states.

Ex Parte Statement

For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts, except as modified by the Joint Board for the Joint Board portion of this proceeding, are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or

pleadings and formal arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. (State Commissioners and staff members will be treated as FCC Commissioners and staff for purposes of the *ex parte* rules.) Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Secretary, Federal Communications Commission, for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments in the proceeding must prepare a written summary of that presentation. On the day of the oral presentation, that written summary must be served on the Commission Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation summary described above must state on its face that the Secretary has been served, and must also state, by docket number, the proceeding to which it relates. *Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking Proceedings,* 78 FCC 2d 1384 (1980). The Federal-State Joint Board in CC Docket No. 80-286 has modified the Commission's *ex parte* rules somewhat for purposes of the proceedings before it. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board,* FCC 82-106 (released March 5, 1982). To avoid confusion, the Alaska Joint Board has been asked to use the same *ex parte* procedures as the CC Docket No. 80-286 Joint Board unless it finds that those procedures should be modified.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. section 605(b), this Commission certifies that section 603 and 604 of the Act do not apply because the proposals made in this item will not have a significant economic impact on a substantial number of small entities. Exchange carriers will not, in all likelihood, be affected by any action on the proposals presented in the supplemental notice. Nor is this Commission required to consider, pursuant to the Regulatory Flexibility Act, the impact of these proposals on customers of the regulated carriers. A copy of this certification will be provided to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction Act

The proposal contained herein has been analyzed with respect to the Papework Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Ordering Clauses

Accordingly, it is ordered, pursuant to sections 1, 4(i) and (j), 201-205, 221, and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i) and (j), 201-205, 221, and 410(c), that this Supplemental Notice of Proposed Rulemaking is adopted referring the issues raised in the petition of Alascom, Inc., relating to Alaska-Hawaii rate integration and competition to the Federal-State Joint Board in CC Docket No. 83-1376. The pleadings filed in response to the Alascom, Inc., petition are hereby incorporated in the record of CC Docket No. 83-1376.

It is further ordered, that the motion ot Alascom, Inc., to refer the issues relating to Alaska-Hawaii rate integration and competition to the Federal-State Joint Board in CC Docket No. 83-1376 is granted.

It is further ordered, that the motion to hold in abeyance filed by the American Telephone and Telegraph Company is dismissed as moot.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-1194 Filed 1-20-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 86-397]

Authorization of Additional Privileges in the 40 Meter Band to Novice and Technician Control Operators at Amateur Stations in Alaska, Hawaii, Region 2 Pacific Insular Areas and the Caribbean Insular Areas; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; corrections.

SUMMARY: This document corrects an error in the next to the last sentence in paragraph 4 of the Notice of Proposed Rule Making in this proceeding. A portion of the text in the subject sentence was omitted when printed.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 97 to authorize additional privileges in the 40 meter band to novice and technician control operators at amateur stations in Alaska, Hawaii, Region 2 Pacific Insular areas and the Caribbean Insular areas; PR Docket No. 86-397 and RM-5361.

Erratum

Released: October 30, 1986.

The next to the last sentence in paragraph 4 of the Notice of Proposed Rule Making (FCC 86-431) adopted October 6, 1986, in the above-entitled proceeding is corrected to read as follows:

We took this action because we believed it will significantly improve international amateur radiocommunication in the Caribbean Insular areas without creating undue congestion in the continental United States.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-1195 Filed 1-20-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Findings on Petitions and Initiation of Status Reviews

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and status review.

SUMMARY: The Service announces 90-day findings for seven petitions and 12-month findings for five petitions to amend the Lists of Endangered and Threatened Wildlife and Plants. A status review is initiated for the Nile crocodile for possible reclassification from endangered to threatened.

DATES: The findings announced in this notice were made during the period from June 12, 1986, to September 25, 1986. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions should be submitted to the Assistant Director—Fish and Wildlife Enhancement (OES), U.S. Fish and Wildlife Service, Washington, DC 20240. The petitions, findings, supporting data,

and comments are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin E. Moriarty, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register.** If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species.

Section 4(b)(3)(B) of the Act, as amended, requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted, but precluded from immediate proposal by other pending proposals. Section 4(b)(3)(C) requires that petitions for which the action requested is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, i.e. requiring a subsequent finding to be made within 12 months. Such 12-month findings are to be published promptly in the **Federal Register.** The most recent announcement of miscellaneous petition findings was published on August 20, 1986 (51 FR 29671), and included findings made by April 16, 1986. Subsequent petition findings are announced below.

In recent months the Service has received and made 90-day findings on the following petitions:

Dr. Thomas O. Lemke submitted two petitions, both dated February 24, 1986, and both received by the Service on March 4, 1986. One of the petitions requested determination of endangered status for those populations of Marianas fruit bats (*Pteropus mariannus mariannus* and *P. m. paganensis*) that occur in the Commonwealth of the Northern Mariana Islands. The other petition requested determination of endangered status for the Mariana sheath-tailed bat (*Emballonura semicaudata rotensis*). Both petitions contain detailed documentation that suggests the involved bats have declined drastically in numbers and are jeopardized by a variety of severe problems. The Service found that both petitions did present substantial information indicating that the requested actions may be warranted. In the case of positive findings, the Service is required to initiate status reviews of the involved species. However, status reviews of the bats covered by the subject petitions are already in progress, as those bats were included in the Service's Review of Vertebrate Wildlife in the **Federal Register** of September 18, 1985 (50 FR 37958-37967).

Mr. Tom R. Johnson, representing the Missouri Department of Conservation, submitted a petition to determine threatened status for the Oklahoma salamander, *Eurycea tynerensis.* This petition was dated March 10, 1986, and was received by the Service on March 19, 1986. This salamander occurs in the tri-state region of Arkansas, Missouri, and Oklahoma. The petition contained documentation indicating that this salamander has been severely affected by habitat loss associated with pollution and cattle grazing. All information presently available to the Service tends to confirm that claim. The Service therefore found that this petition did present substantial information indicating that the requested action may be warranted. Additional information is needed, especially regarding certain parts of the species' range, before proper status determination can be made. A status review of the Oklahoma salamander is already in progress, as it was included in the Service's Review of Vertebrate Wildlife in the **Federal Register** of September 18, 1985 (50 FR 37958-37967). The Service seeks additional information concerning this species.

Mr. Richard M. Parsons, representing the Safari Club International, submitted a petition to reclassify the Nile crocodile (*Crocodylus niloticus*) from endangered to threatened. The petition also requested the Service to adopt a special rule regulating the importation of sport-hunted trophies. This petition was dated March 18, 1986, and was received by the Service on March 20, 1986. The petition contained documentation suggesting that the Nile crocodile is no longer in danger of extinction. This status is reflected by the transfer of the Nile crocodile in nine African nations from Appendix I to Appendix II (allowing some regulated trade) by the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1985. The Service found that this petition did present substantial information indicating that the requested action may be warranted. In the case of positive findings, status reviews of the involved species are required.

Therefore, the Service hereby initiates a review of the status of the Nile crocodile throughout its range.

A petition from Mr. Thomas P. Kohanski of Vallejo, California requested delisting of the bald eagle (*Haliaeetus leucocephalus*). The petition, dated April 7, 1986, and received on April 10, 1986, included a brief summary of information that the petitioner cited in support of a delisting action. The Service considers all available data when determining if substantial information exists to suggest the petitioned action may be warranted. The Service completed a 5-year review of this species, as required by the Act, in the summer of 1984. At that time, all the recognized experts on this species were contacted for their views on the status of the bald eagle. Virtually all agreed that the bird has made very substantial improvements since the early 1970's. However, because of the eagle's relatively low reproductive rate and the required time for young birds to mature and enter the breeding population, the consensus was that the eagle is presently properly classified. Since 1984, no new body of data has been presented to the Service to suggest that reclassification of the eagle is now warranted.

There is agreement nearly everywhere that the eagle is not only recovering, but that it could possibly reach at least the "threatened" level nationwide in a few years. The threshold for recovery is explicitly described and quantitatively defined as goals and objectives in the five regional Bald Eagle Recovery Plans (Northern States, Pacific, Chesapeake Bay, Southeast, and Southwest), which were prepared by the Service. None of the bald eagle populations have reached the recovery goals and objectives for delisting in any of the five recovery regions. As the recovery goals and objectives for each plan have been defined by Service-appointed recovery teams of experienced eagle biologists, they are believed to be accurate and reasonable assessments of regional recovery levels. The Service believes that delisting of the bald eagle is not warranted until these goals and objectives have been met. The Service

found, therefore, that no substantial data are available to conclude that delisting the bald eagle may be warranted at this time.

Mr. Ken Ruhnke, of Fort Worth, Texas, requested addition of the woodland vole (*Microtus pinetorum*) to the List of Endangered and Threatened Wildlife. His petition is dated April 19, 1986, and was received by the Service on April 23, 1986. This species occurs over almost the entire eastern half of the United States. The petition, however, contained detailed information only on one site of occurrence, in Iowa, and indicated that the possible construction of a lake would destroy this site. The Service found that this petition failed to present substantial information indicating that the requested action may be warranted.

Representatives of nine conservation-oriented organizations signed a petition that requested the Service to list the western yellow-billed cuckoo, *Coccyzus americanus occidentalis* in California, Washington, Oregon, Idaho, and Nevada as an endangered species. It was dated May 15, 1986, and was received by the Service on May 20, 1986. The Service considers the entire subspecies throughout its range as a candidate species for listing (in category 2, comprising species for which listing is possibly appropriate but for which conclusive data are not available to support a proposed rule). Difficulties exist in defining separate biologically defensible populations of this subspecies for possible listing, and gaps remain in our knowledge of its status in certain portions of its range. The petition presented evidence that the species is in trouble in the States listed above. Efforts are underway, however, especially in Arizona, western New Mexico, and southern Utah to gather additional status information. On the basis of the best scientific and commercial information available the Service found that the petition did present substantial information indicating that the requested action may be warranted.

In the last few months the Service has made one-year findings for the following two petitions:

In a petition dated May 3, 1985, and received May 7, 1985, the U.S.D.A. Forest Service petitioned the Fish and Wildlife Service to delist the plant *Agave arizonica*, on the grounds that it is a hybrid and therefore not eligible for protection under the Endangered Species Act. An administrative finding that substantial information exists indicating that the action requested may be warranted was made on August 7, 1985. The finding and a status review of this species were announced in the **Federal Register** on May 2, 1986 (51 FR 16363). The Service initiated a peer review of all available data concerning this plant, which included two unpublished reports: "*Agave arizonica* Status Report Supplement" by R. Fletcher (1985) and "Natural Distribution and Status of *Agave arizonica* in Arizona" by R. Delamater (1984), and a published work by Donald J. Pinkava and Mark A. Baker: "Chromosome and Hybridization Studies of Agaves." The Service contacted 15 plant taxonomists and *Agave* experts and requested that they review the available data and provide the Service with their assessment of the taxonomic status of *Agave arizonica*.

After careful assessment of the data available and the response to the peer review, the Service decided the current information is not conclusive. The Service will support an in-depth study of the taxonomic questions that exist. The Desert Botanical Garden in Phoenix, Arizona, will conduct additional chromosome, pollen stainability, and cross-breeding studies to determine the appropriate taxonomic rank of *Agave arizonica*. If it is confirmed to be a hybrid, the Service will proceed immediately to delist it. The action requested by this petition is considered not warranted at this time on the basis of the best scientific and commercial information available.

A one-year finding was also required on a petition from Mr. Bruce S. Manheim, Jr., of the Environmental Defense Fund. This petition was dated May 21, 1985, and was received by the Service on May 28, 1985. It requested listing of two moth species, *Eucosma hennei* and *Lorita abornana*, as endangered species. An administrative finding that substantial information exists indicating that the action requested may be warranted was made on August 7, 1985. The finding and a status review of *Lorita abornana* were announced in the **Federal Register** on May 2, 1986 (51 FR 16363). Both moth species are presently known only from El Segundo Sand Dunes in Los Angeles County, California, and have been found in portions of the dunes included in planning for development by the City of Los Angeles, Department of Airports. Review of the best available information indicates that listing is warranted. However, additional information is needed before the species are given high priority for listing, and status survey work is planned for the coming fiscal year. The action requested by this petition is considered to be warranted on the basis of the best information available at this time.

The following three petitions required subsequent one-year findings to be made:

In a petition dated June 19, 1984, and received July 2, 1984, the Service was requested by Mr. Douglas H. Chadwick to extend the endangered status of the woodland caribou, *Rangifer tarandus caribou*, to populations that might be encountered in Montana. A 90-day finding that the petitioned action may be warranted was reported in the **Federal Register** for December 10, 1984, initiating a status review for this area/population. A 12-month finding was made on July 2, 1985, and reported in the **Federal Register** for January 1, 1986, that the petitioned action was warranted but precluded by other listing actions having higher priority. The finding included justification for maintaining a low priority for such listing until a more adequate basis for action could be developed. However, no satisfactory evidence that a listable population of woodland caribou actually exists in Montana has been forthcoming.

A status review of the woodland caribou in Montana was completed May 23, 1986. Although convincing evidence has been found of occasional caribou presence in Montana, Service biologists have concluded that (A) no recognizable resident population of this species exists in Montana, (B) transient animals in the state did not belong to the listed endangered Selkirk population of northern Idaho, and (C) recent occurrences of this species in Montana are most likely to represent southerly movements from a known caribou population usually found about 40 km to the northeast in British Columbia, where the species is considered a game animal and "common." The animals presumably have left the State by the same route they used to enter. On the basis of the best scientific and commercial information available, the action requested by this petition is considered to be not warranted.

In a petition dated July 23, 1984, and received July 24, 1984, the Service was requested by W. D. Sumlin, III and Christopher D. Nagano to list Barbara Anne's tiger beetle, *Cicindela politula barbaraannae*, and the Guadaloupe Mountains tiger beetle, *Cicindela politula* ssp., of Texas, as endangered. The petition was accepted as an action that may be warranted, with a 90-day finding made on October 17, 1984, and reported in the **Federal Register** for December 12, 1984 (49 FR 49118). A 12-month finding was made July 26, 1985, and reported in the **Federal Register** for January 9, 1986 (51 FR 996), that the petitioned action was warranted but

precluded by other listing actions having higher priority. Additional status work for these two species was conducted during summer 1986. The best scientific and commercial information available supports a continuation of the original 12-month finding for this petition, that the requested action is warranted for both species, but precluded by work on other species having higher priority for listing.

In a petition dated August 13, 1984, and received August 22, 1984, the Service was requested by the American Malacological Union to list the spiny river snail (*Io fluvialis*) as an endangered or threatened species. The spiny river snail is an aquatic species believed to have ranged once through much of the Tennessee River system; but it is now restricted to three tributary rivers, the Nolichucky River in Tennessee, the Clinch River in Virginia and Tennessee, and the Powell River in Virginia and Tennessee. An administrative finding that the action requested may be warranted was announced in a **Federal Register** notice published on April 2, 1985 (50 FR 13054). A 12-month finding that the action requested is warranted but precluded by pending proposals to add other species to the lists was announced in a **Federal Register** notice published on January 9, 1986 (51 FR 996).

The status of *Io fluvialis* has been monitored during the past year and no significant changes were apparent. The best scientific and commercial information available supports a continuation of the original 12-month finding for this species. The action requested by this petition is considered to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

Section 4(b)(3)(B)(iii) of the Act states that petitioned actions may be found to be warranted but precluded by other listing actions when it is also found that the Service is making expeditious progress in revising the lists. Expeditious progress in listing endangered and threatened species is being made, and is reported annually in the **Federal Register**. The most recent progress report was published on January 9, 1986 (51 FR 996).

The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of the Nile crocodile.

Author

This notice was prepared by Dr. George Drewry, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1975 or FTS 235-1975).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: November 28, 1986.

P. Daniel Smith,

Acting Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-1283 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Two Florida Lizards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the sand skink (*Neoseps reynoldsi*) and the blue-tailed mole skink (*Eumeces egregius lividus*) to be threatened species, pursuant to the Endangered Species Act (Act) of 1973. Critical habitat is not being proposed. A special rule allowing take for certain purposes in accordance with Florida State laws and regulations is proposed. The sand skink is restricted to Marion, Orange, Lake, Polk, and Highlands Counties, Florida; and the blue-tailed mole skink is known only from Polk and Highland Counties. both skinks are threatened by conversion of their habitat for agricultural, residential, and commercial purposes. This proposal, if made final, would implement the protection and recovery provisions of the Act for the two lizards. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by March 23, 1987. Public hearing requests must be received by March 9, 1987.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

The sand skink (*Neoseps reynoldsi*) was described by Stejneger (1910). He established a new genus for this unique lizard, which is adapted to a fossorial (underground) existence. The sand skink is the only North American skink completely specialized for "swimming" through loose sandy soils. The sand skink measures 10-13 centimeters (4-5 inches) in total length and is gray to tan in color. The forelegs are tiny and bear only one toe; the hind legs are small and have two toes. The tail comprises about half the animal's total length. The sand skink has a wedge-shaped head, a partially countersunk lower jaw, body grooves into which the forelegs can be folded, and small eyes which have transparent windows in the lower lids. These features enable the sand skink to "swim" beneath the surface of loose sand. This lizard is known only from the high sandy ridges of Lake, Marion, Orange, Polk, and Highlands Counties, Florida.

The sand skink has been studied by Cooper (1953), Telford (1959, 1962), Myers and Telford (1965), Campbell and Christman (1982), and Smith (1982). Areas occupied by the lizards are primarily vegetated with the sand pine (*Pinus clausa*)-rosemary (*Ceratiola ericoides*) scrub or the longleaf pine (*Pinus palustris*)-turkey oak (*Quercus laevis*) association. The sand skink spends most of its time beneath the soil surface, burrowing to a depth of 5-10 centimeters (2-4 inches), and it feeds on a variety of small arthropods, principally beetle larvae, termites, spiders, and larval antlions. The species appears to be most active from March to May. Mating occurs during this period, and females deposit two elongate eggs, probably under logs or other cover, in early summer. The female remains with the eggs and probably protects or cares for them (broods).

Sand skinks are host to three endemic endoparasites, including two flagellate protozoans, *Monocercomonas neosepsorum* and *Rigidomastix scincorum* and an undescribed species

of oxyurid nematode, *Thelandros* spp. (Telford 1969).

The blue-tailed mole skink (*Eumeces egregius lividus*) was described by Mount (1965). The species has a long cylindrical body with small legs. It reaches 9–15 centimeters (3–6 inches) in total length, the body making up somewhat less than half this length. The tail is blue in young animals, but may become pinkish with age or if regenerated. The blue-tailed mole skink is known only from Polk and Highlands Counties, Florida. Like the sand skink, it is found in sand pine-rosemary vegetation, or, less frequently, in longleaf pine-turkey oak communities. Little is known about the life history of the blue-tailed mole skink. Mount (1963) provided life history information based primarily on studies of the closely related peninsular mole skink (*Eumeces egregius onocrepis*). The life history of the blue-tailed mole skink is probably similar to that of the peninsular mole skink. This includes (1) mating during fall and winter, (2) clutch sizes ranging from three to seven eggs which are laid underground in the spring, and (3) the achievement of sexual maturity during the first year. Mole skinks forage on the surface or up to 5 centimeters (2 inches) underground, and feed principally on roaches, spiders, and crickets.

The distribution and availability of moisture seem to be important factors that account for distributional patterns of sand and blue-tailed mole skinks within sand scrub communities. Telford (1959) suggested that food supply and moisture are important factors in the selection of areas by sand skinks within sand scrub communities. He found that skinks did not inhabit substrates where the sand was dry and porous. Rather, skinks were most frequently found in the ecotone between rosemary scrub and palmetto-pine flatwoods where moisture was present beneath surface litter (e.g., bark), and in sand starting at a depth of 2 centimeters (1 inch). These moisture regimes described above may be important for this lizard to maintain internal body temperatures within a preferred range, and they may also provide a microclimate necessary for egg incubation and an abundant food source.

Christman (1978) noted that blue-tailed mole skinks were not dispersed throughout seemingly suitable habitat, but rather in localized pockets. He also noted that these skinks were often found under surface litter. Considering Telford's (1959) observation of moisture under litter, the uneven distribution of blue-tailed mole skinks, as noted by Christman, may be a function of the nonrandom distribution of surface litter; moisture associated with litter is probably important for thermoregulation, feeding (abundant food resource), and nesting. The Arizona skink (*Eumeces gilberti arizonensis*), a lizard that also inhabits areas with sand substrates, is highly dependent on surface litter for occurrence in riparian habitats within the Sonoran Desert; its distribution is closely tied to the occurrence of surface litter (Jones and Glinski 1985).

Although blue-tailed mole and sand skinks can be found together under surface litter within the range of the former, they appear to occupy different microhabitats most of the time (see previous discussion). This conclusion is supported by comparing the diets of the two species; sand skinks eat mostly fossorial invertebrates and mole skinks eat mostly surfacorial invertebrates. Comparison of these two species' diets also suggest that these species do not compete for food.

Sand pine scrub and sandhill areas where the sand skink and blue-tailed mole skink occur are threatened by a variety of factors. These high, well-drained sites are suitable for citrus groves, and residential, commercial, and recreational development. From 1960 to 1978 Florida's citrus production doubled, and most of the increase in acreage for these crops were in southern counties (Fernald 1981). Peroni and Abrahamson (1985) estimated that 64 percent of these xeric upland habitats in the southern Lake Wales Ridge had been converted to improved pasture, cultivation, or housing by 1981. An additional ten percent of the uplands had been moderately disturbed. This trend of land use has continued since 1981, with increased pressure on the citrus industry to move southward down the Florida peninsula following severe freezes during the winters of 1983–1984 and 1984–1985. The Lake Wales ridge includes most of the range of the sand skink, and the entire range of the blue-tailed mole skink.

Because of isolation of the higher portions of the Florida peninsula by higher sea levels at various periods since the Pliocene, considerable plant and animal endemism has occurred. The conversion of these upland areas for agricultural, residential, recreational and commercial purposes in recent times has caused the ranges of many endemic Florida plants and animals to become greatly reduced and fragmented.

Eleven federally listed plant species are restricted to Florida's scrub areas: Lakela's mint (*Dicerandra immaculata*), scrub mint (*D. frutescens*), longspurred mint (*D. cornutissima*), four-petal pawpaw (*Asimina tetramera*), pygmy fringe tree (*Chionanthus pygmaeus*), snakeroot (*Eryngium cuneifolium*), Highlands scrub hypericum (*Hypericum cumulicola*), wireweed (*Polygonella basiramia*), scrub plum (*Prunus geniculata*), Carter's mustard (*Warea carteri*) and *Paronychia chartacea*. The scrub lupine (*Lupinus aridorum*), another endemic scrub plant, and the Florida scrub jay (*Aphelocoma coerulescens coerulescens*) have also been proposed for listing. Numerous other plants and animals of Florida's scrub habitats are candidates for Federal listing.

The sand skink and the blue-tailed mole skink were considered Category 2 candidates for listing in the Service's December 30, 1982 (47 FR 58454), and September 18, 1985 (50 FR 37958), vertebrate review notices.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the sand skink (*Neoseps reynoldsi*) and the blue-tailed mole skink (*Eumeces egregius lividus*) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range

The sand skink is known from Marion, Lake, Orange, Polk, and Highlands Counties, Florida. The Florida Natural Areas Inventory has records of 31 sites for this species. The lizard probably also occurs at a few other sites where suitable habitats remain. These habitats, however, have been reduced to a small amount of their original extent, and destruction of much of the remainder is ongoing or likely in the foreseeable future, particularly at privately owned sites. Some degree of habitat protection occurs for the sand skink at the following six locations:

1. Ocala National Forest, Marion County—the species is known from several sites, although the distribution is apparently spotty.

2. Lake Louisa State Park, Lake County—less than 50 acres of suitable habitat exists at this site.

3. Tiger Creek Preserve, Polk County—this site, owned by the Nature Conservancy, supports several hundred acres which may be suitable for the sand skink.

4. Archbold Biological Station—this private research institution encompasses about 3900 acres; about 2400 acres are xeric habitats inhabited by the sand skink in varying densities (Dr. James N. Layne, pers. comm.).

5. Wekiwa Springs State Park, Orange County—the status of the sand skink here is uncertain, but there may be several hundred acres of xeric habitat suitable for the species.

6. Saddle Blanket Lakes Preserve—this site, owned by The Nature Conservancy, includes only 55 acres of scrub, but the State of Florida proposes to acquire about 750 additional acres nearby under its Conservation and Recreation Land Program.

The sank skink is likely to occur at Lake Arbuckle State Park and Wildlife Management Area, Polk County, which includes about 13,500 acres; but only a portion of this is scrub.

The blue-tailed mole skink is restricted to Polk and Highlands Counties, Florida. It occurs at many of the same sites as the sand skink, but north of Polk County it is replaced by the peninsula mole skink (*Eumeces egregius onocrepis*) or by intergrades with that subspecies (Mount 1965; Christman 1970). The Florida Natural Areas Inventory records only 20 sites for this subspecies, but it probably occurs at additional sites where scrub and sandhill habitats remain. Dr. Steve Christman (pers. comm) has found the blue-tailed mole skink to be much less numerous than the sand skink where the two species coexist in scrub habitats. Nonetheless, the total habitat for the blue-tailed mole skink has greatly declined, paralleling the 64 percent decline in xeric habitats of the south Lake Wales ridge documented by Peroni and Abrahamson (1985). Mount (1965) estimated that less than 50,000 acres of habitat for the blue-tailed mole skink remained in the 1960's. According to Peroni and Abrahamson (1985), 23,200 acres of xeric habitats remained in Highlands County in 1981, but not all of this acreage would be expected to support the blue-tailed mole skink. The rates of possible habitat destruction is serious and much of this species' range occurs on private lands. This species is protected on Archbold Biological Station, and it is also recorded from Lake Kissimmee State Park, where its status is unknown. The blue-tailed mole skink is also likely to occur on the protected lands mentioned above near Lake Arbuckle, Saddle Blanket Lakes, and Tiger Creek.

B. Overutilization for commercial, recreational, scientific, or educational purposes

Both the sand skink and the blue-tailed mole skink are unique Florida endemics with limited ranges. They are therefore of interest to both amateur reptile collectors and scientific collectors, although there is currently no known serious impact due to collecting.

C. Disease or predation

No threats are known.

D. The inadequacy of existing regulatory mechanisms

The sand skink and the blue-tailed mole skink are consideed threatened by the Florida Game and Fresh Water Fish Commission (Chapter 39-27, Florida Administrative Code). This legislation prohibits take, except under permit, but does not provide any direct habitat protection to these species. Therefore, the Endangered Species Act of 1973, as amended, would provide additional protection for the blue-tailed mole and sand skinks and their habitat through Section 7 (interagency cooperation), as well as through the prohibitions of sections 4(d) and 9(a)(1) and provisions for recovery planning.

E. Other natural or manmade factors affecting its continued existence

Sand pine scrub and longleaf pine communities are both fire dependent. The sand pine is adapted to fire at long (20–50 year) intervals; the peninsular populations of this tree do not shed seeds until the cones are opened by fire. If fire is suppressed in sand pine scrub, succession to xeric hardwood forest eventually occurs. Because of the large expanses of open sand and the slow accumulation of litter in sand pine scrub, fires occur only at infrequent intervals. Longleaf pine communities are dependent on more frequent fires (1–8 year intervals). Lack of fire will result in these communities succeeding to scrub or eventually to hardwoods. Therefore, lack of fire or changes in land use could eventually eliminate the sand skink or blue-tailed mole skink from localities where they currently exist.

Campbell and Christman (1982) studied the reptiles and amphibians occurring in sandhills and scrub. They suggested that this fauna was not associated with particular plant associations but with physical factors, namely, well-drained sands with open areas free of rooted vegetation. They found that the sand skink and mole skink populations on Ocala National Forest (ONF) were most abundant in early successional stages of sand pine scrub. The clear-cutting and even-age stand management of sand pines in ONF appeared to have a similar effect to the natural fire regime typical of sand pine. Although both lizards seem to benefit from the opening and clearing of sand pine communities, it may be important to leave widely scattered surface litter when clear-cutting (see earlier discussion on the importance of litter in the Background section).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list the sand skink and the blue-tailed mole skink as threatened species. Neither species is currently in danger of extinction, because both occur on protected lands. Both, however, have already lost substantial portions of their original habitat throughout their range and could decline even on the protected areas where they occur. Both species could become endangered over all or a significant portion of their range in the foreseeable future. Therefore, they meet the Act's definition of threatened species. The reasons for not proposing critical habitat for these species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent purdent and determinable, the Secretary designate any habitat of a species which is consisered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the sand skink and blue-tailed mole skink at this time. Although the primary threat to both species is habitat destruction, the number of localities at which each species occurs is limited. Excessive collecting could adversely affect these skinks. Because of its unusual morphology and behavior, the sand skink could be of considerable interest both to amateur reptile collectors and scientific collectors. Taking prohibitions on these species would be difficult to enforce. Publication of critical habitat descriptions would increase the vulnerability of these species and increased enforcement problems. All involved Federal agencies will be notified of the location and importance of protecting these species' habitat. Habitat protection can be adequately

addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not be prudent to determine critical habitat for the sand skink and the blue-tailed mole skink at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Revised regulations implementing this interagency cooperation provision of the Act were published on June 3, 1986 (51 FR 19926). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or destory or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The sand skink occurs on Ocala National Forest. Present forest management practices (block clearcutting) appear to result in successional changes favorable to the continued existence of the sank skink there (Campbell and Christman 1982). Changes in management practices could result in section 7 consultation between the Forest Service and the Fish and Wildlife Service. This situation already exists, however, because of a variety of federally listed species already occurring on Ocala National Forest.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in parts, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

The above discussion generally applies to threatened fish and wildlife. However, the Secretary has the discretion under section 4(d) of the Act to issue special regualtions for a threatened species that are necessary and advisable for the conservation of the species. The blue-tailed mole and sand skinks are threatened primarily by habitat disturbance or alteration, not by intentional direct taking or by commericalization. Given this fact and the fact that the State of Florida currently regulates direct taking of these species through the requirement of State collecting permits, the Service has concluded that the State of Florida's collection permit system is more than adequate to protect the species from excessive taking, so long as such takes are limited to: Educational purposes, scientific purposes, the enhancement of propagation or survival of these species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act. Therefore, a special rule is proposed which allows take to occur for the above stated purposes, without the need for a Federal permit, if a State collecting permit is obtained and all other State wildlife conservation laws and regulations are satisfied. Taking of these species for purposes other than those described above, including taking incidental to carrying out otherwise lawful activities, would be prohibited except when permitted under 50 CFR 17.23 and 17.32. This special rule would allow for more efficient management of these lizards, and thus would enhance the conservation of these species. For these reasons, the Service concludes that this regulatory proposal is necessary and advisable for conservation of the blue-tailed mole and sand skinks.

General regulations governing the issuance of permits to carry out otherwise prohibited activities involving threatened wildlife species, under certain circumstances are set out at 50 CFR 17.22, 1723, and 17.32.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposal are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to these species;

(2) The location of any additional populations of these species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of these species; and

(4) Current of planned activities in the subject area and their possible impacts on these species.

Final promulgation of the regulation on these species will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such request must be made in writing (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Polciy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endagered Species Act of 1973, amended. A notice outlining the Services's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Campbell, H.W., and S.P. Christman. 1982. The herpetological components of Florida sandhill and sand pine scrub associations. Pp. 163–171 *in* N.J. Scott, ed., Herpetological Communities. U.S. Fish and Wildlife Service Research Rept. 13. Washington, DC.

Christman, S.P. 1970. The possible evolutionary history of two Florida skinks. Quart. J. Florida Acad. Sci. 33(4):291–293.

Christman, S.P. 1978. Blue-tailed mole, skink. Pp. 38–40 *in* Pritchard, P.C.H., ed., Rare and Endangered Biota of Florida. Vol III. Amphibians and Reptiles. University of Florida Presses, Gainesville.

Cooper, B.W. 1953. Notes on the life history of the lizard *Neoseps reynoldsi* Stejneger. Quart. J. Florida. Acad. Sci. 16(4):235–238.

Fernald, E.A. 1981. Atlas of Florida. Florida State University Foundation, Inc., Tallahassee. 276 pp.

Jones, K.B., and P.C. Glinski. 1985. Microhabitats of lizards in a Southwestern riparian community. Pp. 342–346 *in* Riparian ecosystems and their management. U.S. Forest Service. Gen. Tech. Rept. RM–120, Fort Collins.

Mount, R.H. 1963. The natural history of the red-tailed skink, *Eumeces egregius* Baird. Amer. Midl. Nat. 70–(2):365–385.

Mount, R.H. 1965. Variation and systematics of the scincoid lizard, *Eumeces egregius* Baird. Bull. Florida State Mus. 9(5):183–213.

Myers, C.W., and S.R. Telford, Jr. 1965. Food of *Neoseps*, the Florida sand skink. Quart. J. Florida Acad. Sci. 28(2):190–194.

Peroni, P.A., and W.G. Abrahamson. 1985. A rapid method for determining losses of native vegetation. Nat. Areas J. 5(1):20–24.

Smith, C.R. 1982. Food resource partitioning of fossorial Florida reptiles. Pp. 173–178 *in* N.J. Scott, ed., Herpetological Communities. U.S. Fish and Wildlife Service Research Rept. 13. Washington, DC.

Stejneger, L. 1910. A new genus and species of lizard from Florida. Proc. U.S. Natl. Mus. 39:33–35, fig. 1–6.

Telford, S.R., Jr. 1959. A study of the sand sink, *Neoseps reynoldi* Stejneger. Copeia 1959(2):100–119.

Telford, S.R., Jr. 1962. New locality records for the sand skink (*Neoseps reynoldsi*) in central Florida, with comments on the habitat. J. Florida Acad. Sci. 25(1):76–77.

Telford, S.R. 1969. *Neoseps* Stejneger. SSAR Cat. American Amph. and Rept. 80.1–80.2

Author

The primary author of this proposed rule is Dr. Michael M. Bentzien (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation of Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under Reptiles, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Reptiles:							
Skink, blue-tailed mole	*Eumeces egregius lividus*	U.S.A. (FL)	Entire	T		NA	17.42(c)
Skink, sand	*Nooseps reynoldi*	U.S.A. (FL)	Entire	T		NA	17.42(c)

3. It is further proposed to amend § 17.42 by adding new paragraph (c), as follows:

§ 17.42 Special rules—reptiles.

* * * * *

(c) Blue-tailed mole skink (*Eumeces egregius lividus*), and skink (*Neoseps reynoldsi*). (1) No person shall take these species. except in accordance with applicable State fish and wildlife conservation laws and regulations for educational purposes, scientific purposes, the enhancement or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to taking of these species is also a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraph (c) (1) through (3) of this section.

(5) Taking of these species for purposes other than those described in paragraph (c)(1) of this section, including taking incidental to carrying out otherwise lawful activities, is prohibited except when permitted under §§17.23 and 17.32.

Dated: December 31, 1986.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–1282 Filed 1–20–87; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 52, No. 13
Wednesday, January 21, 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

Office of the Secretary

Privacy Act; System of Records

AGENCY: Office of the Secetary, USDA.

ACTION: Notice of revision of Privacy Act system of records.

SUMMARY: Notice is hereby given that USDA is revising one of its Privacy Act Systems of Records maintained by the Farmers Home Administration, USDA/FmHA-1, "Applicant/Borrower or Grantee File, USDA/FmHA." This action is necessary to permit financial consultants, advisors, or underwriters access to FmHA records for the purpose of developing packaging and marketing strategies for the sale of FmHA loan assets. The intended effect is to enable FmHA to provide information from an applicant's, borrower's, or grantee's file to effectively market its loan assets.

EFFECTIVE DATE: This notice will be adopted without further publication in the Federal Register on February 20, 1987, unless modified by a subsequent notice to incorporate comments received from the public.

FOR FURTHER INFORMATION CONTACT: Virgle L. Cunningham, Jr., Freedom of Information Officer, Administrative Services Division, Farmers Home Administration, USDA, Room 6865, South Building, Washington, DC 20250; telephone (202) 382-9638.

SUPPLEMENTARY INFORMATION: USDA hereby amends its System of Records, USDA/FmHA-1, by amending the "routine uses of the records maintained in the system, including categories of users and the purposes of such uses" to permit referral of information to financial consultants, advisors, or underwriters for the purpose of developing packaging and marketing strategies for the sale of FmHA Loan assets.

By this action FmHA clarify its authority to turn over applicant, borrower, or grantee files to financial consultants, advisors, or underwriters in effectively marketing its loan assets. Accordingly, USDA adds the following routine use to the FmHA System of Records, "Applicant/Borrower or Grantee File, USDA/FmHA" published in 50 FR 25727, June 21, 1985:

USDA/FmHA-1

System name: Applicant/Borrower or Grantee Filed, USDA/FmHA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

Referral to financial consultants, advisors, or underwriters, when FmHA determines such referral is appropriate for developing packaging and marketing strategies involving the sale of FmHA loan assets required by the Omnibus Budget Reconciliation Act of 1986, Pub. L. 99-509.

Signed at Washington, DC, on January 15, 1987.

Richard E. Lyng,
Secretary of Agriculture.

[FR Doc. 87-1249 Filed 1-20-87; 8:45 am]
BILLING CODE 3410-07-M

Food and Nutrition Service

Summer Food Service Program for Children; Program Reimbursement Rates for 1987

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the annual adjustments to the reimbursement rates for meals served in the Summer Food Service Program for Children. These adjustments reflect changes in the Consumer Price Index and are required by the statute governing the Program.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Lou Pastura, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302, (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This notice has been reviewed under Executive Order 12291 and has not been classified as major because it will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete with foreign based enterprises in domestic or foreign markets. This notice has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this notice will not have a significant economic impact on a substantial number of small entities.

This notice is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V (48 FR 29112, June 24, 1983).) In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

Definitions

The terms used in this Notice shall have the meaning ascribed to them in the regulations governing the Summer Food Service Program for Children (7 CFR Part 225).

(Catalog of Federal Domestic Assistance Programs No. 10.559)

Background

Pursuant to section 13 of the National School Lunch Act (42 U.S.C. 1761) and the regulations governing the Summer Food Service Program for Children (7 CFR Part 225), notice is hereby given of adjustments in program payments for meals served to children participating in the Summer Food Service Program for Children during the 1987 Program. Adjustments are based on changes in the food away from home series of the Consumer Price Index for All Urban Consumers for the period November 1985 through November 1986. The new reimbursement rates in cents are as follows:

Maximum Per Meal Reimbursement Rates

Operating Costs

Breakfast	92.00
Lunch or Supper	165.00
Supplement	43.25

Administrative Costs

a. For meals served at rural or self-preparation sites:

Breakfast	8.50
Lunch or Supper	15.75
Supplement	4.25

b. For meals served at other types of sites:

Breakfast	6.75
Lunch or Supper	13.00
Supplement	3.25

The total amount of payments to State agencies for disbursement to Program sponsors will be based upon these Program reimbursement rates and the number of meals for each type served. The above reimbursement rates, before being rounded-off to the nearest quarter-cent, represented a 4.13 per cent increase during 1986 (from 351.3 in November 1985 to 365.8 in November 1986) in the food away from home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Authority: Secs. 803, 807, 809, 816 and 817, Pub. L. 97-35, Secs. 203 and 206, Pub. L. 96-499, secs. 5, 7, 10, Pub. L. 95-627, 95 Stat. 3603 (42 U.S.C. 1771); sec. 2, Pub. L. 95-166, 91 Stat. 1325 (42 U.S.C. 1761); sec. 7, Pub. L. 91-248, 84 Stat. 211 (42 U.S.C. 1859a), unless othewise noted.

Dated: January 15, 1987.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 87-1262 Filed 1-20-87; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Bureau of Standards
Title: Energy-Related Invention Evaluation Request
Form Number: Agency—NBS-1019; OMB-0652-0020
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 2,000 respondents; 200 reporting hours
Needs and Uses: Section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 requires NBS to evaluate all energy-related inventions submitted by individuals and small companies for the purpose of obtaining a grant. The information is used for evaluating the inventions submitted and in communicating with the inventor or their representative.
Affected Public: Individuals; businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: January 14, 1987.

Ed Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 87-1187 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

Automated Manufacturing Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee will be held February 11, 1987, 9:30 a.m., Herbert C. Hoover Building, Room 1092, 14th Street & Constitution Avenue, NW., Washington D.C. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to automated manufacturing equipment and related technology.

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of Numerically Controlled Machines.
4. Discussion of Programmable Controllers.
5. Discussion of Shop Floor Networking.
6. Discussion of Recommendations for Revised Export Controls.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.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 classifed under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377-4217. For further information or copies of the minutes, call Betty Ferrell at 202/377-4959.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 87-1188 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-DT-M

Computer Systems Technical Advisory Committee; Closed Meeting

A closed meeting of the Computer Systems Technical Advisory Committee will be held February 11, 1987, 1:00 p.m. in the Herbert C. Hoover Building, Room 5230, 14th Street & Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology & Policy Analysis with respect to questions that affect the level of export controls applicable to computer systems or technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377–4127. For further information or copies of the minutes, call Betty Ferrell at 202/377–2583.

Dated: January 12, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff Office of Technology & Policy Analysis.

[FR Doc. 87–1189 Filed 1–20–87; 8:45 am]

BILLING CODE 3510-DT-M

Software Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

A closed meeting of the Software Subcommittee of the Computer Systems Technical Advisory Committee will be held February 11, 1987, 9:00 a.m. in the Herbert C. Hoover Building, Room 5230, 14th Street and Constitution Avenue NW., Washington, DC. The Software committee was formed to study computer software with the goal of making recommendations at the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Committee will meet only in Executive Session to discuss matters propertly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open 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: 202/377–4127. For futher information or copies of the minutes, call Betty Ferrell at 202/377–2583

Dated: January 12, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87–1190 Filed 1–20–87; 8:45 am]

BILLING CODE 3510-DT-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Particularly Closed Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held February 10, 1987, 9:30 a.m. in the Herbert C. Hoover Building, Room B–841, 14th Street and Constitution Avenue NW., Washington, DC 20230.

The Hardware Subcommittee was formed to study computer hardware with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Open Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of PRC Greeen Line—Notes 17–21 in ECCN 1565 to include array tranform processors.
4. Comments on figure of merit measures for computers.
5. Discussion of Computer System TAC proposals for revised export controls to include medical equipment.

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.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377–4127. For further information or copies of the minutes, call Betty Ferrell at 202/377–2583.

Dated: January 12, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87–1191 Filed 1–20–87; 8:45 am]

BILLING CODE 3510-DT-M

Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee will be held February 10, 1987, 1:00 p.m., in the Herbert C. Hoover Building, Room 3407, 14th Street & Constitution Avenue NW., Washington, DC. The Licensing Procedures and Regulations Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Open Session

1. Opening Remarks by the Chairman.
2. Presentation of papers or comments by the public on proposed equipment decontrol and discussions on problems experienced in obtaining export licenses.
3. Discussion of proposed changes to revise U.S. export license procedures.

Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the

Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377-4127. For further information or copies of the minutes, call Betty Ferrell at 202/377-2583.

Dated: January 14, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87-1192 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-DT-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Agricultural Research Service et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Decision: Denied. Applicants have failed to establish that domestic instruments of equivalent scientific value to the foreign instruments for the intended purposes are not available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for each of the listed dockets.

Docket No.: 86-161. Applicant: USDA-ARS-NSA, Grand Forks, ND 58201. Instrument: Thermal Ionization Mass Spectrometer System, Model 261. Manufacturer: Finnigan MAT, West Germany. Date of Denial Without Prejudice to Resubmission: September 24, 1986.

Docket No.: 86-267. Applicant: Univesity of California, Santa Barbara, Santa Barbara, CA 93106. Instrument: Soldering Robot; 4-axes with Soldering Gun and Teaching Box. Manufacturer: Apollo Seiko, Japan. Date of Denial Without Prejudice to Resubmission: September 22, 1986.

Docket No.: 86-268. Applicant University of California, Santa Barbara, Santa Barbara, CA 93106. Instrument: Cylindrical Coordinate Robot System with Panadac Controller. Manufacturer: Panasonic, Japan. Date of Denial Without Prejudice to Resubmission: September 22, 1986.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-1241 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-DS-M

Notice of Applications for Duty-Free Entry of Scientific Instruments; Mount Sinai School of Medicine et al.

Pursuant to section 6(c) of the Education, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: 86-202R. Applicant: Mount Sinai School of Medicine, One Gustave L. Levy Place, New York, NY 10029. Instrument: Laser Microprobe Mass Analyzer. Manufacturer: Leybold-Heraeus GmbH, West Germany. Intended Use: The instrument is intended to be used for ongoing research program investigating the potential role of aluminum and other trace elements as being related to the cause of Alzheimer's disease as well as other forms of degenerative disorders of the nervous system.

This research involves the determination of the trace elemental content of individual nerve cells identified in autopsy derived brain specimens. The original notice of this resubmitted application was published in the **Federal Register** of May 28, 1986.

Docket No.: 86-249R. Applicant: University of Illinois, 601 S. Morgan, Chicago, IL 60607. Instrument: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL Co., Ltd., Japan. Intended Use: The instrument will be used for the study of metals, semiconductors, and ceramics in research that involves; (1) Abrasion and wear of semiconductor silicon, (2) examination of corrosion films of amorphous metals and (3) study of the structural integrity of ceramics such as silicon carbide and silicon nitride. The original notice of this resubmitted application was published in the **Federal Register** of July 22, 1986.

Docket No.: 87-076. Applicant: Boston University, Center for Adaptive Systems, 111 Cummington Street, Boston MA 02215. Instrument: Three-Dimensional Digitizing System, Model WATSMART. Manufacturer: Northern Digital, Inc., Canada. Intended Use: The instrument will be used for studies of human multi-joint movements with focus on kinematic and electromyographic properties. Experiments will be conducted to collect data capable of testing quantitative neural and neuro-muscular models of the human movement planning and execution system and to establish a parametric data base, pertinent to individual differences, that may used to constrain further development. Application Received by Commissioner of Customs: December 16, 1986.

Docket No.: 87-077. Applicant: Texas A&M University, Department of Chemistry, College Station, TX 77843. Instrument: Stopped Flow/Preparative Quench Spectrophotometer, Model PQ-53 with Accessories. Manufacturer: Hi-Tech Scientific Ltd., United Kingdom. Intended Use: The instrument is intended to be used for studies of enzyme catalyzed reactions. The change in absorbance upon rapid mixing of enzyme and the various ligands will be monitored at various wavelengths. In addition, the instrument will be used to teach chemistry Ph.D. candidates how to manipulate enzymes and elucidate enzyme reaction mechanism in the courses: Chemical Research, Theory of Chemical Research and Undergraduate Chemical Research. Application Received by Commissioner of Customs: December 16, 1986.

Docket No.: 87-079. Applicant: University of Hawaii, Institute of Geophysics, 2525 Correa Road, Honolulu, HI 96822. Instrument: Thermal Ionization Mass Spectrometer, Model VG Sector. Manufacturer: VG Isotopes,

Ltd., United Kingdom. Intended Use: The article is intended to be used in a range of earth science research programs and collaborative research. The areas of investigation include:

(1) Precise measurement of the isotopic composition of the elements Nd, Sr, and Pb in rocks and minerals from the earth's crust and mantle.

(2) Measurement of the rate-earth element abundances in crustal and mantle rocks and minerals.

(3) Precise determination of the ages of crustal rocks using Sm-Nd, Rb-Sr, and U-Pb geochronological techniques.

In addition, the instrument will be used in geology courses for student research and teaching. Application Received by Commissioner of Customs: December 17, 1986.

Docket No.: 87-080. Applicant: Harvard University, Purchasing Department, 1350 Massachusetts Avenue, Cambridge, MA 02138. Instrument: Atmospheric Gas Analyzer, Model LMA-3. Manufacturer: Scintrex, Canada. Intended Use: The instrument is intended to be used to measure NO_2 concentrations in the air in a tropical forest, in order to learn about the chemistry of NO_2 in that environment. Application Received by Commissioner of Customs: December 17, 1986.

Docket No.: 86-056R. Applicant: SRI Internatioinal, 333 Ravenswood Avenue, Menlo Park, CA 94025. Instrument: CO_2 Laser, Model #5822. Manufacturer: Ultra Lasertech, Canada. Original notice of this resubmitted application was published in the **Federal Register** of January 3, 1986.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-1242 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; University of Florida et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: 87-003. Applicant: University of Florida, Gainesville, FL 32610. Instrument: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL, Japan. Intended Use: See notice at 51 FR 40242. Instrument Ordered: June 9, 1986

Docket No.: 87-004. Applicant: Yale University School of Medicine, New Haven, CT 06510. Instrument: Electron Microscope, Model CM 10 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use: See notice at 51 FR 40243. Instrument Ordered: May 22, 1986.

Docket No.: 87-007. Applicant: Temple University School of Medicine, Philadelphia, PA 19140. Instrument: Electron Microscope, Model CM 10 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use: See notice at 51 FR 40243. Instrument Ordered: April 28, 1986.

Docket No.: 87-012. Applicant: New England Medical Center Hospitals, Boston, MA 02111. Instrument: Electron Microscope, Model CM 10/PC with Accessories. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended Use: See notice at 51 FR 40244. Instrument Ordered: June 27, 1986.

Docket No.: 87-013. Applicant: University of Connecticut Health Center, Farmington, CT 06032. Instrument: Electron Microscope, Model CM10/PC with Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended Use: See notice at 51 FR 40244. Instrument Ordered: July 11, 1986.

Docket No.: 87-020. Applicant: Thomas Jefferson University, Philadelphia, PA 19107. Instrument: Electron Microscope (Side Entry Goniometer), Model H-7000. Manufacturer: Hitachi Scientific Instruments, Japan. Intended Use: See notice at 51 FR 41379. Instrument Ordered: May 19, 1986.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-1243 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Permit Modification; Dr. Darlene R. Ketten (P289); Modification No. 1 to Permit No. 368

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 Mamals (50 CF Part 216), and § 222.25 of the regulations governing endangered species permits (50 CFR Part 222), Scientific Research Permit No. 368 issued to Dr. Darlene R. Ketten, Eation-Peabody Laboratory, Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston, Massachusetts 02114, on January 27, 1982 (47 FR 4721) is modified as follows:

Section B.5 is replaced by:

"5. The authority to import the material described herein shall extend through December 31, 1987."

The effective date of this modification is December 31, 1986.

Issuance of this Modification, as required by the Endangered Species Act of 1973, is based on the finding that such Modification: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Modification; and (3) will be consistent with the purpose and policies set forth in section 2 of the Endangered Species Act of 1973.

The Permit, as modified, and documentation pertaining to the modification are available for review in the followng offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm. 805, Washington, DC; and

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: January 12, 1987.

Nancy Foster,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 87-1213 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permit Modification; Southwest Fisheries Center, National Marine Fisheries service (P77Y); Modification No. 1 to Permit No. 372

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 Mamals (50

CFR Part 216) and § 222.25 of the regulations governing endangered species permits (50 CFR Part 222), Permit No. 372 issued to Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, on March 12, 1982 (47 FR 11755) is modified as follows:

Section B.6 is replaced by:

"6. This Permit is valid with respect to the taking authorized herein until Decembre 31, 1987."

This modification became effective 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 are the subject of this Permit; 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 also issued in accordance with and is subject to Parts 220 through 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

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., Room 805, Washington, DC; and

Director, Southwest region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Dated: January 12, 1987.

Nancy Foster,

Director, Office of Protected Species and Habitat Consevation, National Marine Fisheries Service.

[FR Doc. 87-1212 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-22-M

Draft Supplemental Environmental Impact Statement; Trawling Efficiency Device During Commercial Shrimp Fishing Operations

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (DSEIS).

SUMMARY: NOAA/NMFS intends to prepare a draft supplemental environmental impact statement for regulations that will require shrimp trawlers to use devices to exclude endangered and threatened sea turtles from their nets. Scoping meetings will not be held prior to publishing the DSEIS and regulations because the public has been afforded full opportunity to advise on the issues which need to be addressed in these documents.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, NMFS, Southeast Regional Office, 9450 Koger Boulevard, St. Petersburg, Florida 33702 (813/826-3366), or David Cottingham, NOAA, Ecology and Conservation Division, HCHB 6814, Washington, DC 20230 (202/377-5181).

SUPPLEMENTARY INFORMATION: Endangered and threatened sea turtles are caught incidental to U.S. shrimp fishing operations in the Gulf of Mexico and southeastern U.S. Atlantic, resulting in significant sea turtle mortality. To reduce this source of mortality, NOAA/NMFS developed a Trawling Efficiency Device (TED) which releases sea turtles caught in shrimp trawls. NOAA/NMFS is initiating a rulemaking process to require TED use under the Endangered Species Act.

Representatives of several environmental organizations and shrimp associations met to negotiate a recommendation as to when and where the Secretary of Commerce should require shrimpers to use TEDs. The participants agreed that NOAA/NMFS should phase in, over the next three years, areas in the Gulf of Mexico and in the Atlantic Ocean from North Carolina to Florida, where shrimpers would be required to use TEDs. NOAA/NMFS plans to promulgate regulations based on agreements reached during the negotiations and to issue a draft supplemental environmental impact statement on the regulations.

Scoping meetings will not be held prior to issuing the regulations and draft supplemental environmental impact statement. Negotiation meetings were held in New Orleans, LA (October 16-18), Jekyll Island, GA (October 31-Nov. 2), Washington, DC (November 10-13), and Houston, TX (December 1-4).

The sessions were open to the public. NOAA/NMFS believes that the participants were aware of and considered the full range of issues concerning incidental mortality of sea turtles and TEDs. These issues will be addressed in the draft supplemental environmental impact statement.

Dated: January 12, 1987.

William E. Evans,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87-1215 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Letter of Authorization

Notice is given that on January 14, 1987, the National Marine Fisheries Service issued a Letter of Authorization under the authority of section 101(a)(5) of the Marine Mammal Protection Act of 1972 and 50 CFR Part 228, Subpart B—Taking of Ringed Seals Incidental to On-Ice Seismic Activities, to the following: Geophysical Service Inc., 5801 Silverado Way, Anchorage, Alaska 99502.

This Letter of Authorization is valid for 1987 and is subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities (50 CFR Part 228, Subparts A and B).

Issuance of this letter is based on a finding that the total taking will have a negligible impact on the ringed seal species or stock, its habitat and its availability for subsistence use.

This Letter of Authorization is available for review in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Room 805, Washington, DC; and

Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: January 14, 1987.

Nancy Foster,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 87-1214 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Meeting; Amendment

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The agenda as published in the **Federal Register** (52 FR 127, January 2, 1987), for the North Pacific Fishery Management Council's public meeting (January 21-23, 1987), has been amended to include review by the North Pacific Council of the decision made on December 12, 1986, to set the 1987 Pacific ocean perch target quota at 2,000 metric tons in the Eastern Gulf of Alaska. All other information remains unchanged. For more information contact Jim H. Branson, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK; telephone: (907) 274-4563.

Dated: January 14, 1987.

Richard B Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87-1246 Filed 1-20-87; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).
Dates of Meeting: 26-27 February 1987.
Time: 0900-1700 each day.
Place: Pentagon, Washington, DC.
Agenda: The Army Science Board's Ad Hoc Subgroup on Water.

Resources will conduct their kickoff meeting to discuss water resource problems at Western US Army installations. The group will study the terms of reference and receive initial briefings on the Corps of Engineers' role of installation planning. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87-1177 Filed 1-20-87; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Chief of Naval Operations Executive Panel 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 Chief of Naval Operations (CNO) Executive Panel Advisory Committee Constrained Resources Task Force will meet February 12-13, 1987, from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to review the Navy's approaches to maritime operations and readiness in the management of resources, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code. For further information concerning this meeting, contact Lieutenant Paul G. Butler, Executive Secretary of the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: January 14, 1987.

Harold L. Stoller,

Commander, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.

[FR Doc. 87-1206 Filed 1-20-87; 8:45 am]

BILLING CODE 3810-AE-M

National Environmental Policy Act; Record of Decision to Homeport Four Frigate Class Naval Reserve Force Ships, Two Mine Countermeasure Ships and Complete Other Support Facilities in the San Francisco Bay Region, California

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR Part 1500), the U.S. Navy reaffirms its previous decision (**Federal Register**, Vol. 50, No. 79 of Wednesday, April 24, 1985 (50 FR 16123)), to homeport four frigate class Naval Reserve Force (NRF) ships and two mine countermeasure (MCM) ships at the Naval Station Treasure Island and announces the decision to locate shoreside support facilities for the training of active and reserve force maintenance personnel to the Naval Station Treasure Island Annex, formerly known as Hunters Point Naval Shipyard.

The Final Supplemental Environmental Impact Statement filed for this project was announced in the **Federal Register**, Vol. 51, No. 239 of Friday, December 12, 1986 (51 FR 44834).

Alternative concepts originally considered included the no-project alternative (Alternative I); four NRF frigate class ships, one pier and associated shoreside facilities at Naval Station Treasure Island (Alternative II); thirteen ships, two piers and associated shoreside facilities at Naval Station Treasure Island which included the four NRF ships of Alternative II (Alternative III); and four NRF frigate class ships, two mine countermeasure ships and associated shoreside facilities at Hunters Point (Alternative IV).

The decision to adopt concepts presented in Alternative IV for new construction shoreside facilities and thereby provide the required shoreside support is consistent with the existing industrial complex at Hunters Point which has recently returned to Navy control. Based on the FEIS, Navy operational concerns and public environmental concerns no construction dredging will occur at Hunters Point at this time. When periodic maintenance effort is required, the NRF ships will berth on the north side of the south pier at Hunters Point which does not require construction dredging.

Correspondingly, any decisions regarding construction dredging or other major proposed action at Hunters Point will be subject to additional environmental documentation and will not be adopted until that documentation supporting future proposals are made available to the public.

Significant adverse impacts will be avoided or reduced by the proper siting, design, construction, maintenance and operation of facilities and any ground pollutants identified will be disposed of in compliance with applicable Federal and State regulations.

Implementation of this decision will be initiated in February 1987.

Dated: January 14, 1987.

Harold L. Stoller,

CDR, JAGC, Federal Register Liaison Officer.

[FR Doc. 87-1207 Filed 1-20-87; 8:45 am]

BILLING CODE 3810-AE-M

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 28, 1987 beginning at 1:30 p.m. in Banquet Room B of the Holiday Inn, Route 100 and West King Street, Pottstown, Pennsylvania. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. in Banquet Room A of the Holiday Inn.

The subjects of the hearing will be as follows:

Current Expense and Capital Budgets. A revised proposed current expense budget for the fiscal year beginning July 1, 1987, in the aggregate amount of $2,261,000 and a capital budget for the same period in the amount of $1,173,400

in revenue and $737,100 in expenditures. Copies of the current expense and capital budget are available from the Commission on request. This hearing continues that of December 23, 1986.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. Philadelphia Electric Company (PECO) D-69-210 CP Final: Revisions 5 and 6

Applications to extend through December 31, 1987 the Delaware River Basin Commission (DRBC) temporary approvals granted by DRBC Dockets No. D-69-210 CP (FINAL) (Revision No. 5) and D-69-210 CP (FINAL) (Revision No. 6). Revision No. 5 provided for the substitution of dissolved oxygen limitations in place of the temperature restriction and allowed the transfer of existing authorized consumptive use from Cromby Unit 2 and Titus Units 1, 2 and 3, to the Limerick Unit 1 facility. Revision No. 6 provided temporary authorization for consumptive use at Limerick regardless of other constraints in original Docket No. D-69-210 CP (FINAL) whenever the consumptive use has been replaced in equal volume by water released from Still Creek and/or Owl Creek Reservoirs. The facilities and reservoirs are located in Montgomery and Schuylkill Counties, Pennsylvania.

2. Tarkett, Inc. D-77-32 (Revised)

An application to modify an industrial waste treatment process at a previously approved treatment facility at the applicant's manufacturing plant in Whitehall Township, Lehigh County, Pennsylvania. The plant, which manufactures substrate for vinyl flooring, was previously owned by G.A.F. Corporation and has been purchased by the applicant. The manufacturing process has been modified to eliminate the use of asbestos and this has led to increased TSS and BOD_5 concentrations in the waste water. Effluent discharges to the Lehigh River.

3. Meter Services Company D-85-35 CP

A ground water withdrawal project to supply the first phase of a proposed 972 unit housing development named "The Village of Buckingham Springs" in Buckingham Township, Bucks County, Pennsylvania. The combined withdrawal rate from Well No. 1 (standby) and No. 2 (primary source) will be 60,000 gallons per day (gpd). The wells are located south of Route 413 between the villages of Pineville and Buckingham and are in the Southeastern Pennsylvania Ground Water Protected Area.

4. Evesham Municipal Utilities Authority D-86-36 CP

An application for a sewage treatment plant expansion project. The applicant's existing 1.25 mdg facility requires an additional 0.25 mgd flow capacity to serve the projected future growth in the service area. The Woodstream Sewage Treatment Plant provides tertiary treatment for a portion of Evesham Township, Burlington County, New Jersey. The expanded plant is designed to serve residential and commercial users, amounting to an equivalent population of approximately 15,000 persons, through the year 2000. Treated effluent will continue to discharge to South Branch Pennsauken Creek at River Mile 105.4-3.4-10.2.

5. Hercules Incorporated D-86-45

An application for approval of an existing ground water withdrawal not previously approved by the DRBC and seven new ground water withdrawal wells. The increased withdrawal and additional wells are required as part of a ground water decontamination project. Related treatment plant modifications are included in this project. The former 0.072 mgd biological wastewater treatment plant is now designed to process an additional 0.288 mgd of contaminated ground water that will be pumped from beneath the Higgins Plant site. The treatment plant effluent will continue to be discharged to the Delaware River in Water Quality Zone 4 through outfall 001. The treatment plant also processes the sanitary waste from 50 employees. The project is located in Greenwich Township, Gloucester County, New Jersey.

6. Hilltown Township Water and Sewer Authority D-86-60 CP

An application for approval of a ground water withdrawal project to supply up to 4.05 mg/30 days of water to the applicant's public water system from new Well No. 2. The project is located in Hilltown Township, Bucks County, Pennsylvania and is in the Southeastern Pennsylvania Ground Water Protected Area.

7. Historical Developers of Pennsylvania, Inc. D-86-73

A revised application by the project developers to reduce the flood damage potential for the Union Mills condominium project which was rejected by the Commission on December 23, 1986. The applicant has revised the project plans which incorrectly identified the 100 year base flood elevation as 68.25 feet. The 100 year flood elevation established in the Flood Insurance Study for the Borough of New Hope, Pennsylvania is 67.0 feet (NVGD), making DRBC's flood protection elevation 68.0 feet (NGVD). The first floor of Building "A" is at evalation 67.0. The applicant proposed to flood-proof these five units in Building "A" to the 68.0 foot flood protection elevation and has raised the first floor level in all other residential buildings to elevation 69.0 feet (NGVD). The applicant also proposed to provide the condo owners with an upgraded facility to withdraw water from the Delaware River, and treat a daily average of 13,000 gallons for domestic water supply.

8. AT&T Technology Systems D-86-79

An application for approval of a ground water withdrawal project to supply up to 22.3 mg/30 days of water to the applicant's manufacturing facility from existing Well No. 1 not previously approved by the Commission. The project is located in Muhlenberg Township, Berks County, Pennsylvania.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

January 13, 1987.

[FR Doc. 87-1179 Filed 1-20-87; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.128G]

Applications Invited for New Awards Under the Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects Program for Fiscal Year 1987

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On December 8, 1986, a notice establishing closing dates for the Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects Program was published in the **Federal Register.** On page 44104, in the second column, the deadline for intergovernmental review comments should read April 6, 1987 instead of March 16, 1987.

Dated: January 15, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 87-1263 Filed 1-20-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Dockets Nos. CI83-10-001, CI83-11-001, CI87-188-000]

FMP Operating Company, a Limited Partnership; Application for Limited-Term Abandonment and Blanket Limited-Term Certificate With Pre-Granted Abandonment

January 13, 1987.

Take notice that on December 19, 1986, FMP Operating Company (FMP) of 1615 Poydras Street, P.O. Box 60004, New Orleans Louisiana 70160-0004 filed an application pursuant to section 7 of the Natural Gas Act, 15 U.S.C. 717f (1982) (NGA), and Part 157 of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR Part 157, for: (1) Authorization to abandon for a limited term sales in interstate commerce for resale of gas from Matagorda Island Blocks 527 and 555 and (2) blanket limited-term certificate of public convenience and necessity authorizing spot-market sales for resale in interstate commerce of such gas with pre-granted abandonment authorization. The authority requested is for a limited term expiring on September 1, 1989. FMP also requests waiver of certain Commission regulations in Part 154 and 271 of the Commission's regulations, and requests expedited approval of the application pursuant to the procedures of § 2.77 of the Commission's regulations, 18 CFR 2.77.

FMP filed for limited-term abandonment of sales to Florida Gas Transmission Company certificated in Docket Nos. CI83-10 and CI83-11 (abandonments are more fully set forth on Appendix A), and filed for blanket limited-term certificate in Docket No. CI87-188-000. FMP terminated the contracts effective December 7, 1986, pursuant to the contracts' market out clause. Florida Gas has ceased taking gas from FMP's interest; thus FMP states it is experiencing substantially reduced takes without payment. FMP's deliverability is 38 MMcf/day, and all of the subject gas qualifies under NGPA section 102(d).

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 to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix A.—FMP Abandonment Applications

Docket No. and date filed	Location	Rate schedule No.
CI83-10-001, 12-19-86	Matagorda Island; Blocks 527 and 555, Offshore Texas	15
CI83-11-001, 12-19-86	Matagorda Island; Blocks 527 and 555; Offshore Texas	22

[FR Doc. 87-1173 Filed 1-20-87; 8:45 am]

BILLING CODE 8717-01-M

[Docket Nos. CI83-39-001, CI83-43-002, CI87-187-000]

FMP Operating Company; a Limited Partnership; Application for Limited-Term Abandonment and Blanket Limited-Term Certificate With Pre-Granted Abandonment

January 13, 1987.

Take notice that on December 19, 1986, FMP Operating Company (FMP) of 1615 Poydras Street, P.O. Box 60004, New Orleans, Louisiana 70160-0004 filed an application pursuant to section 7 of the Natural Gas Act, 15 U.S.C. 717f (1982) (NGA), and Part 157 of the regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR part 157, for (1) authorization to abandon for a limited term interstate sales in excess of Tennessee Gas Pipeline Company's (purchaser) needs (abandonments are more fully set forth on Appendix A) and (2) blanket limited-term certificate of public convenience and necessity in Docket No. CI87-187-000 to make spot-market sales for resale in interstate commerce of such gas with pre-granted abandonment authorization. The authority requested is for a limited term expiring on September 1, 1989. FMP also requests waiver of certain Commission regulations in Parts 154 and 271 of the Commission's regulations, and requests expedited approval of the application pursuant to the procedures of § 2.77 of the Commission's regulations, 18 CFR 2.77.

The gas to be abandoned is from Vermilion blocks 225 and 226 and is presently dedicated to Tennessee Gas Pipeline Company under certificate authorizations in Docket Nos. CI83-39 and CI83-43. FMP states that Tennessee has not taken any of the subject gas since April 1986 and Tennessee has not paid any take-or-pay amounts, consequently FMP states that it is experiencing substantially reduced takes without payment. Tennessee has agreed to release gas produced from FMP's interest in excess of monthly volumes taken by Tennessee. In connection with the release, FMP granted Tennessee take-or-pay credit for volumes of gas released and sold to third parties. Deliverability attributable to FMP's interest is 13 MMcf/day, if all other interest owners also produce gas ratably. All of the subject gas qualifies under NGPA section 102 (d).

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 Comission 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 procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix A.—FMP Abandonment Applications

Docket No. and date filed	Location	Rate schedule No.
CI83-39-001, 12-19-86	Vermilion Blocks, 225 and 226, Offshore Louisiana.	16
CI83-43-002, 12-19-86	Vermilion Blocks, 225 and 226, Offshore Louisiana.	23

[FR Doc. 87-1174 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI61-1708-000, et al.]

Odeco Oil and Gas Co.; Merger

January 13, 1987.

Take notice that on January 5, 1987, Odeco Oil and Gas Company (Odeco) of P.O. Box 61780, New Orleans, Louisiana 70161, filed an application in accordance with the Natural Gas Act and the Federal Energy Regulatory Commission's regulations to amend Natural Gas Act Certificates, which is on file with the Commission and is open to public inspection.

Effective December 31, 1986, Ocean Oil and Gas Company (Ocean) merged into its parent company, Odeco Oil and Gas Company (Odeco). Odeco proposes to amend the certificates currently being held by Ocean so as to substitute Odeco as certificate holder and to redesignate the rate schedules in the name of Odeco, all as more fully shown on the attached Exhibit "A".

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 28, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Exhibit "A"

Odeco Oil and Gas Company

Formerly: Ocean Oil and Gas Company, Effective December 31, 1986

Rate Schedule No.	Field	Certificate Docket No.	Purchaser
6	South Pelto 20	CI 61-1708	Transcontinental Gas Pipeline Corporation.
12	East Cameron 118	CI 75-94	Transcontinental Gas Pipeline Corporation.
13	So. Marsh Island 249/250	CI 76-184	Tennessee Gas Pipeline Company.
14	Ship Shoal 146 N/2	CI 76-187	Tennessee Gas Pipeline Company.
17	South Timbalier 86	CI 77-735	Trunkline Gas Company.
19	High Island 369/370	CI 78-438	ANR Pipeline Company.
20	High Island 327/332	CI 78-777	ANR Pipeline Company.
23	Ship Shoal 167	CI 78-1100	Tennessee Gas Pipeline Company.
24	Ship Shoal 246 S/2	CI 78-702	Tennessee Gas Pipeline Company.
26	Vermilion 325	CI 79-160	Transcontinental Gas Pipeline Corporation.
29	East Cameron 38	CI 79-551	ANR Pipeline Company.
30	Mississippi Canyon 194	CI 80-60	ANR Pipeline Company.
31	W. Cameron 537/551/552	CI 80-247	ANR Pipeline Company.
32	W. Cameron 22	CI 80-254	ANR Pipeline Company.
33	So. Marsh Island 265	CI 80-259	ANR Pipeline Company.
34	E. Cameron 351/353	CI 81-183	Tennessee Gas Pipeline Company.
36	W. Cameron 115/116	CI 81-219	Tennessee Gas Pipeline Company.
38	Ship Shoal 247/248/249	CI 81-485	Columbia Gas Transmission.
44	Eugene Island 24	CI 82-388	Tennessee Gas Pipeline Company.
45	High Island A542	CI 83-16	Trunkline Gas Company.
46	High Island A542	CI 83-65	ANR Pipeline Company.
48	West Cameron 560	CI 84-448	Texas Eastern Transmission Corporation.

[FR Doc. 87-1171 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9064-001]

Robert Jay Yeadon; Surrender of Preliminary Permit

January 13, 1987.

Take notice that Robert Jay Yeadon, permittee for the proposed Long Ravine Project No. 9064, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 26, 1985, and would hve expired on July 31, 1988. The project would have been located on Long Ravine, a tributary of the West Branch Feather River, near Stirling City, in Butte County, California.

The permittee filed the request on December 29, 1986, and the preliminary permit for Project No. 9064 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first busines day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1175 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C187-85-000 et al.]

Rosewood Resources et al.; Applications for Abandonment

January 13, 1987. Q04

Take notice that each of the Applicants listed herein have filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service, 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 on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the 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
CI87-85-000, B, October 28, 1986[1] [3]	Rosewood Resources, Inc., 200 Crescent, Suite 300, Dallas, Texas 75201.	United Gas Pipe Line Company, Lapeyrouce Field, Terrebone, Parish, Lousiana.	([2])	
CI87-197-000, B, December 22, 1986	William S. Richardson, P.O. Box 1341, Duncan, Oklahoma 73533.	Lone Star Gas Company, Grimes #2, SE/4 SW/4, Sec. 1-TWP 1S-RNG2W, Katy Field, Garvin County, Oklahoma.	([4])	

[1] Additional information received November 20, 1986.

[2] Applicant, a small producer certificate holder in Docket No. CS84-72, requests authorization for a two-year limited-term abandonment to United and for pregranted abandonment for sales under its small producer certificate.

In support of its application Applicant states that the contract dated September 12, 1985, was canceled by United and United will cease taking gas under their contract after January 1, 1987. Two of the wells have been recompleted but United has been unable to take any deliveries from these wells. Applicant is subject to substantially reduced takes without payment. The wells and NGPA price categories are shown below:

Well	NGPA Price Category
J.C. Exposito #2	Section 106(a) Rollover.
J.C. Exposito #2-D	Section 107(c)(5) Recompletion.
Invincible Fee #4	Section 106(a) Rollover.
D. Theriot #1	Section 107(c)(5) Recompletion.
LL&E #B-5	Section 106(a) Rollover.

The wells are capable of producing approximately 8 MMcf per day. Applicant proposes to sell the gas to UER Marketing.

[3] Additional information received January 6 and 9, 1987.

[4] Applicant, a small producer certificate holder in Docket No. CS73-350, requests authorization to permanently abandon a sale of gas to Lone Star.

Applicant states in support to its application that effective with the granting of abandonment authorization herein its contract will be terminated. Lone Star has agreed to the release of this gas by letter agreement dated August 6, 1986. Applicant is subject to substantially reduced takes without payment, the gas is NGPA section 106(a) gas and potential deliverability is 30-60 Mcf per day. Applicant intends to sell the gas to Standard Oil Production.

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. 87-1172 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-190-000 and CI87-195-000]

Cities Service Oil and Gas Corp; Application

January 13, 1987.

Take notice that on December 22, 1986, Cities Service Oil and Gas Corporation ("Applicant"), 110 West 7th Street, Tulsa, Oklahoma 74119, filed applications requesting that the Commission issue an order that grants Applicant the necessary authorizations for a limited-term (1) to abandon sales for resale in interstate commerce of NGA-gas produced by Applicant from sources covered by contracts listed on Appendix "A" attached, to the extent that such gas is released by its interstate pipeline purchaser, Sea Robin Pipeline Company; and (2) to makes sales for resale with pre-granted abandonment in interstate commerce of such NGA-gas. In that regard Applicant requests the authorizations described in said applications for a limited term beginning on the date authorization is granted and ending June 1, 1988. Applicant further requests that the Commission handle the applications on an expedited basis in accordance with Order No. 436 in Docket No. RM85-1-000.

Applicant states that the authorizations requested in its applications are necessary so that it can begin to make sales at market responsive prices of NGA gas. Applicant reports that during 1986 Sea Robin purchased only 9.3% of the total available deliverability and as such Applicant is experiencing substantially reduced takes from these sources without payment under its long-term contracts with its purchaser. Applicant states that approximately 1,756 Mcf/d of NGPA section 102(d) gas and 751 Mcf/d of NGPA section 104 gas would be eligible for inclusion in the NGPA authorizations requested herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to section 2.77 of the Commission's rules as promulgated by Order Nos. 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 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 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 Rues.

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.

APPENDIX "A"

Docket No.	Rate schedule No.	Seller*	Field location	Purchaser	Contract date	Applicable vintage
C177-421	444	CSOGC	OCSG-2486, W. Cameron Blk. 586	Sea Robin	3/11/77	104
C181-353	496	CSOGC	OCSG-2879 and OCSG-2880, S. Marsh Isl., Blks. 112 and 113.	Sea Robin	4/6/81	102(d)
C186-359	524	CSOGC	OCSG-1525, Ship Shoal Blk. 222	Sea Robin	11/10/69	102(d), 104, Small Producer

*Cities Service Oil and Gas Corporation.

[FR Doc. 87-1165 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI61-1094-000 and CI87-191-000]

Oxy Cities Service NGL Inc.; Application

January 13, 1987.

Take notice that on December 22, 1986, Oxy Cities Service NGL Inc. ("Oxy Cities Service" or "Applicant"), 110 West 7th Street, Tulsa, Oklahoma 74119, filed an application requesting that the Commission issue an order granting Oxy Cities Service the necessary limited-term blanket authority (1) to abandon temporarily the certificated sale for resale in interstate commerce of residue gas from the East Texas Plant, Gregg County, Texas, subject to the Commission's NGA jurisdiction, to the extent that such gas is released by United Gas Pipe Line Company ("United")' (2) to make sales for resale in interstate commerce of the released gas; and (3) to abandon, pursuant to pre-granted abandonment authority, any sale for resale of gas. Oxy Cities Service requests the authority described in its application for a term ending June 1, 1989, commencing the date on which Oxy Cities Service's application is granted. Oxy Cities Service further requests that the Commission consider the application on an expedited basis.

Oxy Cities Service states that the authority requested in its application will permit Cities Service to make spot sales of gas produced from certain supply sources at market responsive prices. The gas for which Oxy Cities Service seeks abandonment and sales authority qualifies for the NGPA Section 104 and 106(a) ceiling prices.

Any person desiring to be heard of 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 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 87-1116 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2994-002, 5146-001, 5833-000]

Borough of Lehighton, City of Allentown, PA; Pennsylvania Hydro Development Corp.; Availability of Environmental Assessment and Finding of No Significant Impact

January 13, 1987.

In accordance with the National Environmental Policy Act of 1969 and the Regulations of the Council for Environmental Quality, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major license and minor license, listed below for proposed hydroelectric projects within the Lehigh River Basin. The Commission's staff has determined the significance of potential cumulative adverse impacts on target resources in the basin.

I. Lehigh River Basin

Project No.	Project name	State	Water body	Nearest town or county	Applicant
2994-002	Beltsville	PA	Pohopoco River	Carbon County	Borough of Lehighton
5146-001	Hamilton Street	PA	Lehigh River	Allentown	City of Allentown, PA
5833-000	Easton/Raubsville	PA	Lehigh River	Northampton County	Pennsylvania Hydro Dev. Corp.

An environmental assessment (EA) was prepared on the potential cumulative impacts associated with hydropower development in the Lehigh River Basin. Based on independent analyses presented in the EA, the Commission's staff concludes that the three proposed projects in the Lehigh River Basin would have cumulative adverse impacts to the target resources. These impacts, however, would not be significant and would not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement will not be prepared for these projects. Copies of the EA are available for review in the Commission's Public Reference Section, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1168 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF87-135-000 et al]

Charles Cogen Partners et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comments date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

January 13, 1987.

Take notice that the following filings have been made with the Commission.

1. Charles Cogen Partners

[Docket No. QF87-135-000]

On December 12, 1986, Charles Cogen Partners (Applicant), c/o Kornmeier, McCarthy, Lepon & Harris, of 2011 Eye Street NW., Suite 401, Washington, DC 20006, 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 combined-cycle cogeneration facility will be located in White Plains, Maryland. The facility will consist of a combustion turbine generating unit, a heat recovery steam generator and an extraction/condensing steam turbine generating unit. Steam produced by the facility will be used for heating and cooling of a shopping mall and for heating and drying in a manufacturing process. The electric power production capacity of the facility will be 240 MW. The primary energy source will be natural gas Installation of the facility will begin in 1987.

2. Central Virginia Energy Associates, Limited Partnership

[Docket No. QF87-170-000]

On December 19, 1986, Central Virginia Energy Associates, Limited Partnership (Applicant), of 87 Elm Street, Cohasset, Massachusetts 02025. 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 Mechanicsville, Virginia and will consist of two combustion turbine generators, two heat recovery steam generators and one extraction/condensing turbine generator. Thermal energy recovered from the facility in the form of steam will be utilized via heat exchangers for production of hot water and via absorption refrigeration for space heating and cooling and production of refrigerant for the cold/freezer storage facility by the Richfood Inc. for the production of hot water. The net electric power production capacity of the facility will be 300 MW. The primary sources of energy will be natural gas and synthetic gas. Construction of the facility will begin July 1, 1988.

3. Environmental Waste Resources, Inc.

[Docket No. QF87-169-000]

On December 19, 1986, Environmental Waste Resources, Inc. (Applicant), of 130 Freight Street, Waterburg, Connecticut 06702, submitted for filing an application for certfication 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 proposed topping-cycle congeneration facility will be located at the Applicant's address. The facility will consist of a steam generator, a back-pressure turbine, a condensing turbine and a double-ended induction-type generator. The steam will be for process and office space heating. The maximum power production capacity of the facility will be 750 kW. The primary energy source will be waste oil and solvent-fuels generated at the facility.

4. Foster Wheeler Power Systems, Inc.

[Docket No. QF87-185-000]

On December 29, 1986, Foster Wheeler Power Systems, Inc. (Applicant), of 110 South Orange Avenue, Livingston, New Jersey 07039 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 proposed topping-cycle cogeneration facility will be located at or adjacent to the manufacturing facility of General Electric Company, Inc. in Lynn, Massachusetts. The facility will consist of a combustion turbine generator, and a heat recovery steam generator (HRSG). Steam recovered from the HRSG will be delivered to the General Electric's in-house extraction steam turbine-generator. The extracted steam will be used for space heating, heating and cooling of instrumentation, and other thermal process uses. The net electric power production capacity of the facility will be 11.5 MW. The primary source of energy will be either natural gas or distillate fuel oil. The installation of the facility is expected to commence in mid-1987.

5. Fredericksburg Energy Associates, Limited Partnership

[Docket No. QF87-205-000]

On January 5, 1987, Fredericksburg Energy Associates (Applicant), of 87 Elm Street, Cohasset, Massachusetts 02025, 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 Fredericksburg, Virginia. The facility will consist of two (2) combustion turbine generators, two (2) waste heat recovery steam generators and one (1) extraction/condensing turbine generator. Thermal energy recovered from the facility will be utilized by Delco Moraine, a division of General Motors Corporation and Lee Hill Industrial Complex for space heating and cooling. In addition Delco Moraine will use steam for cleaning and conditioning of fabricated transmission parts. The primary energy source will be synthetic gas and natural gas, with oil used when natural gas is not available. The net electric power production capacity will be 300 megawatts. Construction of the facility will begin on July 1, 1988.

6. Gordonsville Energy Associates, Limited Partnership

[Docket No. QF87-182-000]

On December 23, 1986, Gordonsville Energy Associates, Limited Partnership (Applicant), of 87 Elm Street, Cohasset, Massachusetts 02025, 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 consitutues a complete filing.

The topping-cycle cogeneration facitity will be located in Gordonsville, Virginia. The facility will consist of two (2) combustion turbine generators, two (2) waste heat recovery steam generators and one (1) extraction/condensing turbine generator. Thermal energy recovered from the facility will be utilized by Liberty Fabric for space heating/cooling, drying/dyeing of fabric material and by Arctic Circle Cold Storage Corporation to provide refrigerant for the cold/freezer storage facility. The net electric power production capacity will be 300 megawatts. The primary energy sources will be synthetic gas and natural gas, with old used when natural gas is not available. Construction of the facility will begin on July 1, 1987.

7. Middlesex Cogen Associates

[Docket No. QF87-172-000]

On December 22, 1986, Middlesex Cogen Associates (Applicant), of 187 Mountain Avenue, Summit, New Jersey 07901, 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 Middlesex County, New Jersey and will consist of a combustion turbine generator and a heat recovery steam generator. The thermal energy recovered from the facility in the form of steam will be used for space heating and cooling and in an industrial process for drying an heating. The electric power production capacity of the facility will be 99 MW. The primary energy source will be natural gas. Construction of the facility will being in 1987.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1169 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10004-000, etc.]

City of Ypsilanti et al.; Availability of Environmental Assessment and Finding of No Significant Impact

January 13, 1987.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

EXEMPTIONS

Project No.	Project name	State	Water body	Nearest town or county	Applicant
10004-000	Peninsular Request Dam.	MI	Huron River	Ypsilanti	City of Ypsilanti.
9823-000	Rosamond Water Treatment Plant.	CA	California Aqueduct-East Branch.	Rosamond	Antelope Valley-East Kern Water Agency.

LICENSES

Project No.	Project name	State	Water body	Nearest town or county	Applicant
9319-000	Circle Arrow	MT	Clearwater River	Seeley Lake	Keith & Marilyn Peterson.
9685-000	Cranberry Lake	NY	Cranberry Lake	Cranberry Lake	Trafalgar Power, Inc.
9758-000	Gold Hill Power	CA	Bear River	Auburn	Gold Hill Power.

AMENDMENTS

Project No	Project name	State	Water body	Nearest town or county	Applicant
1930-003	Democrat Dam	CA	Kern River	Bakersfield	Southern California Edison.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1167 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-311-001 et al.]

Cogeneration National Corporation et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

January 12, 1987.

Take notice that the following filings have been made with the Commission.

1. Cogeneration National Corporation

[Docket No. QF85-311-001]

On December 17, 1986, Cogeneration National Corporation (Applicant), of 1200 Concord Avenue, Suite 100, Concord, California 94520, 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 located in the City of Stockton, California was originally denied without prejudice on July 2, 1985 (Docket No. QF85-311-000, 32 FERC ¶ 61.012 (1985)) for lack of information needed to determine the ownership requirements of § 292.206 of the Commission's regulations.

The facility will consist of two coal-fired circulating fluidized bed combustor steam generators and a controlled extraction condensing steam turbine-generator. The extracted steam from the turbine will be sold to nearby industrial users for process application. The net electric power production capacity of the facility will be 43,800 kW. The primary energy source will be low-sulphur bituminous coal. The installation of the facility commenced in August, 1986.

2. Power Resources, Inc. (Big Spring)

[Docket No. QF86-930-002]

On December 18, 1986, Power Resources, Inc. of 2200 Post Oak Boulevard, Suite 509, Houston, Texas 77056, submitted for filing an application for recertification 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 Big Spring topping-cycle cogeneration facility was originally certified as a 125.8 MW cogeneration facility on October 10, 1986, (Docket No. QF86-930-000, 37 FERC ¶ 62,030 (1986)). The application for recertification

requests that the facility be developed in two phases instead of three phases proposed in the original application. In addition, the maximum net electric power production capacity will be 224.2 MW. The construction of the facility will commence on or about January 1987. All other details and descriptions of the facility described in the original application remain the same.

3. Rio Grande Cogen, Inc.

[Docket No. QF87-171-000]

On December 22, 1986, Rio Grande Cogen, Inc. (Applicant), of P.O Box 19398, Houston, Texas 77224, 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 Cameron Country, Texas and will consist of three combustion turbine generators, three heat recovery steam generators, and one extraction/condensing turbine-generator. Thermal energy recovered from the factility in the form of steam will be used as process steam and for the production of hot water in an industrial plant complex. The net electric power production capacity of the facility will be 302,000 kW. The primary source of energy will be natural gas. Construction of the facility will begin June 1987.

4. Wormser Engineering, Inc.

[Docket No. QF87-130-000]

On December 9, 1986, Wormser Engineering, Inc. (Applicant), of 225 Merrimac Street, Woburn, Massachusetts 01801, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located on Fourth Street, Lebanon, Pennsylvania. The facility will consist of four fluidized-bed boilers and a steam turbine generating unit. The net electric power production capacity of the facility will be 80 MW. The primary energy source will be anthracite culm.

5. Wormser Engineering, Inc.

[Docket No. QF87-131-000]

On December 9, 1986, Wormser Engineering, Inc. (Applicant), of 225 Merrimac Street, Woburn, Massachusetts 01801, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located on Rexmont Road in Cornwall, Pennsylvania. The facility will consist of four fluidized-bed boilers and a steam turbine generating unit. The net electric power production capacity of the facility will be 80 MW. The primary energy source will be anthracite culm.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Keneth F. Plumb,

Secretary.

[FR Doc. 87-1159 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M.

[Docket Nos. ER85-720-001 et al.]

Connecticut Light & Power Co.; Filing

January 9, 1987.

Take notice that on December 29, 1986, Connecticut Light & Power Company filed what it terms an amendment to the offer of settlement filed on July 17, 1986 and amended on September 12, 1986 with respect to Bozrah Light and Power Company. The filing company states in its cover letter that it is making the filing in order to resolve all of the issues in the proceeding between itself and Bozrah Light and Power Company. The filing company states that it has sent copies of the filing to all parties to the proceeding and to the presiding administrative law judge.

Any person desiring to comment on this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. All such comments should be filed on or before January 27, 1987. Any reply comments should be filed on or before February 6, 1987. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make commenters 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. 87-1160 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-12234-000 et al.]

Kerr-McGee Corporation et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

January 13, 1987.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 27, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-12234-000, D, Dec. 11, 1986	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, OK 73125.	Southern Natural Gas Co., State Lease 1268 Well #12, Block 47 and State Lease 1272 Well #12, Block 52, Main Pass 47, Offshore Louisiana.	(1)	
G-12235-003, D, Dec. 15, 1986	do	Southern Natural Gas Co., State Lease 1227 and 2000, Breton Sound Blocks 20-32, Offshore Louisiana.	(2)	
G-12235-004, D, Dec. 15, 1986	do	Southern Natural Gas Co., State Lease 1997 Well #J-1, and State Lease 1998 Well #H-1, Breton Sound Block 20, Offshore Louisiana.	(3)	
CI61-785-002, D, Dec. 15, 1986	do	ANR Pipeline Co., Calloway State #2, Sec. 16-22N-16W, Major County, OK.	(4)	
CI61-785-001, D, Dec. 15, 1986	do	ANR Pipeline Co., Schlarb #1, Sec. 22-22N-16W, Major County, OK.	(4)	
CI64-148-000, D, Dec. 15, 1986	do	Northern Natural Gas Co., Division of Enron Corp., Brillhart 1-907 SWD well in Kiowa Creek Field, Lipscomb County, TX.	(4)	
CI68-1375-000, D, Dec. 15, 1986	do	Phillips 66 Natural Gas Co., Burnett Lease and Burnett B Lease, Section 114, Block 5, I&GN Survey, Carson County, TX.	(5)	
CI73-66-001, D, Dec. 15, 1986	do	El Paso Natural Gas Co., Begert #7-1 N/2 Section T, Block Z-1, Hooper & Wade Survey, Hemphill County, TX.	(6)	
G-3894-026, F, Dec. 15, 1986	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., Greta Field, Refugio County, TX.	(7)	
G-17836-000, D, Dec. 15, 1986	do	Northern Natural Gas Co., Hansford Field, Hutchinson County, OK.	(8)	
CI60-657-000, Dec. 24, 1986	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, TX.	Texas Gas Transmission Corp., Calhoun Field, Ouachita Parish, LA.	(9)	
CI87-171-000 (CI78-805), B, Dec. 8, 1986.	ARCO Oil and Gas Co., Division of Atlantic Richfield Co.	El Paso Natural Gas Co., Lanehart 22 #1 Well, Lea County, NM.	(10)	
CI87-179-000 (CI63-772), B, Dec. 15, 1986.	do	Texas Gas Transmission Corp., North Hayes Field, Calcasieu Parish, LA.	(11)	
CI85-34-001, Dec. 15, 1986	Sun Exploration and Production Co., P.O. Box 2880, Dallas, TX 75221-2880.	Northwest Central Pipeline Corp., Sun's Goldsby Plant, McClain & Cleveland Counties, OK.	(12)	
CI87-172-000 (CI75-482), B, Dec. 8, 1986.	Mobil Exploration & Producing North America Inc., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, LA.	(13)	
CI87-178-000 (G-11713), B, Dec. 15, 1986.	Union Oil Company of California P.O. Box 7600, Los Angeles, CA 90051.	Northern Natural Gas Co., Division of Enron Corp., N.E. Elmwood Field, Beaver County, OK.	(14)	
CI87-181-000, B, Dec. 15, 1986	Coquina Oil Corp., Bengal 72-A, Bengal 72-B and Nautilus Venture, TR LTD., P.O. Drawer 2960, Midland, TX 79702.	El Paso Natural Gas Co., Burton Flat Field, Eddy County, NM.	(15)	
CI87-180-000, B, Dec. 15, 1986	Samedan Oil Corp., P.O. Box 909, Ardmore, OK 73402.	United Gas Pipe Line Co., South Yougeen Field, Bee County, TX.	(16)	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI68-674-001, Dec. 24, 1986	Mobil Oil Exploration & Producing Southeast Inc.	Texas Gas Transmission Corp., Calhoun Field, Quachita Parish, LA.	(9)	
CI87-174-000, B, Dec. 11, 1986	James M. Condra, Jr., Diana C. Condra and DiCon Enterprises, Inc., P.O. Box 396, Sonora, TX 76950.	El Paso Natural Gas Co., Sonora (Canyon Upper), Sutton County, TX.	(18)	
G-11713-000, D, Dec. 15, 1986	Union Oil Co., of California P.O. Box 7600, Los Angeles, CA 90051.	Northern Natural Gas Co., Division of Enron Corp., N.E. Elmwood Field, Beaver County, OK.	(19)	
G-16719-000, D, Dec. 18, 1986	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, OK 73125.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., State Lease 1170 portion of Block 1, East Cameron Area, Cameron Parish, LA.	(20)	
CI66-143-000, D, Dec. 18, 1986	do	ANR Pipeline Co., Hog Bayou Field, Block 1, Offshore Cameron Parish, LA.	(20)	
CI87-182-000 (CI84-458-000), B, Dec. 15, 1986.	do	Natural Gas Pipeline Co. of America OCS-G 3258 Well #2, West Cameron Block 81, Offshore LA.	(21)	
CI85-184-001, C, Dec. 19, 1986	Exxon Corp., P.O. Box 2180, Houston, TX 77252-2180.	Southern Natural Gas Co., Big Escambia Creek Field, Escambia County, AL.	(22)	
G-2831-003, Dec. 19, 1986	ARCO Oil and Gas Co., Division of Atlantic Richfield Co.	El Paso Natural Gas Co., Headlee Field, Ector County, TX.	(12)	
G-12128-000, D, Dec. 18, 1986	do	United Gas Pipe Line Co., Bayou Rambo Field, Terrebonne Parish, LA.	(23)	
G-19509-001, Dec. 19, 1986	do	El Paso Natural Gas Co., Headlee Field, Ector County, TX.	(12)	
CI87-214-000, A, Dec. 31, 1986	The Louisiana Land and Exploration Co. and LLOXY Holdings, Inc., P.O. Box 60350, New Orleans, LA 70160.	Transcontinental Gas Pipe Line Corp., Blocks 173, 174, 175 and 176, South Marsh Island Area, Offshore Louisiana.	(24)	
G-12004-005, Dec. 19, 1986	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	Transcontinental Gas Pipe Line Corp., West Gueydan Field, Vermilion Parish, LA.	(12)	
CI81-485-002, C, Dec. 19, 1986	Odeco Oil & Gas Co., P.O. Box 61780, New Orleans, LA 70161.	Columbia Gas Transmission Corp., Ship Shoal Blocks 247, 248 and 249, Gulf of Mexico, Offshore Louisiana.	(25)	
CI62-603-000, D, Dec. 22, 1986	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	ANR Pipeline Co., Laverne Field, Harper County, OK.	(26)	
G-7009-004, D, Dec. 22, 1986	Cities Service Oil and Gas Corp., P.O. Box 300, Tulsa, OK 74102.	Columbia Gas Transmission Corp., Big Sandy Field, Pike County, KY.	(27)	
CI87-193-000, E, Dec. 22, 1986	Koch Exploration Co. (Succ. in Interest to the Estate of Claude R. Lambe), P.O. Box 2256, Wichita, KS 67201.	El Paso Natural Gas and Northwest Pipeline Corp., Certain acreage in San Juan County, NM.	(28)	
CI87-177-000, B, Dec. 15, 1986	Reed-Hildreth, *et al.*, P.O. Box 19, Spencer, WV 25276.	Consolidated Gas Transmission Corp., Little Creek Field, Roane County, WV.	(29)	
CI87-186-000, E, Dec. 19, 1986	TXO Production Corp. (Partial Succ. in Interest to Terra Resources, Inc.), Firt City Center, LB 10, 1700 Pacific Avenue, Dallas, TX 75201-4696.	Southern Natural Gas Co., Napoleonville Field, Assumption Parish, LA.	(30)	
CI87-196-000, B, Dec. 22, 1986	McLain J. Forman, d/b/a Forman Exploration Co., 1010 Common Street, Suite 500, New Orleans, LA 70112.	Transcontinental Gas Pipe Line Corp., Romeville Field, St. James Parish, LA.	(31)	
CI87-215-000 (CI75-293), B, Jan. 2, 1987.	Mobil Exploration & Producing North America Inc., Nine Greenway Plaza, Suite 2700, Houston, TX 77046.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, LA.	(13)	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3281-001, D, Dec. 29, 1986	ARCO Oil & Gas Co., Division of Atlantic Richfield Co.	El Paso Natural Gas Co., Jalmat Field, Lea County, NM.	(33)	
CI62-1497-001 Dec. 29, 1986	do	Panhandle Eastern Pipeline Co., Mocane-Laverne Area, Beaver County, OK.	(34)	
CI63-576-000, D, Dec. 29, 1986	do	Williston Basin Interstate Pipeline Co., Riverton, Dome Area, Freemont County, WY.	(35)	
CI63-1491-000, D, Dec. 29, 1986	do	Panhandle Eastern Pipeline Co., North Hokit Field, Dewey County, OK.	(36)	
CI87-200-000, B, Dec. 23, 1986	Edwin L. Cox and Tenneco Oil Co., 3800 InterFirst One, Dallas, TX 75202.	ANR Pipeline Co., Hunton formation in the Cox Gould No. 2 Unit, Section 20-T22N-R14W and Mississippi formation in O. Williams No. 1 Well, Sec. 29-T22N-R14W, Major County, OK.	(37)	
CI87-201-000 (G-18619), B, Dec. 23, 1986.	Cabot Corp., P.O., Box 9901, Amarillo, TX 79105.	Transwestern Gas Pipeline Corp., Certain acreage in Ward County, TX.	(38)	
CI87-202-000 (CI60-110), B, Dec. 23, 1986.	do	Transwestern Gas Pipeline Corp., Certain acreage in Winkler County, TX.	(38)	
G-7642-017, D, Dec. 24, 1986	Mobil Oil Corp	Northern Natural Gas Co., Hugoton Field, Stevens County, KS.	(39)	
CI87-145-000, B, Nov. 28, 1986	Benedum-Trees Oil Co., Kerr-McGee Center, Oklahoma City, OK 73125.	Southern Natural Gas Co., Loisel Field, Iberia Parish, LA.	(40)	
CI87-213-000 (G-12318), B, Dec. 29, 1986.	ARCO Oil and Gas Co., Division of Atlantic Richfield Co.	Cities Service Gas Co., Eureka Area, Grant County, OK.	(41)	
G-10269-001, C, Jan. 5, 1987	ARCO Oil and Gas Co., Division of Atlantic Richfield Co.	Texas Easten Transmission Corp., East White Point Field, Nueces County, TX.	(42)	

[1] Wells are permanently abandoned.
[2] Partial Release of Oil and Gas Leases.
[3] Wells are permanently plugged and abandoned.
[4] Well has been plugged and abandoned with no further utility.
[5] The leases have been assigned to a third party.
[6] By partial release of leases dated 5-21-85, Kerr-McGee Corporation has released and surrendered all of its interest insofar as to all depths and formations located below the stratigraphic equivalent of 100 feet below the base of the Cleveland formation, as found at 11,150 feet beneath the surface of the ground in the Begert #7-1 well.
[7] By assignment dated 2-18-83, effective 3-1-83, Amoco Production Company assigned certain acreage to Applicant.
[8] Assignment executed 6-27-86, corrected 7-25-86 in certain acreage to Vernon E. Faulconer.
[9] Applicant is filing to add an additional delivery point.
[10] Acreage subject to Rate Schedule No. 730 was leased to Lewis Burleson and Jack Huff effective 9-1-86.
[11] The Gas Contract expired 1-22-83. ARCO leases were surrendered July, 1973. ARCO has no plans for leasing or production in this area.
[12] Applicant is filing for a change in delivery point.
[13] Reserves depleted and contract terminated.
[14] By Sale and Assignment, effective 12-1-84, Union sold, assigned, transferred, conveyed and set over unto Richard L. Parker certain acreage.
[15] Primary term of gas contract has expired and current gas purchaser has advised its inability to continue purchases, except on a monthly spot basis.
[16] Contract terminated by purchaser.
[17] Not used.
[18] El Paso Natural Gas Company has stated that they do not have a market for gas from our well. We would like to sell on the spot market.
[19] By Sale and Assignment, effective 12-1-84, Union sold, assigned, transferred, conveyed and set over unto Richard L. Parker certain acreage.
[20] Acreage released in lieu of development.
[21] Well went off production 11-23-85. Operator has advised that the 9750' is economically depleted and there are no recompletion possibilities. Chevron has no plans for further drilling on the lease. This is the only well in West Cameron Block 81.
[22] By Conveyance, Assignment and Bill of Sale dated 9-25-86, Exxon acquired certain acreage from PanCanadian Petroleum Company.
[23] Deletion of acreage. ARCO no longer holds an interest in acreage to be deleted.
[24] Applicant is filing under Gas Purchase and Sales Agreement dated 11-18-86.
[25] Applicant is filing under Gas Purchase Agreement dated 8-10-81, amended by Amendment dated 10-17-86 and Letter Agreement dated 10-22-86.
[26] By Oil and Gas Lease dated 6-20-86, MObil, Lessor, let unto Shar-Alan Oil Company, Lessee, all of its working interest in certain acreage.
[27] By Assignment and Bill of Sale effective 12-1-86, Cities Service Oil and Gas Corporation sold all of its interest in certain acreage to C. D. and G. Development Company.
[28] By agreement dated 9-30-82, the Estate of Claude R. Lambe assigned to Koch Exploration Company all its right, title and interest in certain acreage effective 8-1-82.
[29] Well is dead.
[30] By an Assignment effective 7-29-83, Applicant acquired from Terra Resources, Inc., certain interests.
[31] Workover was performed on well and well produced 100% salt water.

[32] Not used.
[33] A portion of the acreage was assigned to Lewis Burleson and Jack Huff effective 9-1-86.
[34] Partial Assignment executed 11-13-67, ARCO assigned its interest in certain acreage to Ralph L. Harvey.
[35] Partial Assignment dated 6-10-70 to Lawrence Materi and Robert E. Hudson.
[36] Partial Assignment executed 4-4-66 to W. C. Pickens.
[37] Formations and wells not economically productive to contracting parties, either because of insufficient reserves to lay line or because remaining reserves do not justify adding compression.
[38] Purchaser no longer wants or needs the residue gas.
[39] To release gas for irrigation fuel.
[40] Well plugged and abandoned and due to lack of production leases were released.
[41] Lease surrendered and remaining interest assigned to Vernon E. Faulconer, Inc.
[42] ARCO personnel responsible for filings with the Commission were unaware ARCO had leased one of the tracts back from the State of Texas on 2-7-78. ARCO lease number 42-355-070329-000 covering State Nueces Bay Tract #977 should be placed back under its Certificate Authorization and Rate Schedule 398. Applicant requests that the Certificate be amended effective 2-7-78 (date of new release).

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. 87-1170 Filed 1-20-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CI87-184-000 and CI87-185-000]

Mid Louisiana Gas Co.; Blanket Limited-Term Abandonment and Blanket Limited-Term Certificate of Public Convenience and Necessity With Pre-Granted Abandonment January 14, 1987.

Take notice that on December 17, 1986, Mid Louisiana Gas Company (Applicant), 1010 Milam, Houston, Texas 77002, filed applications pursuant to section 7 of the Natural Gas Act and § 2.77 of the Commission's Rules requesting that the Commission issue an order (1) authorizing blanket limited-term abandonment of sales for resale of company-owned gas that is subject to the Commission's NGA jurisdiction and qualifies under section 108 of the NGPA, to the extent such gas is sold by Applicant; and (2) authorizing sales for resale with preornated abandonment in interestate commerce, without market limitations, of such company-owned stripper well production, all for the period April 1, 1987, through February 28, 1990. Applicant states that the sources of gas eligible for the sales and abandonment authority requested herein will be from company-owned stripper wells located in the Monroe Field in Louisiana; provided, however, that Applicant is requesting abandonment, and resale authorization for stripper well gas only to the extent the gas dually qualifies under sections 104 and 108 of the NGPA. Applicant states it is not requesting any authorizations herein for wells which qualify solely under section 104 of the NGPA. Applicant has 1307 active wells located in the field, of which over 600 of such wells daily qualify under sections 104 and 108 of the NGPA and are capable of producing approximately 7 MMcf per day.

Applicant states that the volumes sold will be based on the market demands of its spot market customers; provided, however, that Applicant shall sell gas under such authorization only to the extent that such gas is surplus to the needs of Applicant's system supply customers. Applicant will retain an express call on all production to the extent necessary to serve such system supply customers' gas supply needs on any day of the year. Likewise, the sales proposed hereunder will not involve a dedication of any reserves to any spot sale customer.

Applicant states that all transportation necessary to implement the authorizations herein will be implemented pursuant to Order No. 436. Transportation arrangements will be made by Mid-La or Mid-La's customer, as individual circumstances require.

Applicant submits that no reporting requirements should be imposed hereunder. The reporting requirements adopted pursuant to Order No. 436 should provide the Commission with all necessary information concerning the transactions contemplated in this application, and any further reporting requirements would appear to be unnecessary and duplicative. For these reasons, Applicant believes that the Commission can adequately monitor the jurisdictional activities described herein under the reporting requirements adopted in Order No. 436.

Applicant requests expedited consideration pursuant to the procedures established in § 2.77 of the Commission's regulations, as adopted in Docket No. RM85-1-000. Such expedited treatment is justified due to the fact that for a large portion of each year, generally in the warmer months, the stripper wells that are subject to these applications may be subjected to substantially reduced takes without payment. This is due to the fact that purchases by Applicant's system supply customers are significantly lower during such months, forcing Applicant to curtail, and in some instances shut-in, certain production. As such, Applicant may be forced to curtail takes from the Monroe Field from 23 MMcf per day down to 5 MMcf per day, and such curtailments are likely to occur nine out of the 12 months of the year.

For this reason, during periods of reduced purchases by Applicant's system supply customers, an alternative market is required for the production from Applicant's stripper wells. Allowing Applicant to sell such gas on the spot market under this authorization will allow Applicant to continue production from such stripper wells even when purchases from Applicant's system supply customers decline. This will result in a benefit to Applicant and its customers, as such continued production will reduce the likelihood of the loss of the wells and the associated deliverability and reserves that can be recoverd by such wells.

Applicant requests a waiver of any and all otherwise applicable orders, rules, regulations and reporting requirements now effective or hereinafter promulgated or issued by the Commission to the extent that such order, rules, regulations or reporting requirements are or may be inconsistent with the authority sought in these applications, including, without limitation, filings required under Parts 157 and 271. Finally, Applicant envisions that it may file in the future an application under section 7(b) of the NGA to abandon all of the Monroe Field production by transfer to an affiliate of Applicant to permit a reorganization of Applicant and its affiliates. As part of such a reorganization, all of the Monroe Field production would continue to be contractually committed to Applicant with all NGA production dedicated to Applicant under section 7(c) of the NGA. Accordingly, Applicant requests that the authorization requested herein apply with equal force to any affiliate who succeeds to Applicant's interest in the Monroe Field.

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 on file with the Commisison and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said applications should on oir 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 protest 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 othewise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 87-1167 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-152-000 et al.]

National Fuel Gas Supply Corporation et al; Natural Gas Certification Filings

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corporation

[Docket No. CP87-152-000]

January 8, 1987.

Take notice that on January 6, 1987, National Fuel Gas Supply Corporation (National), Ten Lafayette Square, Buffalo, New Nork 14203, filed in Docket No. CP87-152-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act for authorization to construct and operate a new delivery point to National Fuel Gas Distribution Corporation (Distribution) under its blanket authorization issued in Docket No. CP83-4-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

National proposes to add a new delivery point to Distribution, which is located south of U.S. Route 120 in Ridgeway Township, Elk County, Pennsylvania. National states that it would deliver 8.3 dt of natural gas per average day to Distribution at the Ridgeway deliver point. National states that the addition of this delivery point would have no impact on National's peak day and annual deliveries.

National also states that its FERC Gas Tariff does not prohibit the addition of new delivery points and that it has sufficient capacity to accomplish the deliveries proposed herein without detriment or disadvantage to its other costomers. Because the Ridgeway delivery point would serve existing customers of Distribution, National states that would have no impact on National's peak day and annual deliveries. National asserts that the total volumes delivered would not exceed the volumes National is authorized to deliver to Distribution.

Comment date: February 23, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. Black Marlin Pipeline Co.

[Docket No. CP66-333-001]

January 13, 1987.

Take notice that on December 23, 1986, Black Marlin Pipeline Company (Black Marlin), 1200 Travis Street, Houston, Texas 77001, filed in Docket No. CP66-333-001 a petition to amend the Commission order pursuant to section 7(c) of the Natural Gas Act issued June 13, 1966, in Docket No. CP66-333-000, to allow the transportation of additional volumes of natural gas for Union Carbide Corporation (Union Carbide), under Rate Schedule T-1 of Black Marline's FERC Gas Tariff, Original Volume No. 1 (Rate Schedule T-1) from a proposed point of receipt on Black Marlin's pipeline in State Tract 98-L, High Island Area Offshore, Galveston County, Texas (State Tract 98-L) to Union Carbide's plant in Texas City, Texas, all as more fully set forth in the application which is file with the Commission and open to public inspection.

By its application, Black Marlin seeks to amend the existing certificate issued in Docket No. CP66-333-000 which, *inter alia*, authorized the transportation of Union Carbide's High Island (HI) Blocks 135, 136, 160 and 161 purchases from the Shell Offshore Inc. (Shell) Den Field platform located in Federal High Island Area, Offshore Texas HI Block 136. Black Marlin seeks authorization to include within the existing certificated volumes such volumes as are produced by Pelto Oil Company, *et al.* (Pelto) from HI Block 105 and purchased by Union Carbide. Black Marlin states that in order to receive such gas, Black Marlin would construct and operate a sub-sea tap on its pipeline at States Tract 98-L.

Black Marlin states that it would receive, transport and deliver pursuant to its Rate Schedule T-1 a daily contract quantity of 14,000 Mcf purchased by Union Carbide from Pelto's HI Block 105 reserves (subject to adjustment up to 40% within one year of the effective date of the service agreement), and additional volumes of such gas under the effective excess quantity provisions contained in Rate Schedule T-1. It is stated that Union Carbide would cause the delivery of such gas to Black Marlin at State Tract 98-L through a pipleline constructed by Pelto from the HI Block 105 platform(s) to Black Marlin's pipeline in State Tract 98-L, and that Black Marlin would redeliver such gas to Union Carbide at its Texas City plant, which is the point of delivery authorized by our June 13, 1966, order in Docket No. CP66-333-000.

Black Marlin further states that in order to permit the delivery of additional volumes of gas in a firm basis for Union Carbide and volmes in excess of all firm shippers' daily contract quantities under its Rate Schedule T-1 as proposed by its application, and in order to place such excess quantity service under its Rate Schedule T-1 on an equal footing with interruptible service provided under its Rate Schedules T-2 and T-3, it is proposing certain revisions to its FERC GAS Tariff, Original Volume No. 1,: (1) In Rate Schedule T-1, Black Marlin would increase Union Carbide's daily contract quantity from 5,136 Mcf to 19,136 Mcf and eliminate the currently effective 125 percent limitation on excess quantity gas; (ii) in rate Schedules T-2 and T-3, Black Marlin would eliminate the "impairment of deliveries" sections currently contained therein; and (iii) in the General Terms and Conditions, Black Marlin would include, in place of the foregoing provisions in (ii) above, a provision providing for the allocation of capacity on a *pro rata* basis for excess quantity service under Rate Schedule T-1 and interruptible service, and further provide for deliveries of Union Carbide's HI Block 105 gas in the table of receipt and delivery points.

Black Marlin proposes to render service to Union Carbide at the currently effective T-1 rate, which is 5.0 cents per day per Mcf of daily contract quantity with and overrun charge during any month of 5.0 cents per Mcf of gas transported.

Comment date: February 3, 1987, in accordance with Standard Paragraph F at the end of this notice.

3. Southern Natural Gas Co.

[Docket No. CP87-140-000]

January 13, 1987.

Take notice that on December 23, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP87-140-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act for authorization to replace certain metering and piping facilities under the certificate issued in Docket No. CP82-406-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request with the Commission and open to public inspection.

Southern proposes to abandon certain metering facilities and related piping at its Lincoln No. 2 Meter Station (Lincoln No. 2) in St. Clair County, Alabama and to construct replacement metering and piping facilities at Lincoln No. 2. The total estimated cost of replacing the metering facilities ins $32,600.

Southern indicates that the facilities would be replaced to accommodate a request by Alabama Gas Corporation (Alagasco). Southern states that Alagasco has experienced growth in the number of industrial customers that Alagasco services from gas it receives from Southern at Lincoln No. 2. Accordingly, Alagasco has requested that Southern replace the facilities referenced above to increase the capacity of Lincoln No. 2.

Southern indicates that Alagasco would pay Southern $21,000 to reimburse it for the cost of the replacement facilities that Southern would install pursuant to Alagasco's request. Southern states that it would bear the remainder of the cost of installing the replacement facilities.

Southern indicates that it has sufficient capacity to accomplish the deliveries proposed by the replacement without detriment or disadvantage to Southern's other customers.

Comment date: February 27, 1987, in accordance with Standard Paragraph G at the end of this notice.

4. Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

[Docket No. CP87-131-000]

January 13, 1987.

Take notice that on December 18, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP87-131-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of facilities necessary to expand the capacity of Tennessee's Niagara Spur to enable Tennessee to handle a total of 292,500 dt equivalent of natural gas per day from Canada and (2) the firm transportation of natural gas for Canadian Gateway Pipeline System (Canadian Gateway) through the expanded Niagara Spur facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that the Niagara Spur is an existing 20-inch pipeline facility originating at the point of interconnection between the facilities of Tennessee and TransCanada PipeLines Ltd. (TransCanada) at the Niagara River near Lewiston, New York, and extending to a point near East Aurora, New York, where the Spur ties in to Tennessee's existing 200 system. Tennessee proposes in its application to:

(1) Install measurement and odorization facilities for approximately 300,000 dt equivalent of natural gas per day at the Niagara River;

(2) Operate, on a permanent basis, the 3,500 horsepower compressor facilities installed for interim service under Docket No. CP86-251-000 at MLV 233 near Geneseo, New York; and

(3) Replace the 1,000 horsepower compressor facilities installed for interim service under Docket No. CP86-251-000 at East Aurora, New York, with permanent 3,500 horsepower compressor facilities.

It is stated that the 3,500 horsepower compressor facilities at Station 233 would permit the movement of approximately 100,000 dt equivalent of natural gas per day to Tennessee's northern storage fields. It is further stated that the proposed expansion would enable Tennessee to accept deliveries of 292,500 dt equivalent of natural gas per day at Niagara for redelivery to various points within the United States. Tennessee states that it contemplates using the capacity as follows:

(1) 92,500 dt equivalent of natural gas per day would be delivered to National Fuel Gas Supply Corporation (National Fuel) at Clarence (upstream of East Aurora). National Fuel would redeliver 90,000 dt equivalent of natural gas per day to Tennessee at Ellisburg, Pennsylvania, as part of the Boundary Project (Boundary) (as proposed in Docket No. CP86-677-000) and would purchase the remaining 2,500 dt equivalent of natural gas per day from Boundary for its own uses.

(2) 50,000 dt equivalent of natural gas per day would be delivered to Consolidated Gas Transmission Corporation (Consolidated) at Marilla (upstream of East Aurora) for redelivery to the Canadian Gateway Project (which is pending in Docket No. CP86-513-000); and

(3) 150,000 dt equivalent of natural gas per day would be for Tennessee's uses, anticipated to be to supply Canadian gas to incremental markets in New England through future sales or transportation arrangements.

Tennessee estimates the total cost of the project to be $14,567,000 which Tennessee proposes to finance with internally generated funds. Tennessee states that because the facilities in Docket No. CP86-251-000 were certificated on an interim basis, the total estimated cost of the expansion proposed herein includes a transfer of the costs of installing the 3,500 horsepower compression facilities at MLV 233 near Geneseo, New York, and the 1,000 horsepower compression facilities at East Aurora, New York, authorized for interim service at Docket No. CP86-251-000. Tennessee aserts that, once the compression facilities proposed herein are certificated, Tennessee would make any necessary filings to reflect the removal of the interim compression costs approved in Docket No. CP86-251-000 so there would be no duplication with the costs of this application.

Tennessee also requests authority to transport up to 50,000 dt equivalent of natural gas per day (plus optional capacity quantities if Tennessee does not require its full 150,000 dt equivalent of natural gas per day) on a firm basis for Canadian Gateway. It is stated that the gas would be transported through the expanded Niagara Spur from the existing interconnection between Tennessee and TransCanada near Niagara Falls, New York, to a point of interconnection between Tennessee and Consolidated at Marilla, New York.

Tennessee proposes to charge Canadian Gateway (1) a reservation charge of 57.75 cents multiplied by the sum of the transportation quantity and average monthly option capacity quantity and (2) a commodity charge equal to the product of 3.48 cents multiplied by the total quantities in dekatherms of gas delivered for the account of Canadian Gateway. Tennessee asserts that the proposed niagara Spur expansion provides an opportunity to increase its ability to handle deliveries of Canadian gas at minimal cost. Tennessee states that the incremental cost of service for the 292,500 dt equivalent of natural gas per day of throughput on the expanded Niagara Spur in the first year of operations is only $3,740,731.

Tennessee requests that the authority requested herein be granted on an expedited basis so that construction can be completed on or before November 1, 1987, the date on which the 92,500 dt equivalent of natural gas per day of Boundary gas is scheduled to flow for redelivery to National Fuel.

Comment date: February 3, 1987, in accordance with Standard Paragraph F at the end of this notice.

5. Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

[Docket No. CP87-132-000]

January 13, 1987.

Take notice that on December 18, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP87-132-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity seeking authority (1) To transport on a firm basis a maximum quantity of 50,000 dt equivalent of natural gas per day from the U.S.—Canadian border near Niagara, New York, to the facilities of Ocean State Power (Ocean State) in Burrilliville, Rhode Island; and (2) to construct and operate the facilities necessary to transport and deliver this quantity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that Ocean State is a general partnership organized under the laws of Massachusetts and that, at the time Ocean State executes its proposed gas transportation contract with Tennessee, Ocean State's partners would consist of affiliates of TransCanada PipeLines Ltd. (TranCanada), Eastern Utilities Associates, Newport Electric Corporation, New England Electric System, and certain private individuals. It is stated that Ocean State proposes to construct and operate a natural gas fixed combined cycle electric generating plant initially consisting of a single unit of approximately 235 megawatts in Burrillville, Rhode Island. It is further stated that the electricity generated from this first unit of the Ocean State plant would be purchased by Boston Edison Company (47 percent), New England Power Company (26 percent), Montaup Electric Company (21 percent), and Newport Electric Corporation (6 percent) and that the power purchase contracts have been filed with the Commission in Docket No. ER87-23-000. Tennessee states that Ocean State has entered into a 20-year contract with ProGas Ltd. to supply the gas required by the plant; this gas would be transported by TransCanada to the interconnection between Tennessee and TransCanada at Niagara. It is stated that the Ocean State project has a proposed in-service date of May 1, 1989, for plant testing and November 1, 1989, for commercial operation.

Tennessee proposes to transport the 50,000 dt equivalent of natural gas per day for Ocean State on a firm basis for an initial term of 20 years following the commercial date of Ocean State's initial combined cycle unit, pursuant to the precedent agreement between Tennessee and Ocean State. To provide the incremental capacity needed to perform the proposed transportation service, Tennessee proposes to construct and operate certain pipeline looping of Tennessee's existing Niagara Spur and certain mainline looping and compression facilities on Tennessee's 200 main pipeline from East Aurora, New York, to the extension serving Ocean State. It is stated that Tennessee's proposed facilities assume that the maximum allowable operating pressure has been increased from 730 psig to 877 psig and that Tennessee has installed a permanent 3,500 horsepower compressor at East Aurora, New York, as proposed by Tennessee in Docket No. CP87-131-000. The proposed facilities for the Ocean State service are shown below.

Niagara Spur Facilities

Size	Location	County	Miles
30 inches	MLV 230B-105+5.0 to M.P. 230B-107.	Niagara, NY	11.2

Mainline Loop

Size	Location	County	Miles
30 inches	MLV 231 to M.P. 231+1.9.	Wyoming, NY	1.9
30 inches	MLV 233 to M.P. 233+5.7.	Livingston, NY	5.7
30 inches	MLV 239+9.9 to M.P 240.	Onondaga, NY	2.3
30 inches	M.P 242+5.6 to M.P 242+9.3.	Madison, NY	.3.7
30 inches	MLV 253 to M.P. 253+3.9.	Rensselaer, NY	3.9
30 inches	M.P 259+6.9 to MLV 260.	Hampden, MA	4.4

Compression

Location	County	Horse-power
Station 233	Livingston, NY	3,500
Station 264	Worcester, MA	2,000

Tennessee states that, in Docket No. CP87-75-000, it has proposed a new pipeline (the Rhode Island Extension) from Tennessee's 200 mainline at Mile Post 265 plus 4.4 miles in Worcester County, Massachusetts, to the gas distribution system of Providence Gas in Rhode Island. Tennessee asserts that, since the new pipeline would cross through the Ocean State plant site in Burrillville, Rhode Island, Tennessee only proposes in this application to construct a meter station at the plant site to permit deliveries to Ocean State, assuming authorization and construction of the Rhode Island Extension as proposed. Tennessee further asserts that, if the Rhode Island Extension is not authorized, Tennessee also proposes herein to construct the 20-inch portion of the Rhode Island Extension extending from Mile Post 265 plus 4.4 miles to the Ocean State plant site in Burrillville, Rhode Island, a distance of 10.7 miles.

Tennessee estimates the total project cost (excluding the Rhode Island Extension) to be $52,010,000. Tennessee further estimates that, if the mainline to the Burrillville portion of the Rhode Island Extension is constructed as part of this project, the total project cost would increase by $6,559,100.

Tennessee proposes to charge a 100 percent demand rate for the proposed transportation service based upon the incremental cost of the facilities constructed to perform the service. It is stated that Ocean State would provide in gas, as part of the 50,000 dt equivalent maximum daily quantity, the actual fuel and use quantity (estimated at 2.3 percent) required by Tennessee to perform the proposed service. Tennessee states that Ocean State's combined cycle unit requires a pressure of 400 psig, rather than Tennessee's tariff minimum pressure of 100 psig. Tennessee further states that it has determined that it can maintain a pressure of 400 psig by converting Station 264 from a seasonal to a year-round compressor station. Tennessee thus proposes to charge Ocean State a pressure charge equal to the incremental cost of maintaining Station 264 in standby or operating status year round.

Tennessee asserts that, because the proposed rates would recover all incremental costs, Tennessee's proposed

service would have no adverse effect on Tennessee's existing customers.

Tennessee proposes to construct the facilities required to provide transportation to Ocean State in 1988 and early 1989. Because Ocean State requires a lead time of approximately two years, Tennessee requests that the Commission review and take action on this application by November 1, 1987, in order to meet the 1989 in-service date for this project.

Comment date: February 3, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rule of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1158 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-127-000 and CI87-128-000]

Panhandle Eastern Pipe Line Co.; Applications on Behalf of Producer-Suppliers of Panhandle Eastern Pipe Line Co. for Blanket Limited-Term Abandonment and Blanket Limited-Term Certificates of Public Convenience and Necessity With Pre-Granted Abandonment

January 14, 1987.

Take notice that on December 4, 1986, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas, 77001, filed applications on behald of its producer-suppliers pursuant to sections 7(b) and 7(c) of the Natural Gas Act and §§ 2.76 and 2.77 of the Commission's Rules requesting blanket limited-term abandonment authority of sales and issuance of a blanket limited-term certificate of public convenience and necessity with pregranted abandonment authorizing sales to others of such limited-term abandoned supplies, through December 31, 1987, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

By its applications Applicant seeks authority for the blanket limited-term abandonment and a blanket limited-term certificate for sales for resale to others of certificate-regulated gas which Applicant and its producer-suppliers mutually agree to release. Such gas shall include producer suppliers dedicated to Applicant which are in excess of Applicant's requirements and which Applicant is currently willing to release in order to reduce its exposure to take-or-pay liabilities and to avoid the shutting in of certificated gas volumes. Applicant states it is submitting this request on behalf of its producer-suppliers for several reasons: (1) To better expedite the granting of the requested authorizations, (2) to reduce the unnecessary paperwork burden of filing and processing many similar requests, (3) to make the requested authority available generally to Applicant's producer-suppliers, with the attendant opportunities to further take-or-pay relief to Applicant (with ultimate relief to Applicant's customers) and (4) to avoid the shutting in of gas volumes.

These proposed authorizations would apply to Applicant's producer-suppliers which will meet the following qualifying conditions:

(1) The gas has been committed or dedicated to Applicant and remains subject to the Commission's producer jurisdiction under the Natural Gas Act;

(2) Applicant and the producer-supplier mutually agree to the release of the gas and execute an agreement which provides for the temporary release of the gas from an existing purchase contract and for relief of take-or-pay liability under the existing contract; and

(3) The sale for resale price of the gas released hereunder by Applicant's producer-suppliers will not exceed the applicable maximum lawful price prescribed by the NGPA as herein described.

Applicant further states that for 1986 it projected producer contract requirements of 374 Bcf and purchase requirements of 234 Bcf, and expects continuing surplus deliverability during 1987 when total contract requirements are estimated to be 320 Bcf compared to projected purchase requirements of 212 Bcf.

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 the Docket No. RM85-1-000, all as more fully described in the applications which are 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 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 sections 385.211, 385.214). All protests filed with the Commission will be considered by it in determing 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.

[FR Doc. 87-1162 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI83-195-001 and CI87-129-000]

Tenneco Oil Co.; Application for Limited-Term Abandonment and Blanket Sales Authorization With Pre-Granted Abandonment

January 14, 1987.

Take notice that on December 4, 1986, Tenneco Oil Company (Applicant or Tenenco Oil), P.O. Box 2511, Houston, Texas 77001, filed an application pursuant to section 7(b) of the Natural Gas Act and 18 CFR 2.77 and 157.30 of the Commission's Regulations thereunder for authorization to abandon temporarily the obligations established under certificates of public convenience and necessity issued in certain specified docket covering sales of gas from Outer Continental Shelf, Gulf of Mexico, Eugene Island South Addition Area Block 367 and Ship Shoal South Addition Area Block 343. The reasons for the proposed abandonment are more fully set forth in Tenneco Oil's application, which is on file with the Commission and open to public inspection. In addition, Tenneco Oil requests authority to make temporary sales of gas during the term of the abandonment, with the necessary pre-granted abandonment authority to facilitate such sales.

Applicant states it is subject to substantially reduced takes without payment, the gas is NGPA section 109(a)(2) gas and potential deliverability is 8,000 Mcf per day. Applicant proposes to sell this gas in an alternate market.

Tenneco Oil is a producer and seller of natural gas. It received certificates of public convenience and necessity in the specified docket governing ultimate sales of natural gas to Florida Gas Transmission Company (Florida) pursuant to a sales contract dated March 29, 1983, with respect to pertinent rate schedules detailed on the attached Exhibit A.

Tenneco Oil states that, because of a precipitous decline in takes from Florida, it seeks limited-term abandonment of supplies exceeding Florida's takes so that it can continue selling gas elsewhere. Specifically, Tenneco Oil proposes to abandon sales to Florida from the date of Commission approval through December 31, 1987, while giving Florida the right to take all of the gas that it desires during the term of the abandonment. Excess gas not nominated and taken would be released and abandoned to permit sales to other purchasers. Pursuant to an agreement between the parties, Florida would be accorded significant take-or-pay relief in exchange for the release of excess gas which is resold by Tenneco Oil.

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.

Under the procedures 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.

Exhibit A

Contract Summary

OCS Block: Eugene Island Area, South Addition, Block 367 and Ship Shoal Block 343
Name of Seller: Tenneco Oil Co.
Sale authorized: CI83-195
Name of Purchaser: Florida Gas Transmission Company
Location of Sale: OCS, Gulf of Mexico, Eugene Island Area, South Addition, Block 367 and Ship Shoal South Block 343
Date of Basic Contract: March 29, 1983
Rate Schedule No. 444
NGPA Category: Section 109
Last Effective Rate: $2.601 per MMBtu (section 109 rate)
Measurement Pressure Base (PSIA): 15.025 psia
Involved in Suspension Proceeding: No
Purchaser Has Indicated Concurrence: Yes
Reason for Abandonment: Impending shut-in of gas production due to cut-back by primary purchaser.

[FR Doc. 87-1164 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 7523-005 et al.]

John L. Symons, et al., Surrender of Preliminary Permits

January 14, 1987.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. John L. Symons

[Project No. 7523-005]

Take notice that John L. Symons, permittee for the Upper Piute Creek Project No. 7523, has requested that its preliminary permit be terminated. The preliminary permit was issued on April 18, 1984, and would have expired on March 31, 1987. The project would have been located on Upper Piute Creek in Mono County, California. The permittee found that the project would not be economically feasible to develop at this time.

The permittee filed the request on December 15, 1986.

2. Salmon Falls Associates

[Project No. 9897-001]

Take notice that Salmon Falls Associates, permittee for the Salmon Falls Creek Project, has requested that its preliminary permit be terminated. The permit was issued on June 2, 1986, and would have expired May 31, 1989. The project would have been located on Salmon Falls Creek at Salmon Falls Dam, Twin Falls County, Idaho. The permittee cites that the proposed project is not feasible as the basis for the surrender request.

The permittee filed the request on December 29, 1986.

3. Tuolumne Regional Water District

[Project No. 7875-0002]

Take notice that the Tuolumne Regional Water District, permittee for the Niagara Creek Hydroelectric Project, FERC No. 7875, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 7875 was issued on June 14, 1984, and would have expired on May 31, 1987. The project would have been located on Niagara Creek, in Tuolumne County, California.

The permittee filed the request on December 15, 1986.

4. Upper Slate Creek Associates

[Project No. 9573-003]

Take notice that Upper Slate Creek Associates, permittee for the Upper Slate Creek Project, has requested that

its preliminary permit be terminated. The permit was issued on June 10, 1986, and would have expired May 31, 1989. The project would have been located on the Upper Slate Creek in Nezperce National Forest, Idaho County, Idaho. The permittee cites that the proposed project is not feasible as the basis for the surrender request.

The permittee filed the request on December 29, 1986.

Standard Paragraphs

I. The preliminary permit shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1280 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4639-005 et al.]

Hydroelectric Applications Long Lake Energy Corp., et al.; Applications Filed

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Applications: Transfer of License.

b. Project No: 4639-005.

c. Date Filed: October 31, 1986.

d. Applicant: Long Lake Energy Corporation and Christine Falls Corporation.

e. Name of Project: Christine Falls Project.

f. Location: On the Sacandaga River, Hamilton County, New York.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Christine P. Benagh, Nixon, Hargrave, Devars and Doyle, One Thomas Circle, NW., Suite 800, Washington, DC 20005, (202) 223-7200.

i. Comment Date: February 20, 1987.

j. Description of Project: On October 18, 1983, a license was issued to Long Lake Energy Corporation (licensee), to construct, operate, and maintain the Christine Falls Project No. 4639. The licensee intends to transfer the license to Christine Falls Corporation (transferee), a wholly owned subsidiary of Long Lake Energy Corporation, to facilitate the sale of the project to Trafalgar Power Inc. (which would acquire the Christine Falls Corporation along with the Project).

K. This notice also consists of the following standard paragraphs: B and C.

2 a. Type of Application. Transfer of License.

b. Project No. 8418-001.

c. Date Filed November 10, 1986.

d. Applicants Umetco Minerals Corporation and U.S. Tungsten Corporation.

e. Name of Project: Pine Creek Power Project.

f. Location: At Umetco's waste water treatment facility for the Pine Creek Tungsten Mine in Inyo County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person:

Transferor: Charles F. Raeburn, Esquire, Union Carbide Corporation, Office El-270, 39 Old Ridgebury Road, Danbury, CT 06817-0001, (203) 794-6146.

Transferee: Harry F. Hopper, III, Esquire, Gager, Henry, & Narkis, Danbury Executive Tower, 30 Main Street, Danbury, CT 06810-3003, (203) 743-6363.

i. Comment Date: February 20, 1987.

j. Description of Proposed Transfer of License: Umetco Minerals Corporation proposes to transfer the license to U.S. Tungsten Corporation in order to transfer the tungsten mine and mill which is an intergral part of the project. The Construction of the project has not been completed.

U.S. Tungsten Corporation is organized under the laws of the State of Delaware.

K. This notice also consists of the following standard paragraphs: B and C.

3 a. Type of Application; License (5 MW or less).

b. Project No.: 8705-001.

c. Date Filed: September 2, 1986.

d. Applicant: Yuma County Water Users' Association.

e. Name of Project: California Wasteway Power Plant.

f. Location: On the United States Bureau of Reclamation's Yuma Main Canal, which gets its waters from the Colorado River, in Imperial County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r)

h. Contact Person: Mr. Jim Cuming, President, Yuma County Water Users' Association, P.O. Box 708, Yuma, AZ 85364, (602) 627-8824.

i. Comment date: March 16, 1987.

j. Description of the Project: The proposed project would consist of: (1) A 55-foot-long turnout structure on the Yuma Main Canal; (2) a 14-foot-diameter, 50-foot-long steel penstock; (3) a reinforced concrete powerhouse 32 feet wide by 63 feet long containing a single turbine-generator unit with a rated capacity of 1,134 kw and producing an estimated average annual generation of 6.2 GWh, (4) a 66-foot-long concrete lined tailrace returning water into the California Wasteway Channel: and (5) a 34.5-kV, 1/2-mile-long transmission line interconnecting the project to an existing 34.5-kV line owned by the U.S. Bureau of Reclamation.

k. Purpose of Project: Project power will be used by the applicant for drainage pumping to meet the agricultural needs in Yuma Valley.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

4 a. Type of Application: Major License (over 5 MW).

b. Project No.: 9838-000.

c. Date Filed: December 31, 1985.

d. Applicant: Catalyst Energy Development Corporation.

e. Name of Project: B. Everett Jordan.

f. Location: Haw River, Chatham County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Peter Lalor, Catalyst Energy Development Corporation, 180 Maiden Lane, New York, NY 10038, (212) 968-1700.

i. Comment Date: March 16, 1987.

j. Description of Project: The project would consist of: Four vertical axis turbine-generator sets, each of 2500-kW rated capacity, mounted in pairs on two movable panels of the face of the existing intake tower at U.S. Corps of Engineers' B. Everett Jordan Dam; two permanent hoisting winches for the movable panels; modifications to the face of the intake tower to accommodate the movable panels and hoists; electrical connections from the generators; a control building, transformer and switchgear equipment at the west end of the dam connecting to an existing 14.4kV substation line, and appurtenant facilities. The net hydraulic head would be 65 feet. Applicant estimates that the annual energy production would be 40 GWh. Project power would be sold to Central Electrical Membership Corporation.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C.

5 a. Type of Application: Preliminary Permit.

b. Project No.: 10097-000.

c. Date Filed: September 23, 1986.

d. Applicant: Kingdom Energy Products.

e. Name of Project: Thomas Creek Hydroelectric Project.

f. Location: In Mt. Baker—Snoqualmie National Forest, on Thompson Creek, in Whatcom County, Washington. Township 39N and Range 7E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Alan K. VanHook, 6286 North Fork Road, Deming, WA 98244, (206), 592-5148.

i. Comment Date: March 16, 1987.

j. Description of Project: The proposed project would consist of (1) A concrete diversion weir 10 feet high and approximately 35 feet wide at an approximate elevation of 3,800 feet msl; (2) a penstock 7,800 feet long and two feet in diameter leading to; (3) a concrete block powerhouse at elevation 1,700 feet msl containing a single turbine/generator unit with a capacity of 3,000 kW operating at 2,100 feet of hydraulic head; (4) a tailrace; and (5) a 1.1-mile-long transmission line. The applicant estimates the average annual energy production to be 14 GWh. The approximate cost of the studies under the permit would ber $50,000.

k. Purpose of Project: The applicant intends to sell the power generated at the proposed facilities to Puget Sound Power and Light of Washington.

l. This notice also consists of the following standard paragraph: A5, A7, A9, A10, B, C, & D2.

6 a. Type of Application: Preliminary Permit.

b. Project No.: 10126-000.

c. Date Filed: October 20, 1986.

d. Applicant: Black River Associates.

e. Name of Project: Black River Hydro.

f. Location: On the Black River, near the City of Piedmont, in Reynolds and Wayne Counties, Missouri.

g. Filed Pursuant to: Federal Power Act, 16, U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Jordan Walker, Vice President, Great Western Power & Light, Inc., P.O. Box N, Manti, UT 84642, (801) 835-0202.

i. Comment Date: March 16, 1987.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Clearwater Dam, and would consist of: (1) A proposed short penstock section connecting the existing 23-foot diameter conduit with; (2) a Proposed powershouse located on the southwest bank of the river and housing generating facilities with an estimated capacity of 5,270 kW; (3) a short transmission line section interconnecting with the existing power grid at the dam site; and (4) appurtenant facilities. The applicant estimates the average annual generation to be 21.07 GWh, which would be sold to a local power company.

k. This notice also consists of the following standard paragraph A5, A7, A9, A10, B, C, and D2.

7 a. Type of Application: Transfer of License.

b. Project No.: 2615-005.

c. Date Filed: December 1, 1986.

d. Applicant: Central Maine Power Company, Scott Paper Company, Milstar Manufacturing, and the Madison Paper Corporation (Owners of Brassua Dam), the Brassua Hydroelectric Limited Partnership (Co-Transferors), and the Merimil Limited Partnership.

e. Name of Project: Brassua Storage Project.

f. Location: On the Moose River in Somerset County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. John Gulliver, c/o Peirce, Atwood, Scribner, Allen, Smith & Lancaster, One Monument Square, Portland, ME 04101, (207) 773-6411.

i. Comment Date: March 2, 1987.

j. Description of Project: On September 16, 1977, a minor license was issued to the Central Maine Power Company, the Milstar Manufacturing Corporation and the Kennebec River Pulp and Paper Company, Inc. to construct, operate and maintain the Brassua Storage Project No. 2615. In an order issued June 14, 1978, the Commission approved the transfer of Kennebec River Pulp and Paper Company, Inc.'s interest in Project No. 2615 to the Madison Paper Corporation. In an order issued June 16, 1986, the Commission transferred the license to the Owners of Brassua Dam and the Brassua Hydroelectric Limited Partnership (herein after referred to a the "Co-Transferors"). It is now proposed to transfer Milstar Manufacturing's (Milstar) interest to the Merimil Limited Partnership because Milstar is in the process of liquidating and will in the future cease to exist. As stated in the application for amendment of license for the Brassua Dam filed on December 30, 1985, the proposed development of hydreoelectric generation capacity at the project will result in annual production of approximately 17 million kWh, thereby, reducing Maine's dependence on fossil fuels. Approval of the license transfer will be in the public interest because it will place both the license and the project properties in the hands of entities appropriately structured and qualified to undertake the financial and operational steps necessary to develop the project expeditiously.

k. This notice also consists of the following standards paragraphs: B and C.

8 a. Type of Application: Transfer of License.

b. Project No.: 4881-008.

c. Date Filed: December 8, 1986.

d. Applicant: Ada County, the City of Boise, and Arthur L. Bloom.

e. Name of Project: Barber Dam.

f. Location: On the Boise River about seven miles southeast of Boise in Ada County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) - 825 (r).

h. Contact Person:

Mr. Stephen A. Bradbury, Ada County Courthouse, Room 103, Boise, ID 83702

Mayor Dirk Kempthorne, City of Boise, 150 North Capitol Blvd., Boise, ID 83702

Mr. Leon Blaser, Interwest Financial, 3350 Americana Terrance, suite 300, Boise, ID 83706

Mr. Dennis Dufenhorst, 121 Provident Drive, Boise, ID 83706

i. Comment Date: March 2, 1987.

j. Description of Project: On December 23, 1983, a major license was issued to Ada County, the City of Boise, and Arthur A. Bloom (licensees) for the construction, operation, and maintenance of the Barber Dam Project No. 48881. It is proposed to transfer the license to Ada County and Fulcrum, Inc. (transferees). The purpose of this proposed license transfer is to facilitate the financing, development, and construction of the licensed project.

The licensees certify that they have fully complied with the terms and conditions of the license. The transferees accept all the terms and conditions of the license and agree to be bound thereby to the same extent as though they were the original licensees.

k. This notice also consists of following standard paragraphs: B and C.

9 a. Type of Application: Major License.

b. Project No.: 5090-005.

c. Date Filed: November 29, 1984.

d. Applicant: City of Idaho Falls, Idaho.

e. Name of Project: Shelley Hydroelectric.

f. Location: On the Snake River in Bingham County, Idaho, partially on lands of the United States administered by the Bureau of Land Management. Section 30, Township IN, Range 37E, Boise Meridian.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791 (a) - 825 (r).

h. Contact Person: Mr. G. S. Harrison, City of Idaho Falls, 140 South Capitol Avenue, P.O. Box 220, Idaho Falls, ID 83401, (208) 529-1430.

i. Comment Date: March 20, 1987.

j. Description of Project: The proposed project would consist of: (1) 25-foot-high,

300-foot-long earthfill diversion dam with crest elevation 4,615 feet; (2) upstream dikes, 6,800 feet long on the eastern bank and 5,000 feet long on the western bank; (3) a spillway with five radial gates and crest elevation 4,592 feet; (4) a reservoir with a surface area of 225 acres and a storage capacity of 2,425 acre-feet at normal pool elevation 4,610 feet; (5) a 50-foot-long, 30-foot-wide bypass powerhouse containing a 1.4–MW generating unit; (6) a 3,800-foot-long power canal; (7) a 136-foot-long, 40-foot-wide main powerhouse containing an 8.9–MW generating unit; (8) a 500-long tailrace discharging at river mile 783.2; and (9) transmission lines including a 4.16–kV interconnection between the powerhouses and a one-half-mile-long, 161-kV line connecting to an existing Utah Power and Light Company line.

Access would be provided by a 700-foot-long road to the main powerhouse, a road along either dike of the power canal to the bypass powerhouse and spillway, and a bridge across the power canal. Recreation facilities would include a boat ramp and picnicing and parking areas at a site upstream of the project and a fisherman access area near the main powerhouse. The estimated project cost in November 1984 dollars is $21,122,000. This application was filed during the term of a preliminary permit.

10 a. Type of Application: Surrender of Exemption.

b. Project No.: 6331–003.

c. Date Filed: November 10, 1986.

d. Applicant: McGowan Properties.

e. Name of Project: McGowan Hydro Project.

f. Location: On an unnamed stream on the McGowan Property in Sec. 21 & 22, T9N, R10W, near Chinook in Pacific County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791 (a) - 825 (r).

h. Contact Person: Mr. William M. Garvin, East 101 Augusta Ave., Spokane, WA 99207, (509) 328–3005.

i. Comment Date: March 2, 1987.

j. Description of Project: The proposed project would have consisted of: (1) A catchment flume constructed in front of an existing dam; (2) a 2,600-foot-long, 10-inch penstock; (3) a powerhouse containing one generating unit with a rated capacity of 30 kW; and approximately 400 feet of transmission line. Applicant estimates the average annual energy produced would have been 194,000 kWh. The power produced would have been sold to Public Utility District No. 2 of Pacific County, Washington. There has been no construction of hydroelectric features, however, an existing access road was improved.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

11 a. Type of Application: License (Minor).

b. Project No.: 8191–001.

c. Date Filed: December 24, 1985.

d. Applicant: BMB Enterprises, Inc.

e. Name of Project: Deep Creek Water Power Project.

f. Location: On Trout and Birch Creeks in Juab County, Utah: Section 33, T12S, R18W; Sections 3, 4, 5, 10, 11, & 14, T13S, R18W: SLB&M.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791 (a) - 825 (r).

h. Contact Person: Mr. Bradley F. Hutchings, 690 West 2350 North, West Bountiful, UT 84087.

i. Comment Date: March 23, 1987.

j. Description of Project: The proposed project would be located on lands administered by the U.S. Department of the Interior, Bureau of Land Management, and would consist of: (1) Two concrete diversion structures, one located on Trout Creek and the other on Birch Creek, each about 4 feet high, 20 feet long and set at elevation 5,800 feet m.s.l.; (2) two 14 to 18-inch diameter steel pipelines, one extending 8,625 feet from the Trout Creek diversion and the other 7,350 feet from the Birch Creek diversion, both merging into (3) a 16 to 20-inch diameter steel penstock, 8,135 feet long, leading to (4) a powerhouse with an installed capacity of 700 kW under a 920-foot head; (5) a tailrace returning flow to Trout Creek; (6) a transmission line, about 1,500 feet long, connecting to a Mt. Wheeler Power, Inc., 25-kv line; and (7) appurtenant facilities. The applicant estimates that the average annual energy output would be 3,020,083 kWh.

k. Purpose of Project: Project energy would be sold to Mt. Wheeler Power, Inc., or to Utah Power and Light Company, or to Sierra Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

12 a. Type of Application: Exemption (5 MW or Less).

b. Project No.: 9805–000.

c. Dated Filed: December 30, 1985 and supplemented August 14, 1986.

d. Applicant: Rockfish Corporation, Inc.

e. Name of Project: Woolen Mills Hydro Project.

f. Location: On the Rivanna River near Charlottesville, Albemarle County, Virginia.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 16, U.S.C. 2705 and 2708 as amended.

h. Contract Person: Mr. John K. Pollack, General Manager, Rockfish Corporation, Inc., Rt. 1, Box 413, Afton, VA 22920, (203) 456–6519.

i. Comment Date: February 25, 1987.

J. Description of Project: The proposed project would consist of: (1) The existing Woolen Mill Dam approximately 300 feet long and 16 feet high; (2) an existing 12-acre reservoir having a storage capacity of 55 acre-feet at an elevation of 308 msl; (3) a new concrete open flume containing one generator for a total installed capacity of 240 kW; (4) a new 25-foot-long and 15-foot-wide tailrace; (5) a new 700-foot-long, 12.5–kV transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual generation would be 1.25 GWh. Applicant holds all real estate interests necessary to develop and operate the proposed project.

k. Purpose of Project: All project energy produced would be sold to Virginia Electric & Power Company.

l. Purpose of Exemption: An exemption, if issued, gives that Exemptee priority of control, development, and operation of the project under the terms of exemption from licensing, and protects the Exemptee from the permit or license applicants that would seek to take or develop the project.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, & D3a.

13 a. Type of Application: Exemption (5 MW).

b. Project No.: 10122–000.

c. Date Filed: October 20, 1986.

d. Applicant: Carl G. Liebig.

e. Name of Project: Boulder Creek.

f. Location: On Boulder Creek in T24N, R19W, near Polson in Lake County, Montana.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Robert D. King, Ott Water Engineer, Inc., 12310 NE. 8th St., Bellevue, WA 98005, (206) 453–9039.

i. Comment Date: March 2, 1987.

J. Description of Project: The proposed run-of-the-river project would consist of: (1) A 6-foot-long, 3-foot-wide concrete intake structure; (2) a 1,200-foot-long, 12-inch diameter low pressure pipeline: (3) a 180-foot-long, 10-inch diameter penstock; (4) a powerhouse containing one generating unit with a rated capacity of 82 kW; and (5) approximately 100 feet of transmission line. The average annual energy output

would be 494,000 kWh. The estimated cost of the project is $280,000.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, & D3a.

14 a. Type of Application: Exemption (5 MW or Less).

b. Project No.: 10014-000.

c. Date Filed: June 9, 1986.

d. Applicant: Fredrick F. Burnell and William A. Worf.

e. Name of Project: Sharrott Creek Hydroelectric.

f. Location: On Sharrott Creek within Bitterroot National Forest, in Ravalli County, Montana.

g. Filed Pursuant to: Energy Security Act of 1980 Section 408 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Fredrick F. Burnell, 641 Timber Trail, Stevensville, MT 59870, (406) 777-3670.

i. Comment Date: February 27, 1987.

j. Description of Project: The proposed project would consist of: (1) A 2-foot-high, 10-foot-long intake structure at elevation 4,671 feet msl; (2) two parallel 6-inch-diameter, 3,700-foot-long penstocks; (3) a powerhouse containing a generating unit with a rated capacity of 95 kW; (4) a 1,600-foot-long transmission line tying into the existing Ravalli County Electric Cooperative Inc's. line; and (5) a 12-inch-diameter, 330-foot-long tailrace discharging water back into Sharrott Creek. The applicant estimates a 350,000 kWh average annual energy production.

k. Purpose of Project: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, & D3a.

k. Purpose of Project: Power output would either be used to serve the City's load or sold to the Bonneville Power Administration.

l. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

15 a. Type of Application: Preliminary Permit.

b. Project No.: 10151-000.

c. Date Filed: October 30, 1986.

d. Applicant: Skykomish River Hydro.

e. Name of Project: Howard Creek.

f. Location: On Howard Creek within the Snoqualmie-Mt. Baker National Forest in T29N, R9E and T30N, R9E, near Index in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey 12122—196th NE., Redmond, WA 98052 (206) 885-3986.

i. Comment Date: April 6, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 24-inch-wide concrete ditch intake buried in the stream at elevation 3,000-feet; (2) a 10,000-foot-long, 24-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 3.5 MW; and (4) a 7-mile-long transmission line. Applicant estimates the average annual energy production to be 15.13 GWh. The applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

16 a. Type of Application: Preliminary Permit.

b. Project No.: 10152-000.

c. Date Filed: October 30, 1986.

d. Applicant: Skykomish River Hydro.

e. Name of Project: Excelsior Creek.

f. Location: On Excelsior Creek within the Snoqualmie-Mt. Baker National Forest in T29N, R9E and T30N, R9E, near Index in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey 12122—196th NE., Redmond, WA 98052 (206) 885-3986.

i. Comment Date: April 6, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 24-inch-wide concrete ditch intake buried in the stream at elevation 2,000-feet; (2) a 4,000-foot-long, 24-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 1.7 MW; and (4) a 4-mile-long transmission line. Applicant estimates the average annual energy production to be 7.15 GWh. The applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

17 a. Type of Application: Preliminary Permit.

b. Project No.: 10.81-000.

c. Date Filed: September 12, 1986.

d. Applicant: County of Tuolumne and Turlock Irrigation District.

e. Name of Project: Clavey River Project.

f. Location: On Clavey River, near town of Sonora, within the Stanislaus National Forest, in Tuolumne County, California.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. John S. Mills, Project Director Tuolumne County Administration Center 2 South Green Street Sonora, CA 95370 (209) 533-5700.

i. Comment Date: March 2, 1987.

j. Competing Application: Project No. 9990-000, Date Filed: May 9, 1986 Due Date: August 20, 1986.

k. Description of Project: The proposed project would consist of: (1) A reservoir with a gross storage capacity of 90,000 acre-feet and a surface area of 600 acre at elevation 4,370 feet m.s.l; (2) a 400-foot-high, 1,500-foot-long dam with a crest elevation of 4,390; (3) a reregulating reservoir with a gross storage capacity of 400 acre-feet and a surface area of 12 acres at elevation 1,370 feet; (4) a 100-foot-high, 300-foot-long reregulating dam with a crest elevation of 1,390 feet; (5) a 15-foot-high, 100-foot-long Hull Creek diversion dam with a crest elevation of 4,400 feet; (6) a 15-foot-high, 200-foot-long Reed Creek diversion dam with a crest elevation of 4,900 feet; (7) an 8-foot-diameter, 0.7-mile-long Hull Creek diversion tunnel; (8) an 8-foot-diameter, 1-mile-long Reed Creek diversion tunnel; (9) an 11-foot-diameter, 46,000-foot-long unlined penstock; (10) a 9-foot-diameter, 8,600-foot-long lined penstock; (11) a powerhouse containing two generating units with a total installed capacity of 120 MW operating under a head of 3,000 feet; and (12) a 45-mile-long, 230-kV transmission line interconnecting with an existing Turlock Irrigation District (TID) transmission line. The project's estimated average annual generation of 300 GWh will be sold to TID. The Applicant estimates that the cost of the work to be performed under the preliminary permit would be $1,200,000.

l. This notice also consists of the following standard paragraphs: A8, A10, B, C and D2.

18 a. Type of Application: Preliminary Permit.

b. Project No.: 10192-000.

c. Date Filed: November 24, 1986.

d. Applicant: Stillaguamish River Hydro.

e. Name of Project: Boardman Creek.

f. Location: On Boardman Creek in the Snoqualmie-Mt. Baker National Forest in T29N, R9E, and T30N, R9E, near Verlot in Snohomish County, Washington.

g. Filed Pursuant to: Federal Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Lawrence J. McMurtrey 12122—196th Avenue, NE., Redmond, WA 98052 (206) 885-3986

i. Comment Date: March 23, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 24-inch-wide intake structure buried in the stream at elevation 2,400 feet; (2) a 9,000-foot-long, 24-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 1.46 Mw; and (4) a 3-mile-long transmission line. Applicant estimates the average annual energy production to be 7.70 GWh. The applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

k. Purpose of Project: The power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications, must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (10 and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments,

it will be presumed to have no comments. One copy of an agency's comments must also be set to the Applicants representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: January 16, 1987.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1278 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-148-000, et al.]

Columbia Gas Transmission Corporation, et al.; Natural gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corp.

[Docket No. CP87-148-000]

January 14, 1987.

Take notice that on December 31, 1986, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25315, filed in Docket No. CP87-148-000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain firm sales service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia proposes to abandon certain firm sales service to Dayton Power and Light Company (Dayton) and Commonwealth Gas Pipeline Corporation (Commonwealth). The proposed levels of abandonment in sales service reflect the customers' requests for reductions pursuant to: (1) Dayton's right to such reduction as provided for in Section 284.10 of the Commission's Regulations and in accordance with the terms of Columbia's blanket certificate in Docket No. CP86-240-000 approved by the Commission on February 28, 1986; and (2) Dayton's and Commonwealth's rights to reductions as provided for in Article VIII of the Stipulation and Agreement in Columbia's PGA Settlement at Docket Nos. TA82-1-21-001, *et al.*, as provided by Commission order issued June 14, 1985, it is stated.

Specifically, Columbia requests authorization for the abandonment of certain firm sales service as follows:

1. (a) The abandonment of 22,500 dt equivalent per day of contract demand in Dayton's firm sales service under Rate Schedule CDS effective October 8, 1986, resulting in a reduction in Dayton's firm sales service entitlement under Rate Schedule CDS from 271,500 dt equivalent to 249,000 dt equivalent per day of contract demand in Zone 4, subject to the outcome of appeals of Order No. 436, *et seq.*,

(b) The abandonment of 5,000 dt equivalent per day of contract demand in firm sales service to Dayton under Rate Schedule CDS effective April 1, 1987, resulting in a further reduction in Dayton's firm sales service entitlement under Rate Schedule CDS from 249,000 dt equivalent to 244,000 dt equivalent per day of contract demand in Zone 4; and

2. The abandonment of 1,000 dt equivalent per day of contract demand in firm sales service to Commonwealth effective April 1, 1987, under Rate Schedule CDS resulting in a reduction in Commonwealth's firm sales service entitlement under Rate Schedule CDS from 236,000 dt equivalent to 235,000 dt equivalent per day of contract demand in Zone 2.

Comment date: February 4, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Natural Gas Pipeline Co. of America

[Docket No. CP87-145-000]

January 14, 1987.

Take notice that on December 30, 1986, Natural Gas Pipeline Company of America (Natural), P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP87-145-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 3.69 miles of 8-inch pipeline in Rock Island County, Illinois, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Natural sells gas to Iowa-Illinois Gas and Electric Company (Iowa-Illinois) for the Davenport, Iowa, area from facilities located in Rock Island County, Illinois, and Scott County, Iowa. Natural owns and operates three parallel pipelines (8, 10 and 20-inch) from its Amarillo mainline to the Mississippi River in Rock Island County, Illinois. Natural proposes to retire the 8-inch pipeline which was constructed in 1933 and has been subject to leaks in the past few years. Natural states that its sale to Iowa-Illinois will not be interrupted or otherwise affected by the abandonment.

Comment date: February 4, 1987, in accordance with Standard Paragraph F at the end of this notice.

3. Transwestern Pipeline Co. and H. L. Brown, Jr.

[Docket No. CP87-112-000]

January 14, 1987.

Take notice that on December 18, 1986,[1] Transwestern Pipeline Company (Transwestern), P.O. Box 1188, Houston, Texas 77001, and H. L. Brown, Jr., (Brown), 300 West Louisiana, P.O. Box 2237, Midland, Texas 79702, filed as joint applicants in Docket No. CP87-112-000 an application pursuant to section 7 of the Natural Gas Act for an order (i) authorizing Transwestern's abandonment of certain facilities, (ii) authorizing a change of service, (iii) authorizing pre-granted abandonment of service, and (iv) declaring that certain facilities would be exempt gathering/processing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern proposes to abandon certain facilities that have heretofore been utilized to receive natural gas sold to Transwestern by Brown, among others. Transwestern states that the facilities would be transferred by sale to Brown who would continue to operate them for the transportation of gas purchased by Transwestern under various gas sales contracts with producers. It is stated that Transwestern and Brown desire to restructure their sale and purchase of natural gas so as to: (i) Provide for a single point of delivery for Brown's gas in the Bluitt Field pursuant to a single contract, and (ii) afford Transwestern the flexibility to respond to market conditions when purchasing gas from the Bluitt Field. It is further stated that Transwestern and Brown have conditionally agreed to cancel the original contracts and have entered into a new gas purchase which covers one hundred percent of the gas heretofore covered by the contracts. It is stated that Brown would reimburse Transwestern an amount determined by Transwestern not to exceed $290,000 for the facilities and related easements and appurtenances, and an additional amount determined by Transwestern not to exceed $25,000 for the relocation of an existing pig launcher and the establishment of a meter station to become the new single delivery point.

Pregranted abandonment authorization is requested with respect to the gas covered by the superseding gas purchase contract between Transwestern and Brown. It is stated that under the terms of the contract and as part of the consideration Transwestern would receive for transferring the facilities to Brown, Transwestern is given the right, exercisable in its sole discretion, to prospectively reduce the price paid for the gas, subject to the right on Brown's part to have the gas released from the contract if the reduced price is unacceptable to Brown, and Transwestern is relieved from any take-or-pay obligation. It is explained that Transwestern has the option, but not the obligation, to take and pay for one hundred percent of the maximum daily quantity of gas deliverable from the properties (the MDQ) subject to a right on the part of Brown to cancel the contract if takes during any quarter fall below fifty percent of the MDQ or the volume tendered by Brown.

Authorization is requested to permit a change in service resulting from the change in delivery points as mentioned above, and from Brown's exercise of certain processing rights. It is stated that the parties proposed to install the new single delivery point at the outlet of a field compression and liquid scrubber separation facility which has been in use intermittently since November 13, 1985. Brown states that he plans to install a skid-mounted cryogenic liquid extraction plant at this location.

Brown requests an order declaring that Brown is not required to obtain a certificate of public convenience and necessity covering his use of the facilities which he would purchase from Transwestern.

Comment date: February 4, 1987, in accordance with Standard Paragraph F at the end of this notice.

4. United Gas Pipe Line Co. and Southern Natural Gas Company

[Docket No. CP69-305-001]

January 14, 1987.

Take notice that on December 12, 1986, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478 and Southern Natural Gas Company (Southern), P.O Box 2563, Birmingham, Alabama 35202-2563, (collectively referred to herein as Applicants) filed in Docket No. CP69-305-001 a joint petition to amend the order issued August 19, 1969, in Docket No. CP69-305 as amended by order issued April 5, 1974, in Docket Nos. CP73-87, *et al.*, pursuant to section 7(c) of the Natural Gas Act to authorize the Applicants to exchange natural gas currently dedicated to Sea Robin Pipeline Company (Sea Robin) and Southern, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the Applicants entered into an amendatory agreement dated August 25, 1986, in which United and Southern would exchange gas currently dedicated to Sea Robin or Southern, which is related by Sea Robin or by Southern and Transported by Sea Robin for Southern's account, as if the gas released and transported were purchased directly by Southern or by Southern from Sea Robin.

Applicants state that the exchange of natural gas between their respective pipeline systems would facilitate the transportation and exchange of released gas to provide take-or-pay relief for Sea Robin and Southern and their customers and would aid producers to market their gas.

Comment date: February 4, 1987, in accordance with Standard Paragraph F at the end of this notice.

5. Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

[Docket No. CP87-130-000]

January 15, 1987.

Take notice that on December 18, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP87-130-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on an interruptible basis for Yankee Gathering Company (Yankee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to a maximum of 16,300 dt equivalent of natural gas per day for Yankee under the terms of a November 14, 1986, gas transportation agreement. Applicant states that it would receive gas at thirteen existing receipt points. A thermally equivalent quantity of gas, less volumes for Applicant's fuel and uses and gas lost and unaccounted-for would then be redelivered to Yankee, or for the account of Yankee, at either Applicant's Meter No. 2-0093 located in White Plains, New York, or Applicant's Meter No. 2-0596 located in Bay City, Texas.

Applicant states that the proposed transportation would be for a primary term of two years from the date of initial deliveries and from year-to-year thereafter unless terminated by either party upon 180 days prior written notice.

[1] The notice of application was tendered for filing on December 4, 1986; however, the fee required by § 381.302 of the Commission's Rules (18 CFR 381.302) was not paid until December 18, 1986. Section 381.103 of the Commission's Rules provides that the filing date is the date on which the fee is paid.

In addition to the transportation charge, Applicant proposes to charge Yankee the currently effective Gas Research Institute surcharge of 1.32 cents per dt equivalent. Pursuant to the November 14, 1986 agreement Yankee has agreed to provide, at no cost to Applicant, a daily quantity in dt equivalent of natural gas for Applicant's system fuel and uses and gas lost and unaccounted-for as detailed in the table below.

Point of receipt and point of delivery	Transportation quantity per dt equivalent	Rate per dt equivalent (cents)	Fuel (percent)
Meter No. 1-1289, Nueces County, TX:			
White Plains, NY	50	77.62	7.62
Bay City, TX	50	11.00	1.07
Meter No. 1-1190, Hidalgo County, TX:			
White Plains, NY	3,000	81.89	8.03
Bay City, TX	3,000	15.28	1.48
Meter No. 1-1756, Hidalgo County, TX:			
White Plains, NY	400	82.93	8.13
Bay City, TX	400	16.31	1.58
Meter No. 1-1752, Montgomery County, TX:			
White Plains, NY	600	70.47	6.90
Bay City, TX	600	7.47	.54
Meter No. 1-1634, Montgomery County, TX:			
White Plains, NY	300	70.13	6.90
Bay City, TX	300	7.46	.54
Meter No. 1-0797, Starr County, TX:			
White Plains, NY	6,000	82.99	8.13
Bay City, TX	6,000	16.37	1.58
Meter No. 1-1683, San Patricio County, TX:			
White Plains, NY	800	78.31	7.69
Bay City, TX	800	11.70	1.14
Meter No. 1-1761, Sabine County, TX:			
White Plains, NY	150	64.33	6.34
Bay City, TX	150	12.46	.50
Meter No. 1-1775, Sabine County, TX:			
White Plains, NY	3,200	63.96	6.31
Bay City, TX	3,200	12.84	.50
Meter No. 1-1778, Wharton County, TX:			
White Plains, NY	200	72.60	7.14
Bay City, TX	200	5.99	.59
Meter No. No. 1-1725, Hidalgo County, TX:			
White Plains, NY	300	81.82	8.02
Bay City, TX	300	15.21	1.47
Meter No. 1-1681, San Patricio County, TX:			
White Plains, NY	500	77.93	7.65
Bay City, TX	500	11.31	1.10
Meter No. 1-1641, Sabine County, TX:			
White Plains, NY	800	63.82	6.29
Bay City, TX	800	12.97	.50

Comment date: February 5, 1987, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraph

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1279 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

Sun Exploration and Production Co.; Petition for Adjustment

[Docket No. SA87-30-000]

Issued: January 15, 1987.

On November 24, 1986, Sun Exploration and Production Company filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Sun seeks waiver of any portion of its Btu refund obligation attributable to royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS) which it cannot recover from MMS. Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Sun requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6]

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1163 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46,353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101-385.1117 (1986).

[4] 49 FR 37,735 at 37,740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

[Docket Nos. ER87-19-000 et al.]

Wisconsin Power & Light Co. et al.; Electric Rate and Corporate Regulation Filings

Take notice that the following filings have been made with the Commission:

1. Wisconsin Power & Light Co.

[Docket No. ER87-19-000]

January 13, 1987.

Take notice that on December 11, 1986, Wisconsin Power & Light Company (WP&L) tendered for filing additional information concerning its filing in this docket. The additional information relates to the monthly carrying charge on the excess investment costs paid by

the customer for establishment of a second delivery point.

WP&L states that copies of its supplemental filing have been mailed to the Public Service Commission of Wisconsin and to the affected customer, the City of Reedsburg, Wisconsin.

Comment date: January 23, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Central Vermont Public Service Co.

[Docket No. FR87-212-000]

January 14, 1987.

Take notice the Central Vermont Public Service Corporation (CVPS) on January 5, 1987 tendered for filing as a rate schedule an executed agreement dated as of May 25, 1985 between CVPS and Vermont Marble Company (VM). The proposed rates schedule provides for the sale of non-firm energy by CVPS to VM.

CVPS states that a copy of the filing was served on VM, as well as the Vermont Public Service Board and the Vermont Department of Public Service.

Comment date: Janaury 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Consumers Power Co.

[Docket No. ER87-211-000]

January 14, 1987.

Take notice that Consumers Power Company ("Consumers") on January 5, 1987, tendered for filing the Supplemental Agreement No. 2 to Coordinated Operating Agreement Between Consumers Power Company and The Michigan South Central Power Agency, together with Supplemental Agreement No. 8 to Coordinated Operating Agreement Between Consumers Power Company and Wolverine Power Supply Cooperative, Inc., City of Grand Haven, Michigan, City of Traverse City, Michigan, and City of Zeeland, Michigan.

The extent of transactions among the parties under the new service schedules for the next twelve months is not known at the present time as such transactions will occur only from time to time as conditions on either system dictate. Accordingly, it is not possible to estimate the transactions for such period.

Consumers states that copies of the filing were served on the Michigan South Central Power Agency, Wolverine Power Supply Cooperative, Inc., the City of Grand Haven, Michigan, the City of Zeeland, Michigan, and on the Michigan Public Service Commission.

Comment date: January 28, 1987, in accordance with Standard Paragraph E. at the end of this notice.

4. The Empire District Electric Co.

[Docket No. ER87-213-000]

January 14, 1987.

Take notice that The Empire District Electric Company, on January 6, 1987 tendered for filing a proposed Amendment to the Transmission Peaking Service Contract, agreement for interchange of power and interconnected operation between The Empire District Electric Company (EDE) and Kansas Electric Power Cooperative, Inc. (KEPCO).

The amendment will change the maximum contract demand from 105,000 Kw to 106,000 Kw.

Comment date: Janaury 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Kansas City Power & Light Co.

[Docket No. ER86-701-002]

January 14, 1987.

Take notice that on January 6, 1987, Kansas City Power & Light Company (KCPL) tendered for filing KCPL's revised cost of service and other exhibits which reflect the effects of the Tax Reform Act of 1986. KCPL states that this filing is in response to the Commission's Order issued November 7, 1986.

Comment date: January 28, 1987, in accordance with Standard Paragraph E at the end of this document.

6. Pacific Gas and Electric Co.

[Docket No. ER87-133-000]

January 15, 1987.

Take notice that on January 12, 1987, Pacific Gas and Electric Company (PG&E) tendered for filing a revision to its prior filing in this docket. PG&E states that the revision is intended to clarify the language of the filing with regard to the Fuel Cost Adjustment provisions of the filing.

P&GE states that it has served copies of the revision to the parties on the service list for this docket. PG&E requests that the change noted above be accepted by the Commission as part of PG&E's filing in this docket. PG&E further states that the customer, the City of Santa Clara, has been notified of the change which PG&E is requesting and concurs in it.

Comment date: January 23, 1987, in accordance with Standard Paragraph E at the end of this notice

7. Pacific Gas and Electric Co.

[Docket No. ER86-634-000]

January 15, 1987.

Take notice that on December 24, 1986, Pacific Gas and Electric Company (PGandE) submitted for filing a further amendment to the amended Economy Energy Contract between itself and Public Service Company of New Mexico (PNM) which was noticed by the Commission on October 15, 1986. PGandE states that it proposes not to use sections 7.1.1. and 7.1.2 of the Amended Contract. The further Amended Contract permits PGandE to offer economy energy at rates which permit the price to reflect the current market price of such energy.

Copies of the further amendment have been served upon PNM.

Comment date: January 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. The Washington Water Power Co.

[Docket No. ER87-214-000]

January 14, 1987.

Take notice that on January 8, 1987, The Washington Water Power Company (Washington), the seller, tendered for filing copies of an Agreement for Purchase and Sale of Firm Power and Energy with Pacific Power & Light Company (Pacific), the purchaser. This Agreement, executed December 19, 1986, provides for Pacific to purchase from Washington one-half of the requirements of the Centralia Mine. Washington states that the intitial term of the Agreement is December 24, 1986, through December 31, 1991, with contractual provisions for its extension beyond that date contingent to Pacific's commencement of negotiations to extend service to the Centralia Mine beyond that date. Washington is to have first right of refusal for 60 days following such negotiations.

Washington requests an effective date of December 24, 1986, and therefore requests a waiver of the Commission's prior notice requirements stating that there will be no effect upon purchasers under other rate schedules.

Comment date: January 28, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Savannah Electric and Power Co.

[Docket No. ER87-18-000]

January 15, 1987.

Take notice that on January 6, 1987, Savannah Electric Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $25.5 million of unsecured short-term promissory notes maturing no later than November 30, 1988.

Comment date: February 5, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1277 Filed 1-20-87; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Boulder Canyon Project; Proposed Power Rate

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of proposed power rate—Boulder Canyon Project.

SUMMARY: The Western Area Power Administration (Western) is proposing to establish a rate for power and energy from the Boulder Canyon Project (BCP). The rate for the Boulder Canyon Project will cover annual operating expenses and repay the Federal investment in addition to the funds advanced by the customers to complete the uprating of existing generating units (Uprating Program) of the BCP. The proposed rate for firm power is composed of an energy charge of 5.223 mills per kilowatthour (kWh) and a capacity charge of $11.62 per kilowatt per year, which will be applied on a monthly basis. In addition, Western shall include a charge of 2.5 mills for every kWh of energy generated from the BCP and sold to customes in California and Nevada, and 4.5 mills for every kWh of energy generated from the BCP and sold to customers in Arizona for augmentation of the Lower Colorado River Basin Development Fund. The proposed new BCP-F1 Rate Schedule will replace the charges established by the Estimated Generating Charges for the Boulder Canyon Project for Operating Year ended May 31, 1987, and the Determination of Energy Rates for Operating Year ended May 31, 1986. The effective date of the new BCP-F1 Rate Schedule will be the first day of June 1987 and is necessitated by the existing charges terminating at midnight, May 31, 1987, along with the General Regulations for Generation and Sale of Power in accordance with the Boulder Canyon Project Adjustment Act, approved and promulgated May 20, 1941. The research and analysis information in support of the need for, and the probable effect of, the proposed rate, including the Boulder Canyon Project Repayment Analysis, is available for review and copying at the Boulder City Area Office. In addition, a brochure explaining the proposed capacity and energy charges and outlining the methodology used in developing the proposed rate will be distributed to the Boulder Canyon Project customers and other interested parties. Since the proposed rate is a major rate adjustment as defined by the current procedures for public participation in general rate adjustments, a public information and a public comment forum will be held. After public discussions and review of public comments, Western will determine a final proposed power rate.

DATES: The consultation and comment period will begin with publication of this notice in the **Federal Register** and will end 75 day thereafter. The consultation and comment period has been shortened 15 days pursuant to §903.14, 10 CFR Part 903, because of the necessity to implement new rates prior to the expiration of the 1941 General Regulations and existing rate. A public information forum will be held at 9 a.m. on February 3, 1987. A public comment forum will be held at 9 a.m. on March 16, 1987.

ADDRESSES: The public information forum and the public comment forum will be held in the Pyramid II room of the Dunes Hotel, Las Vegas, Nevada, on the dates and times cited above. Written comments may be sent to: Mr. Thomas A. Hine, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Carter, Assistant Area Manager for Power Marketing, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, (702) 477-3255.

SUPPLEMENTARY INFORMATION: Power rates for the Boulder Canyon Project are established pursuant to the Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*); the Reclamation Act of 1902 (32 Stat. 388) and all acts amendatory thereof and supplementary thereto; the Colorado River Basin Project Act of 1968 (43 U.S.C. 1501, *et seq.*); the Colorado River Storage Project Act of 1956 (43 U.S.C. 620, *et seq.*); the Boulder Canyon Project Act of 1928 (43 U.S.C. 617, *et seq.*); the Boulder Canyon Project Adjustment Act of 1940 (43 U.S.C. 620, *et seq.*); the Hoover Power Plant Act of 1984 (98 Stat. 1333) (43 U.S.C. 620, *et seq.*); and the General Regulations for the Charges for Sale of Power from the Boulder Canyon Project, Final Rule (General Regulations) (10 CFR Part 904) published in the **Federal Register** at 51 FR 43124 on November 28, 1986.

The Secretary of the Department of Energy, by Delegation Order No. 0204-108 (48 FR 55664, December 14, 1983), as amended at 51 FR 19744 on May 30, 1986, delegated to the Administrator of Western the authority to develop power and transmission rates; to the Under Secretary of the Department of Energy the authority to confirm, approve, and place such rates in effect on an interim basis; and to the Federl Energy Regulatory Commission the authority to either confirm and approve and place in effect on a final basis, to remand, or to disapprove such rates.

The procedures for public participation in rate adjustments for power marketed by Western are formally cited as "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (10 CFR Part 903) published in the **Federal Register** at 50 FR 37837 on September 18, 1985.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rate are and will be available for inspection and copying at the Boulder City Area Office.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the initiation of the Boulder Canyon Project rate is related to nonregulatory services provided by Western at a particular rate. Under 5 U.S.C. 601(2), rules of particular applicability relating to rates of services are not considered rules within the meaning of the act. Since the Boulder Canyon Project rate is of limited applicability, no flexibility analysis is required.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981). In addition, Western has an exemption from sections 3, 4, and 7 of Executive Order 12291, and therefore, will not prepare a regulatory impact statement.

Paperwork Reduction Act of 1980

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) requires that certain information collection requirements be approved by the Office of Management and Budget (OMB) before information is demanded of the public. OMB has issued a final rule on the Paperwork Burdens on the Public (48 FR 13666) dated March 31, 1983. Ample opportunity was provided in the proposed rule for the interested public to participate in the development of the General Regulations. There is no requirement that members of the public participating in the development of the Boulder Canyon Project rate supply information about themselves to the Government. It follows that the Boulder Canyon Project rates are exempt from the Paperwork Reduction Act.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA), Council of Environmental Quality regulations, and Department of Energy (DOE) guidelines, Western conducts environmental evaluations of certain rate and allocation actions. Pursuant to the NEPA, and DOE regulations published in the **Federal Register** (47 FR 7976) on Februry 23, 1982, as amended, Western evaluated the potential for environmental impact of the Boulder City General Consolidated Power Marketing Criteria or Regulations for the Boulder City Area Projects (Criteria) (Environmental Assessment No. DOE EA–0204). On May 2, 1983, the DOE executed a Finding of No Significant Impact for that proposal. Part of the original Criteria referenced the rate formula and application criteria that are now developed and proposed in this notice. Based on existing environmental documentation and further review of environmental considerations, Western has determined that the implementation of the rate formula and the selected rate does not constitute a major Federal action having a significant adverse impact on the human environment, and the preparation of an environmental assessment or an environmental impact statement is not required. A memorandum to this effect has been prepared and copies will be sent to interested persons upon request.

Issued at Golden, Colorado, January 14, 1987.

William H. Clagett,

Administrator.

[FR Doc. 87–1315 Filed 1–20–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100034; FRL–3143–5]

Environ Corporation; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA).

Environ Corporation has been awarded a contract to perform work for the EPA Office of Policy, Planning and Evaluation and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Environ Corporation consistent with the requirements of 40 CFR 2.307(h) and 40 CFR 2.308(h)(2), respectively. This action will enable Environ Corporation to fulfill the obligations of the contract and this notice serves to notify affected persons.

DATE: Environ Corporation will be given access to this information no sooner than January 26, 1987.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, 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. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–2613).

SUPPLEMENTARY INFORMATION: Under CEQ Contract No. EQ6C10, Task Order No. 86–EPA–20, Environ Corporation will provide technical support to EPA's Office of Policy, Planning and Evaluation (OPPE) in studying the feasibility of classifying inerts on the basis of use, and of developing a means of encouraging or requiring substitution of less toxic or lower risk inert ingredients for more toxic or higher risk inert ingredients in pesticide products. This investigation will focus on inerts that have been classified as INERTS OF TOXICOLOGICAL CONCERN, and HIGH PRIORITY FOR TESTING. This contract involves no subcontractors.

The Office of Policy, Planning and Evaluation and the Office of Pesticide Programs have jointly determined that the contract herein described involves work that is being conducted in connection with FIFRA, in that pesticide inert ingredients will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Environ Corporation prohibits use of the information for any purpose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, Environ Corporation is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Policy, Planning and Evaluation. All information supplied to Environ Corporation by EPA for use in connection with this contract will be returned to EPA when Environ Corporation has completed its work.

Dated: January 2, 1987.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 87–1103 Filed 1–20–87; 8:45 am]

BILLING CODE 6560–50–M

[PP 6G3320/T534; FRL-3144-1]

Merck Sharp and Dohme Research Laboratory; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for residues of the miticide, avermectin and its delta 8,9-geometric isomer in or on the raw agricultural commodity cottonseed. This temporary tolerance was requested by Merck Sharp and Dohme Research Laboratory.

DATE: This temporary tolerance expires November 15, 1987.

FOR FURTHER INFORMATION CONTACT:

By mail: George LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 204, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2400).

SUPPLEMENTARY INFORMATION: Merck Sharp and Dohme Research Laboratory, Division of Merck and Co., Hillsborough Rd., Three Bridges, NJ 08887, has requested in pesticide petition PP 6G3320 the establishment of a temporary tolerance for residues of the miticide, avermectin and its delta 8,9-geometric isomer in or on the raw agricultural commodity cottonseed at 0.005 part per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 50658-EUP-2, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Merck Sharp and Dohme Research Lab. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires November 15, 1987. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: January 8, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87-1104 Filed 1-20-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/30D; FRL 3144-3]

Final Determination and Intent to Cancel and Deny Applications For Registrations of Pesticide Products Containing Pentachlorophenol (Including But Not Limited To Its Salts and Esters) for Non-Wood Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to cancel; notice of denial of applications for registration.

SUMMARY: This notice announces the Agency's decision to cancel registrations for all products containing pentachlorophenol including its salts and esters for non-wood uses except for pulp/paper mill, oil well operations, and cooling tower uses. This decision is in response to an EPA-initiated administrative review process to consider cancellation or modification of pesticide registrations for all uses of pentachlorophenol. The pulp/paper mill, oil well operations, and cooling tower uses of pentachlorophenol will be addressed after receipt of exposure, use, and ecological effects data.

ADDRESS: *Hearing Requests:* Request for a hearing should be submitted to: Hearing Clerk (A-100), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Public Docket: The public docket is available from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, at the following location: Program Management and Support Division, Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

By mail:

Spencer Duffy, Special Review Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 St. SW., Washington, DC 20460.

Office Location and Telephone Number: Rm. 1006, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA issued a Notice of Rebuttable Presumption Against Registration (RPAR) (hereafter referred to as Special Review) published in the **Federal Register** of October 18, 1978 (48 FR 48443) for the uses of pesticide products containing pentachlorophenol including its salts and esters. Issuance of that notice initiated the Agency's Special Review of the risks and benefits of these products. The Special Review was issued on the basis of fetotoxicity and teratogenicity. The Position Document 1 (PD 1) issued with the Notice of Rebuttable Presumption described in detail the studies that formed the basis for the presumption. On December 12, 1984, EPA (49 FR 48367) published a preliminiary determiation for the non-wood uses of pentachlorophenol proposing cancellation of all non-wood uses, except for the pulp/paper mill and oil well water uses. The Position Document 2/3 (PD 2/3) which supported this preliminary determination was made available to the public at that time (Ref. 21). Studies indicating the oncogenicity of hexachlorodibenzo-p-dioxin (HxCDD) and hexachlorobenzene (HCB), contaminants of pentachlorophenol, were detailed in the PD 2/3. Thus, a presumption of oncogenicity was added to the previous

presumptions of fetoxicity and teratogenicity.

The Agency also issued a Notice of Intent to Cancel for the wood preservative uses of pantachlorophenol on July 13, 1984 (49 FR 28666). That Notice required certain modifications to the terms and conditions of registration to avoid cancellation. The Wood Preservatives Position Document 4 (WP PD 4, Ref. 21a) and the Wood Preservatives Position Document 2/3 (WP PD 2/3, Ref. 21b) supporting that decision discussed in detail many of the studies which provided the basis for the risk determinations on pentachlorophenol set forth herein.

The Agency has published an amended Notice of Intent to Cancel for pentachlorophenol wood preservative products which specifies a phase-in approach to reducing the level of the hexachlorodibenzo-p-dioxin (HxCDD). Through this notice, the phased-in approach is being applied to the remaining non-wood uses (pulp/paper mills, oil well operations, and cooling towers) as well. When the Scientific Advisory Panel discussed the wood uses of pentachlorophenol in 1981, they concluded that "EPA should require industry to reduce the dioxin content of penta to as low a level as is technologically and economically feasible." When the Panel met to discuss the non-wood uses in early 1986, the Panel reiterated its concern over dioxin levels in penta products.

In accordance with the settlement, for the first year, each batch of pentachlorophenol manufacturing use product released for shipment will contain no more than 15 ppm (HxCDD). During the second year, each batch can contain no more than 6 ppm HxCDD, with a monthly average not exceeding 3 ppm. Finally, after the second year, the monthly average for batches of pentacholorophenol released for shipment will not exceed 2 ppm HxCDD, and individual batches cannot contain more than 4 ppm HxCDD. The Notice specifies limits for other contaminants of pentachlorophenol and sets forth the mechanisms by which compliance with the contaminant limits will be measured, monitored, and enforced.

The PD 2/3 proposing cancellation of products for non-wood uses (except for pulp/paper mill and oil well operations) was sent to the SAP for review. The SAP met on July 9, 1985 to hear presentations by the Agency, registrants and other interested parties. The SAP's comments are published in their untirety in unit VI.A. of this Notice. The SAP supported the Agency's proposal.

Subsequent to the SAP review, the Canadian Environmental Protection Services provided information to the Agency concerning potential risks posed to aquatic organisms. On the basis of this information (Ref. 16) and other available data, the Agency drafted Position Document 4 (PD 4) which would have concelled registrations of pentachlorophenol for all non-wood uses including pulp/paper mill and oil well operations. The draft PD 4 was sent to the SAP for its review.

The SAP met on February 11, 1986 for the second time on pentachlorophenol non-wood uses and concluded that the data and data analysis were inadequate for a thorough scientific review of the ecotoxicological risk presented by use of pentachlorophenol in pulp/paper mills and oil well operations. The SAP recommended a reanalysis of the exposure and risk of pentachlorophenol when used in pulp/paper mills and in oil well operations followed by a resubmission of the material to the SAP in the future. The SAP's comments are published in their entirety in Section VI.B. of this Notice.

Also, one registrant, Chapman, stated at the meeting that use of pentachlorophenol in cooling towers was a significant use. The Agency's information indicated, however, that the use of pentachlorophenol for cooling towers was limited. Therefore, the Agency decided to seek additional information on this use as well as the pulp/paper mill and oil well uses.

On May 30, 1986, the Agency issued a Data Call-In Notice for pentachlorophenol and its salts for pulp/paper mill, oil well operations, and cooling tower uses. The Agency requested use and exposure data. The results from analysis of these data will dictate whether and to what extent ecological effects data will be needed.

The Agency is concerned about the ubiquity of pentachlorophenol, its persistence in the environment, its fetotoxic and teratogenic properties, its presence in human tissues, and its oncogenic risks from the presence of dioxions in the technical material. Therefore, because no comments were received in opposition to the proposed cancellation of most non-wood uses of pentachlorophenol, the Agency has determined to go forward with the cancellation action for such non-wood uses. These non-wood products include herbicides, antimicrobials, disinfectants, mossicides, and defoliants.

This Notice announces the Agency's final decision to cancel registrations of all products containing pentachlorophenol including its salts and esters for non-wood use, except for pulp/paper mill, oil well operations (drilling muds and waters), and cooling towers. This decision was made by the Agency after consideration of all comments concerning the PD 2/3 and draft PD 4. The Agency will address the three remaining uses at a later date when the requested data have been submitted and evaluated. For the cooling tower, oil well water, and pulp/paper mill uses, exposure to the applicator is low (non-wood PD 2/3, pages II-31 through II-33).

The Agency has determined that current products containing pentachlorophenol including its salts and esters for the non-wood uses subject to this Notice meet or exceed the Agency's risk criteria outlined in 40 CFR 154.7. The risks associated with these non-wood uses are discussed in detail in the non-wood PD 2/3, pages II-31 through II-49.

The Agency has also analyzed the economic, social, and environmental benefits of these uses. In balancing risks and benefits, the Agency considered whether the risks of each use are outweighed by the benefits of that use, what risk reductions could be achieved, and how risk reduction measures would affect the benefits of that use.

The Agency has made a determination that the risks of the non-wood preservative uses of pentachlorophenol are grater than the social, economic, and environmental benefits of these uses. Accordingly, the Agency is denying applications and canceling the registrations of products containing pentachlorophenol inlcuding its salts and esters for the following uses:

1. Herbicidal uses:
   a. Greenhouses
   b. Ornamental lawns and edging
   c. Rights-of-way
   d. Commercial and industrial non-crop areas
   e. Domestic dwellings
   f. Public facilities
   g. Wasteland and aquatic areas
   h. Golf courses
2. Antimicrobial uses:
   a. Evaporative condensers, air washers
   b. Adhesives, sealants, and canning cements
   c. Gaskets
   d. Photographic solutions
   e. Other uses including latex paints/rubber, defoaming agents, paper coatings, polyvinyl chloride emulsions zinc-silicone dioxide coatings and feathers
   f. Textiles/cordage
   g. Leather tannery
   h. Marine caulking/paints
3. Disinfectant uses:
   a. Mushroom houses
   b. Construction materials
4. Mossicide uses:
   a. Lawns
   b. Roofs
5 Defoliants

This Notice is organized into seven units. Unit I is this introduction. Unit II, entitled "*LEGAL BACKGROUND*," provides a general discussion of the regulatory framework within which this action is taken. Unit III summarizes the risks and benefits concerning the non-wood uses of pentachlorophenol except for pulp/paper mill, oil well operations, and cooling towers. Unit IV discusses the regulatory options for these non-wood uses of pentachlorophenol. Unit V presents the regulatory decision. Unit VI contains comments of the Scientific Advisory Panel, registrants, and other interested parties along with the Agency's responses to those comments. Unit VII, entitled "*PROCEDURAL MATTERS*", provides a brief discussion of the procedures which will be followed in implementing the regulatory actions which the Agency is annoucing in this Notice.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, an applicant for registration must demonstrate that the pesticide satisfies the statutory standard for registration. The standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment," under FIFRA section 3(c)(5). The term "unreasonable adverse effect on the environment" is defined under FIFRA section 2(bb) as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." This standard requires a finding that the benefits of the use of the pesticide exceed the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commmonly recongnized practices.

The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under FIFRA section 6, the Administrator may cancel the registration whenever it is determined that the pesticide causes unreasonable adverse effects on the environment. The Agency created the RPAR process, now known as the Special Review process, to facilitate the identification of pesticide uses which may not satisfy the statutory requirements for registration and to provide an informal procedure to gather and evaluate information about the risks and benefits of these uses.

A Special Review is initiated if a pesticide meets or exceeds the risk criteria set out in the regulations at 40 CFR 154.7. The Agency announces that a Special Review is initiated by issuing a notice for publication in the **Federal Register.** Registrants and other interested persons are invited to review the data upon which the review is based and to submit data and information to rebut the presumption by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant risk to humans or the environment. In addition to submitting evidence to rebut the risk presumption, commenters may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide outweigh the risks of use. Unless all presumptions of risk are rebutted, the Special Review is concluded by issuance of a Notice of Intent to Cancel.

In determining whether the use of a pesticide poses risks which are greater than the benefits, the Agency considers possible changes to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of use. If the Agency determines that such changes reduce risks to the level where the benefits outweigh the risks, it may require that such changes be made in the terms and conditions of the registration. Alternatively, the Agency may determine that no changes in the terms and conditions of a registration will adequately assure that use of the pesticide will not pose any unreasonable adverse effects. If the Agency makes such a determination, it may seek cancellation, and, if necessary, suspension. In either case, the Agency may issue a Notice of Intent to Cancel the registration. If the Notice requires changes in the terms and conditions of registration, cancellation may be avoided by making the specified corrections set forth in the Notice, if possible.

Adversely affected persons may also request a hearing on the cancellation of a specified registration and use, and if they do so in a legally effective manner, that registration and use will be maintained pending a decision at the close of an administrative hearing.

III. Summary of Risks and Benefits Determination

A. Risk Determinations

1. Introduction

Pentachlorophenol poses the risks of fetotoxicity/teratogenicity, as well as the risk of oncogenicity due to the presence of the contaminants hexachlorodibenzop-dioxin (HxCDD) and hexachlorobenzene (HCB). HxCDD also has the potential to cause teratogenic/fetotoxic effects. The risk assessment for HxCDD in this Notice is based on the 15 ppm contaminant level of HxCDD and the 2 ppm level specified in the aforementioned settlement agreement.

Use information obtained during development of the PD 2/3 for the non-wood uses of pentachlorophenol indicates that applicators for the herbicidal, antimicrobial, disinfectant, mossicide and defoliant uses are subject to exposure to pentachlorophenol while handling or applying products containing the pesticide.

The detailed exposure assessment for the non-wood uses of pentachlorophenol is presented on pages II–31 through II–42 of the PD 2/3. Using the exposure estimates detailed in that document, the risk estimates were calculated for the risk concerns presented below.

2. Teratogenicity/fetotoxicity of pentachlorophenol

Data available from a study performed on rats (Ref. 1) showed that either commercial or purified pentachlorophenol, when administered by gavage to rats on gestation days 6 through 15, caused statistically significant increases in fetal resorptions, statistically significant altered sex ratios, and decreases in fetal body weight and crown-rump length, all at the higher doses tested (30 to 50 mg/kg/day). Significant increases in fetal anomalies compared to controls, including skeletal defects of the ribs, sternebrae, and vertebrae, were observed at the two highest dose levels (30 to 50 mg/kg/day) of both purified and commercial pentachlorophenol. The lowest dose of purified pentachlorophenol (5 mg/kg/day) caused a statistically significant increase over controls in delayed skull ossification.

Due to the absence of a no-observed-effect level (NOEL) in the teratogenicity/fetotoxicity study, the Agency has used a one-generation rat study (Ref. 2) to establish a provisional NOEL of 3 mg/kg/day. This study is discussed in detail in the Wood Preservatives PD 2/3 on pages 347 through 351. In this study, parental rats were administered technical pentachlorophenol in the diet at 3 and 30 mg/kg/day. Maternal body weight was significantly depressed at high dose only at the last measurement period. Neonatal weights at high dose, on the other hand, were significantly lower than controls at all four periods reported (gestation survival, 7 days, 14 days, and

21 days). The data for the 3 mg/kg/day dosage show a trend toward decreased weight which continues as the animals age. However, this weight decrease is not statistically significant on any one day. Statistically significant effects reported for the pups of the high dose rats included decreased percentage of pups born alive, as well as decreased neonatal survival and litter size compared to controls. Treatment at the high dose level also significantly increased the number of litters showing variations in lumbar spurs and the number of vertebrae with unfused centra. At the 3 mg/kg/day level, there was neither a trend toward increased abnormalities nor any statistically significant increases in any of the parameters reported.

The Agency calculated the Margins of Safety (MOS) for pentachlorophenl as a fetotoxin. The MOS level is the ratio of the NOEL in animal experiments to the appropriate human exposure value. The exposure estimate tables and assumptions are discussed in detail in the PD 2/3, pages II–37 to II–42. For non-wood uses of pentachlorophenol, the fetotoxic MOS ranges from 0.18 to more than 10,000 as summarized in Table 1.

TABLE 1.—MARGINS OF SAFETY FOR FETOTOXIC EFFECTS OF PENTACHLOROPHENOL AND HxCDD FOR APPLICATORS

Use	Penta MOS		
	15 ppm	HxCDD MOS*	2 ppm
Herbicidal	no exposure data available		
Antimicrobial			
Cooling Waters Working Solutions			
1 Evaporative Condensers	(No data available for hand application)		
2. Air washers	20	0.87	6
Finished Product Preservatives			
1. Adhesives/Sealant	120	5.1	38
2. Canning/Sealing	120	5.1	38
3. Gaskets	low usage——no exposure data available		
4. Photo developing	low usage——no exposure data available		
5. Latex paint/Rubber, defoaming agents, paper coatings, emulsions, zinc-silicone dicoxide coatings, feathers	low usage——no exposure data available		
Working Solutions and Finished products Preseratives			
1. Textile/cordage	120	5.1	38
2. Leather Tannery:			
Soak	>10,000	>10,000	>10,000
Pickle/Tan	>10,000	>10,000	>10,000
Fat Liquor	>10,000	>10,000	>10,000
Finish	>10,000	>10,000	>10,000
Biocide Application	120	5.1	38
Marine Antifouling Agents	120	5.1	38
Marine Caulking:			
Manufacturing	110	4.8	36
Use	71	3.2	24
Marine Paints	low usage——no exposure data available		
Mushroom Houses	9.1	3.7	28
Construction Materials	low usage——no exposure data available		
Mossicide			
Roofs:			
Mix 40%	.18	0.39	2.9
Mix 28.2%	13.0	0.56	4.1
Application:			
4%	.75 (brush .75 (spray)	1.7 (spray) 1.7 (brush)	12 (spray) 12 (brush)
2.1%	75 (brush) 60 (spray)	3.3 (spray) 3.3 (brush)	25 (spray) 25 (brush)
Lawns	low usage——low usage no exposure data available		
Defoliant			
Alfalfa	low usage——no exposure data available		

*The Margin of Safety (MOS) level is the relation of the no-observed-effect level (NOEL) in animal experiments to the appropriate subgroup exposure value. 15 ppm=current average level of HxCDD in pentachlorophenol. 2 ppm=level which will be reached in 2 years under the terms of the aforementioned Settlement Agreement.

The teratogenicity and fetotoxicity of pentachlorophenol are discussed in detail in the PD 2/3 pages II–I through II–6.

3. Fetotoxicity/teratogenicity of HxCDD.

Commerical pentachlorophenol is contaminated with HxCDD. Schwetz et al. administered purified HxCDD (two unspecified isomers) by gavage to pregnant Sprague-Dawley rats on day 6 through 15 of gestation.

In these experiments with HxCDD, there were significant increases over controls in fetal resorptions at the 10 and 100 μg/kg/day doses, as well as decreases in fetal body weight and fetal crown-rump length. subcutaneous edema was observed at all doses except 0.1 μg/kg/day, which was considered the no-effect dose. At the two highest doses, dilated renal pelvis (at 10 and 100 μg/kg/day) and cleft palate (at 100 μg/kg/day) were also observed.

Significant increases over the controls in all of the teratogenic parameters were observed at 100 μg/kg. For example, cleft palate was observed in 47 percent (8:17) of the fetuses exposed to HxCDD, compared with none (0:156) in the controls. Of the treated fetuses, 12 percent (2:17) had dilated renal pelvis compared with 0.6 percent (1:156) in the controls, and 31 percent (5:16) of the treated fetuses had abnormal vertebrae, compared with 6 percent (9:158) in the controls. The Margins of Safety are

discussed in more detail in the PD 2/3 (non-wood) pages II-43 thought II-45 and summarized in Table 1.

As the fetotoxicity NOEL (0.1 μg/kg/day) for HxCDD is lower than that for teratogenicity for HxCDD, the Agency will use the NOEL for fetotoxicity in the quantitative assessment of risk.

4. The oncogenicity of HxCDD

HxCDD has been shown to produce oncogenic effects in a National Cancer Institute (1980) (Ref. 7) study in which Osborne-Mendel rats and B6C3F1 mice were administered either a vehicle control (3 groups of 25 per sex per species) or HxCDD (50 animals per sex per species for each dosage level). The dosages were 1.25, 2.5, and 5.0 μg/kg/day. Fifty additional animals per sex per species were used as untreated controls.

The study doses were administered by gavage twice a week for 104 weeks. Three or four weeks after the dosing period ended, the surviving animals were sacrificed and necropsied. Moribund animals were sacrificed and necropsied throughout the study; histopathology results are available for more than 90 percent of the animals of each study group.

These data suggest a dose-related increase in the incidenc of liver neoplastic nodules or adenoma and/or hepatocarcinoma over the control frequency in each sex and in each species. The effect appears to be better defined in the rat, and the female rats seem to be the most sensitive group. The response of the male mice closely approximates that of the female rats. Evaluating the statistical significance of the dose-response relationship observed in each sex and species, the NCI report states that there is a statistically significant dose-related trend for this diagnosis at P=0.001 and 0.003 in all four sex and species groups, as calculated by the Cochran-Armitage Test (Ref. 18). The oncogenicity of HxCDD is discussed in detail in the PD 2/3 (wood uses) pages 356 through 363.

Since publication of the November 20, 1984 PD 2/3 for the non-wood uses of pentachlorophenol, the NCI bioassy has been criticized by Vulcan Chemical Company as to its validity and its adequacy to support the proposed regulatory decisions contained in the non-wood PD 2/3. Vulcan also criticized the Agency's decision regarding the regulatory status of pentachlorophenol under subtitle C of the Resource Conservation and Recovery Act (RCRA). This criticism was based largely on Vulcan's concentration that the NCI bioassay was inadequate for HxCDD.[1] As a result of Vulcan's comments, the NCI bioassy has undergone extensive reviews and audits. Vulcan Chemical Company contracted Squire Associates to reevaluate this histopathology. At the request of EPA, the National Toxicology Programs (NTP) reexamined the lesions in the liver tissues of the female rats. In addition, the bioassay was audited, at the Agency's request,, by Dynamac and reviewed by the Agency's Carcinogen Assessment Group (CAG), (Ref. 13). A summary of the Agency's review and the response to Vulcan's comments are presented in Unit VI of this Notice. The Agency believes the NCI bioassay is a valid study and provides a sufficient basis for the regulatory determinations regarding pentachlorophenol contaminated with HxCDD.

The upper 95 percent confidence limits of oncogenic risks to pentachlorophenol applicators from the presence of HxCDD have been estimated to range from 10^{-1} to $^{-10}$ based on the average level of 15 ppm of HxCDD in technical pentachlorophenol. This wide range of risks is due to the wide range of exposures which may result from the different application methods and the various uses of pentachlorophenol. The risk estimates associated with the various non-wood uses of pentachlorophenol are listed in the following Table 2.

TABLE 2—RISK ESTIMATES FOR ONCOGENIC EFFECTS OF HxCDD FOR APPLICATORS*

Use	Risk Estimates, Exposure	
	15 ppm	2 ppm
HERBICIDAL	Low usage—no exposure data available	
ANTIMICROBIAL		
Cooling Waters Working Solutions:		
1 Evaporative Condensers	10^{-3}–10^{-2}	10^{-3}–10^{-2}
2. Air Washers	10^{-3}–10^{-2}	10^{-3}–10^{-2}
Finished Product Preservatives:		
1 Adhesives/Sealant	10^{-3}–10^{-2}	10^{-3}–10^{-2}
2. Canning/Sealing	10^{-3}–10^{-2}	10^{-3}–10^{-2}
3. Gaskets	10^{-3}–10^{-2}	10^{-3}–10^{-2}
4. Photo Developing Solutions	Low usage—no exposure data available	
5. Latex paint/Rubber, defoaming agents, paper coatings emulsions, zinc-silicone dioxide coatings, feathers	Low usage—no exposure data available	
Working Solutions and Finished Product Preservatives:		
1 Textile/Cordage	10^{-3}–10^{-2}	10^{-3}–10^{-2}
2. Leather tannery:		
Soak	10^{-6}–10^{-5}	10^{-7}–10^{-6}
Pickle/Tan	10^{-6}	10^{-7}

[1] On January 14, 1985, EPA listed as acute hazardous wastes under RCRA these wastes generated from the production and manufacturing use of pentachlorophenol and unused pentachlorophenol that was discarded or intended for discard.

TABLE 2—RISK ESTIMATES FOR ONCOGENIC EFFECTS OF HxCDD FOR APPLICATORS*—Continued

Use	Risk Estimates, Exposure	
	15 ppm	2 ppm
Fat Liquor	10^{-6}	10^{-7}
Finish	10^{-5}–10^{-4}	10^{-6}–10^{-7}
Biocide Application	10^{-3}–10^{-2}	10^{-3}–10^{-2}
3. Marine antifouling agents:		
Marine caulking		
Manufacturing	10^{-3}–10^{-2}	10^{-3}–10^{-4}
Use	10^{-4}	10^{-5}
Marine Paints	Low usage—no exposure data available	
Mushroom Houses: Construction Materials	10^{-3}	10^{-3}
	Low usage—no exposure data available	
MOSSICIDE		
Roofs mix 40%		
Mix 40%	10^{-3}	10^{-4}
Mix 28.2%	10^{-3}	10^{-4}
Application:		
40%	10^{-3}–10^{-4}	10^{-4}–10^{-5}
2.1%	10^{-4}	10^{-5}
Lawns	Low usage—no exposure data available	
DEFOLIANT		
Alfalfa	Low usage—no exposure data available	

*Assumptions for the above estimates are found in table II-6. PP-II-37 through II-42 of the Pentachlorophenol (non-wood uses) Special Review Position Document 2/3 (PD 2/3).

The applicators are exposed to pentachlorophenol when they add the chemical to the working solutions or to the products during their manufacture. The estimates of exposure and risk are discussed in detail in the non-wood PD 2/3, pages II-31 through II-49.

5. Fetotoxicity of HCB

Another contaminant of pentachlorophenol is HCB, which has produced teratogenic and fetotoxic effects in test animals. These effects include abnormal fetuses, including cleft palate in mice dosed orally at 100 mg/kg on days 7 through 16 of gestation (Ref. 5); and fetotoxic effects occurring in animals dosed with HCB at 40 mg/kg on days 6 to 21 gestation (Ref. 6). In addition, a reproductive study in rats showed that fetal viability, location indices, neonatal weight gain, and relative liver weight all had a NOEL of 1.0 mg/kg/day dietary HCB.

The fetotoxicity and teratogenicity of HCB is discussed in more detail in the non-wood PD 2/3 page II-9. The Agency calculated the MOS for applications of HCB as a contaminant to be more than 10,000 for non-wood uses. These calculations are detailed in the November PD 2/3 for the non-wood uses of pentacholorophenol.

6. Oncogenicity of HCB

HCB has also been shown to be an oncogen in laboratory animals. The studies which demonstrate this oncogenic potential were discussed in

the PD 2/3 for the wood preservative uses of pentachlorophenol pages 345 through 346. The oncogenic potency (Q*) was calculated to be 0.0027 (ug/kg/day)-1 (Wood Preservative PD 2/3, page 365). Although HCB is a less potent oncogen than HxCDD, with a Q* of 6.2 (μg/kg/day)-1], the Agency is concerned about exposure to this contaminant as well.

7. Polychlorinated dibenzofurans

A third group of contaminants in pentachlorophenol is the polychlorinated dibenzofurans. The chemical structures of the cholorinated dibenzofurans and the polychlorinated dibenzo-p-dioxins are similar and levels of contamination of the two contaminants parallel one another. The Agency has limited data from short term toxicological experiments which show laboratory animals develop edema, weight loss, and liver toxicity prior to death [McConnel and Moore, 1979 (Ref. 12) and Poland, et al. 1979 (Ref. 23)].

Short-term testing of the furans indicated a functional similarity with the dioxins. The Agency has no chronic data on the chlorinated dibenzofurans, and therefore no conclusions about their long term toxicity can be made.

8. Other Concerns

Pentachlorophenol produces significant elevations in metabolizing enzymes, an effect which indicates the presence of dioxin-like contaminants. Thus, aryl hydrocarbon hydroxylase activity is elevated fifteen-fold when female rats are given dosed diet for 8 months with 1.5 mg/kg/day of technical pentachlorophenol (Ref. 4).

Pentachlorophenol has also displayed immunosuppressive properties, which are believed to be caused largely by the HxCDD contaminant. Holsapple et al. (1984, Ref. 3) showed that daily oral exposure of femal mice for 14 days to technical pentachlorophenol at 10 mg/kg suppressed the IgM antibody response to sheep red blood cells by 44 percent. Similar exposure to the pentachlorophenol contaminant 1,2,3, 6,7,8-HxCDD at a dosage of 0.2 μg/kg produced at 30 percent suppression of the IgM response. This study is discussed in detail in the non-wood PD 2/3; pages II-7 and II-8.

B Determination of Benefits

The non-wood uses of pentachlorophenol fall into the following categories: herbicides, antimicrobials, disinfectants, mossicides, and defoliants. The PD 2/3 for the non-wood uses of pentachlorophenol contains a detailed discussion of the benefits and alternatives for the above categories on pages III-1 through III-11.

1. Herbicidal Uses

Pentachlorophenol is a non-selective, contact herbicide used for control of broadleaf weeds, grasses, algae and moss. The pesticide is used in greenhouses, domestic dwellings, public facilities, golf courses, wetlands, and aquantic areas. Numerous, less costly alternatives whose efficacy is equal to or greater than pentachlorophenol are available. The Agency does not expect the cancellation of these uses to cause significant economic impact.

2. Antimicrobial Uses

Uses of pentachlorophenol as an antimicrobial agent to control bacterial and fungal growth include: working solutions (evaporative condensers, cooling waters, and air washers); finished product preservatives (adhesives and sealants,s latex paints, rubber articles, defoaming agents, paper coatings, polyvinyl chloride emulsions in food-related products, zinc-silicone dioxide matrix coatings in reusable bulk food storage containers, and water-based gasketing compounds for food applications, photographic developing solutions, cements in food can ends and seams, and feathers); working fluids and process chemicals in the textile industry; leather tanning solutions and products; and marine antifouling agents. Antimicrobial use of pentachlorophenol generally declined between the 1978 to 1981 survey period. Reductions is use have primarily resulted from efforts to reduce operating costs (non-wood PD 2/3, page III-3). The projected economic impact of cancellation for each use is summarized below.

A more detailed discussion of the uses, alternatives, and economic impacts is found in the non-wood PD 2/3, pages III-1 through III-11.

A. *Evaporative condensers, and air washers.* Pentachlorophenol is used in these machines to prevent microbial growth. The economic impact of cancellation of these uses will be small based on low usage and availability of efficacious and cost-effective alternatives.

b. *Adhesives, sealants, and canning cements.* Pentachlorophenol is used in these applications to prevent microbilal growth which shortens the useful life of these materials. Many efficacious and cost-effective alternatives (boric acid, copper sulfate, zinc benzoate and others) are available for these uses and the economic impact of cancellation will not be significant. The alternatives are discussed in the PD 2/3, pages III-4 and III-5.

c. *Gaskets.* Pentachlorophenol is used as an antimicrobial agent. While there are no viable alternatives, the economic impact of cancellation will not be significant because there are other materials, such as plastisol, which obviates the need for any antimicrobial.

d. *Photographic developing solutions.* Pentachlorophenol is used to prevent the growth of microbes in these solutions. While there are no chemical alternatives for this use, improved housekeeping practices will greatly reduce the need for a pesticide in photographic developing solutions. Only 9 pounds of pentachlorophenol were used in photographic solutions in 1981, the last year for which data are available. Cancellation of this use will not result in the significant economic impact.

e. *Other antimicrobial uses including latex paints, rubber, defoaming agents, paper coatings, polyvinyl chloride emulsions, zinc-silicone dioxide coatings, and feathers.* Cancellation of these uses will not result in significant economic impacts based on the low usage and the low cost differences between available efficacious alternatives and pentachlorophenol.

f. *Textile/cordage.* Pentachlorophenol and its salts are used to prevent the growth of microbes in textiles and cordage. Microbes weaken the fibers, mar the appearance, and shorten the life of these materials. There are numerous efficacious and cost effective alternatives for these uses and data indicate that usage of pentachlorophenol has dropped between 1978 and 1981 for textile use. No data are available to indicate that pentachlorophenol is used on rope and cordage. Cancellation will not likely result in a significant economic impact because of the decreased usage pattern.

g. *Leather tannery.* Alternatives for these uses exist and data indicate that usage has dropped over the years. Cancellation will not likely result in a significant economic impact.

h. *Marine caulking/paints.* Alternatives exist for these uses such that cancellation will not likely result in a significant economic impact.

i. *Construction materials.* The Agency has no data indicating that pentachlorophenol is still used in these materials; therefore it is not expected that cancellation would have a signifiant impact.

3. *Disinfectant uses—Mushroom houses.* Alternatives exist for this use and, despite its usage by approximately one third of the mushroom industry, cancellation is expected to have a minor impact relative to the value of the affected produce because yield and

quality losses are expected to amount to a very small percentage (a fraction of one percent) of the U.S. mushroom crop.

4. Mossicide Uses—Lawns and Roofs

The main use of pentachlorophenol as a mossicide is for the control of moss growth on lawns. The most likely alternatives for lawn moss control are ferrous ammonium sulfate (FAS) fertilizer combinations. These combinations require an additional application, though, to obtain equivalent effectiveness for moss control. The largest extent of use is limited to the Northwestern States where growth of lawn moss is the greatest. The USDA estimated that the maximum total additional labor cost would not exceed $1.375 million per year (PD 2/3, page III-10). This is not a significant economic impact, since the impact is spread over the entire Northwest and therefore is not a significant additional cost to any one individual applicator. Also, ferrous ammonium sulfate (FAS), an iron fertilizer combination, is an economical alternative to pentachlorophenol. This product is mossicidal and may be applied as a fertilizer during routine lawn maintenance. Therefore, the cancellation of pentachlorophenol for control of moss in lawns would not present a significant financial hardship of the affected users. Pentachlorophenol is also used to control lichens (moss) on roofs, masonry, and wooden structures. Based on limited use data, it appears that the impact of cancellation of pentachlorophenol for these uses would be relatively insignificant.

5. Defoliant uses

Efficacious and cost effective alternatives for these uses are available and the impact of cancellation will not be significant.

IV. Regulatory Options

The Agency has determined that the use of products containing pentachlorophenol, its sodium and potassium salts and esters for non-wood uses poses a risk of teratogenicity/fetotoxicity. Because of the presence of the contaminant HxCDD and HCB, pentachlorophenol also poses a risk of oncogenicity. HxCDD also poses a fetotoxic/teratogenic risk.

An analysis of the benefits associated with the non-wood uses of pentachlorophenol discussed above shows comparatively low usage and limited benefits for the majority of non-wood uses. Moreover, there are viable and effective alternatives for several of the non-wood uses of pentachlorophenol. Although actual use data for several non-wood uses are not available, the Agency does not believe any serious adverse economic effects will result from cancellation of the non-wood uses of pentachlorophenol.

In reaching the decision to propose cancellation of all non-wood uses of pentachlorophenol including its salts and esters except for the pulp/paper mill, oil well operations, and cooling towers uses which will be addressed in the future, the Agency considered the following regulatory options:

1. Continuation of the registration of the non-wood of pentachlorophenol without additional restrictions.

2. Continuation of the registration of the non-wood uses with modification to the terms and conditions of registration which would include the reduction in the levels of the contaminants.

3. Denial of applications for and cancellation of registrations for all pesticide products containing pentachlorophenol for non-wood uses.

In summary, the Agency has avaluated the risks and benefits for each of the non-wood uses of pentachlorophenol and has reached the following conclusions:

In considering option 1, the Agency concluded that the risks posed by continued unrestricted use of currently registered products containing pentachlorophenol for the non-wood uses in question outweigh the minimal benefits. Therefore option 1, continued registration without additional restrictions, will result in unreasonable adverse effects and is unacceptable.

The specific risk reducing measures considerd by the Agency under option 2 included protective clothing (cover-alls and impermeable gloves); respirators; prohibition of eating, smoking, and drinking while applying penatachlorophenol; restricted use of the pesticide; and reduced levels of HxCDD and other contaminants. These risk-reducing modifications are discussed in the PD 2/3 pages IV-1 through IV-4. The Agency believes that significant risks may be experienced by applicators of pentachlorophenol for non-wood uses even if protective measures are implemented.

Therefore, the Agency considers option 3, cancellation, the most appropriate regulatory option for eliminating the hazard for pentachlorophenol and its HxCDD contaminant in the environment. This determination is based on the Agency's conclusion that the marginal benefits of the non-wood uses of pentachlorophenol under consideration do not outweigh the risks of use of this chemical. Regarding the wood preservative uses of pentachlorophenol, the Agency decided to maintain the registrations of these products in effect with modifications to the terms and conditions of registration; however, those uses entailed very high benefits. Here, with similar risk concerns, the risk/benefit balance weighs heavily on the side of risk because of the low benefits. The Agency has decided to deny application for and cancel registration of all pesticide products containing pentachlorophenol including its salts and esters for non-wood uses except for pulp/paper mill, oil well operations, and cooling tower uses.

V. Regulatory Decision

Based on the determinations summarized above and discussed in greater detail in the PD 2/3, the Agency has determined that the above non-wood pesticide products containing pentachlorophenol including its salts and ester do not meet the statutory standard for registration under FIFRA and that there are no modifications of the terms and conditions of registration which could bring these products into compliance with the statute. Accordingly, EPA has decided to cancel the registrations of all products containing pentachlorophenol including its salts and esters for non-wood uses, except for pulp/paper mill, oil operations, and cooling tower uses.

1. Cancellation of Most Uses

This Notice announces cancellation of the registration of all the pesticide products containing pentachlorophenol including its salts and esters for the following non-wood uses whether registered under FIFRA section 3 or section 24(c):

a. Herbicidal uses:

(1) Greenhouses

(2) Ornamental lawns and edging

(3) Right-of-way

(4) Commercial and industrial noncrop areas

(5) Domestic dwellings

(6) Public facilities

(7) Golf courses

(8) Wasteland and aquatic areas

b. Antimicrobial uses:

(1) Evaporative condensers and air washers.

(2) Adhesives, sealants and canning cements

(3) Gaskets

(4) Photographic solutions

(5) Other uses including latex paints/rubber, defoaming agents, paper coatings, polyvinyl chloride emulsions, zinc-silicone dioxide coatings and feathers.

(6) Textiles/cordage

(7) Leather tannery

(8) Marine caulking/paints

c. Disinfectant uses:
(1) Mushroom houses
(2) Construction materials
d. Mossicide uses:
(1) Roofs
(2) Lawns
e. Defoliants

2. Existing Stocks

Under the authority of FIFRA section 6(a)(1) and (b), EPA will establish certain limitations on the sale, distribution, and use of existing stocks of pentachlorophenol products subject to this Notice of Intent to Cancel. EPA defines the term "existing stocks" to mean any quantity of products containing pentachlorophenol and its salts in the United States on the date of this EPA Notice of Intent to Cancel that has been formulated, packaged, and labeled for any non-wood use and is being held for shipment or release or has been formulated, packaged, and labeled for any non-wood use and is being held for shipment or release or has been shipped or released into commerce. One year after publication of this Notice of Intent to Cancel in the **Federal Register**, no persons may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person existing stocks of products containing Pentachlorophenol including its salts and esters for the non-wood uses subject to this notice. EPA will request registrants to contact commercial distributors of products containing pentachlorophenol including its salts and esters for non-wood uses to inform them of the time limitations on distribution and sale and to provide supplemental labeling reflecting the time limitations for existing stocks in the possession of the commercial distributors. The continued sale of existing stocks of products containing pentachlorophenol and its salts labeled for non-wood preservative uses for a 1-year period is not inconsistent with the statute. There are hazards and costs associated with the transport, storage and destruction of existing stocks. Improper disposal of excess pesticide is a violation of Federal law. If excess pesticides cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative of the nearest EPA Regional Office. This provision will avoid potential hazards resulting from the disposal of large quantities of existing stocks of these products containing pentachlorophenol and its salts.

The terms and conditions of the existing stock provision set forth in this document supercedes any currently active existing stock provision for products containing pentachlorophenol and its salts for non-wood uses that resulted from a voluntary cancellation action by the registrant or from an action initiated by the Agency under section 3(c)(2)(b) (Data Call-In) of FIFRA. In those situations for which a voluntary cancellation has been requested but not yet granted, or where a registration is subject to suspension by the Agency, for failure to respond to a 3(c)(2)(b) Notice, the existing stock provision will be the same as set forth in this Notice. No additional existing stock provision will be provided for voluntary cancellations or 3(c)(2)(b) actions whose effective date for the existing stock provision has expired.

Following expiration of the time limitation on distribution and sale of existing stocks, all products containing pentachlorophenol including its salts and esters for non-wood uses subject to this notice must be disposed of in accordance with the regulations promulgated under the Resource Conservation and Recovery Act.

VI. Comments of SAP and Other Interested Parties and the Agency's Response to the Comments

The Agency has received and evaluated comments from SAP, registrants, and other interested parties in response to the PD 2/3 and draft PD 4. The Agency did not receive comments from the United States Department of Agriculture. The comments and the Agency's responses are summarized below.

A. Comments in Response to the PD 2/3

1. Comments of SAP

SAP held an open meeting on July 9, 1985 to review the Preliminary Notice of Determination concluding the Special Review for the non-wood uses of pentachlorophenol. At this meeting, the SAP heard a presentation by the Agency, the registrants, and other interested members of the public. The comments of the SAP are published in full below:

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel

Review of the Proposed Decision Options Being Considered to Conclude the Special Review of the Non-wood Uses of Pentachlorophenol.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific (SAP) Advisory Panel (SAP) has completed review of the proposed decision options being considered by the Agency to conclude the Special Review of the non-wood uses of pentachlorophenol. The review was conducted in an open meeting in Alexandria, Virginia, on July 9, 1985. All panel members were present for the review. In addition, Dr. John Doull, University of Kansas Medical Center, served as an ad hoc member of the panel.

Public notice of the meeting was published in the **Federal Register** on Friday, June 21, 1985.

An oral statement, together with written materials, was received from Vulcan Chemical Company.

In consideration of all matters brought out during the meeting and careful review of the documents presented by the Agency, the Panel unanimously submits the following report:

Report of SAP Recommendations

The Scientific Advisory Panel (SAP) has reviewed the Pentachlorophenol PD 2/3 prepared by EPA and responds as follows to the issues on pentachlorophenol.

Issue: 1. Several studies have shown that pentachlorophenol causes skeletal abnormalities (Schwetz et al. 1974, Volume 1) reduced fetal weights (Larsen et al. 1975, Ref. 8) and increased fetal resportions (Schwetz et al. 1974; Ref. 1) in fetuses born to treated rats. Does the Panel agree with the Agency's Qualitative and Quantitative Assessment of these studies and the associated risks?

Response: The Panel agrees with the Agency's qualitative and quantitative assessment of these studies of technical pentachlorophenol and the associated risks.

Issue: 2. Hexachlorobenzene and the chlorinated dibenzofurans are contaminants in pentachlorophenol. Hexachlorobenzene has caused teratogenic and fetotoxic responses in experimental laboratory animals. No fetotoxicity studies have been run on the furans, but because of their functional similarity in short term testing, the chlorinated dibenzofurans are presumed to be fetotoxic and teratogenic as are the other contaminants of pentachlorophenol. Does the Panel have comments on the Agency's assessment of the degree of risk presented by these chemicals?

Response: The Panel agrees with the Agency's assessment of risk is outlined with the exception of the fetotoxicity believed to be associated with the furans. Since no studies have been conducted, no conclusions should be drawn.

FOR THE CHAIRMAN: Certified as an accurate report of findings: Philip H. Gray, Jr., Executive Secretary, Dated: July 9, 1985.

2. *Response of the Agency to the Comments of SAP.* The Agency agrees with the Panel's comments on pentachlorophenol. Regarding the chlorinated dibenzofurans, the Agency considers the other contaminants of pentachlorophenol, HxCDD and HCB, to be contaminants of major concern and although the Agency agrees that it cannot make any conclusions about the chlorinated dibenzofurans, data on the toxicity of pentachlorophenol and its two major contaminants (HxCDD and HCB) are sufficient to support the Agency's risk assessment and its regulatory position regarding the non-wood uses of pentachlorophenol.

3. *Comments of Registrants and Other Interested Parties and the Agency's Response*—a. *Comments by Vulcan Corporation.* Vulcan Chemical Company submitted an audit of the NCI/NTP bioassay study of HxCDD performed by Dr. Gerald Schoenig in order to demonstrate that the study should not be used for regulatory purposes. Three main points of concern were raised by Dr. Schoenig:

- Flaws in procedure, such as problems in preparation of the test material; flaws in methods of administration; flaws in recordkeeping procedures and practices.
- Flaws in pathology practices, such as, non-uniform and substandard tissue harvesting practices; non-uniformity of histologic procedures; bias in histology review; and deficiencies in correlation between gross and microscopic observations.
- Alleged bias in the above practices with respect to treated and control animals.

Agency response. The Agency has concluded that the NCI study is valid for regulatory purposes. Because of the concerns raised by Vulcan, the Agency submitted the study to an audit performed by Dynamac Corporation. An intraagency task force consisting of the Office of Pesticides and Toxic Substances, Office of Solid Waste, and Office of Research and Development then evaluated the study. The task force concluded that although there were some procedural flaws during the in-life portion of the study and although there were minor recordkeeping problems, these problems do not invalidate the study. The management of a 2-year rodent study is a very complex undertaking. It is therefore not surprising that the relatively minor procedural and recordkeeping deficiencies highlighted by the two audits occurred.

Moreover, Agency staff assisted by Dynamac Corporation performed a detailed review of Dr. Schoenig's findings concerning flaws in pathology practices and alleged room bias. Review of Dr. Schoenig's criticism of the histologic practices did not reveal meaningful deficiencies in tissue harvesting, preparation of microscopic slides and histologic diagnoses. Differences in interpretation among pathologists have previously been addressed by the Agency (Refs. 17 and 21). The slight differences in interpretation among the different pathologists do not alter the conclusion as to the carcinogenic potential of HxCDD. With respect to alleged room bias, no significant differences were found between the treated and control rooms. Therefore, the Agency could not substantiate Dr. Schoenig's criticism regarding room bias.

Because Dr. Shoenig's concerns were either minor or could not be substantiated, the Agency concludes that the HxCDD bioassay is valid and can appropriately be used for the assessment of the carcinogenic potential of HxCDD.

A complete evaluation of the issues can be obtained in the followng three documents:

(1) The Office of Health and Environmental Assessment Responses to Comments Regarding the Carcinogenicity of 2,3,7,8-Tetrachlorodibenzo-*p*-dioxin and Hexachlorodibenzo-*p*-dioxins, which was presented to EPA's Science Advisory Board on November 28, 1984 (Ref. 17).

(2) Response to Comments Concerning the NCI/NTP Bioassay Study of HxCDD prepared by an intraagency task force (Ref. 22).

(3) A memorandum to Dr. Daniel Byrd, "Audit of NCI Bioassay of Hexachlorodibenzo-*p*-Dioxin (HxCDD) by Dr. Gerald P. Schoenig, Dr. H.L. Edwards, Julia Zachary, Dennis Newman and Diane Freilink" from Dr. John Doull (Ref. 13).

b. *Comments by Technical Specialties Corporation.* The Technical Specialties Corporation cited the value of sodium pentachlorophenate in water treatment for control of algae and claimed that the use of their product did not have any detrimental effects on the environment.

Agency response. The Agency does not agree with the claim of Technical Specialties Corporation that the benefits of use of pentachlorophenol for water treatment outweigh the risks. Although comparative efficacy data are not available, there are many alternatives, both chemical and otherwise, for algae control. Technical Specialties did not submit any data to dispel the Agency's concerns about hazards to aquatic species and the environment resulting from this use. Based on its assessment of all available risk and benefit information, the Agency has concluded that the risks outweigh the benefits for the use of pentachlorophenol and/or its salts for algae control.

c. *Comments by the Canadian Environmental Protection Services.* In commenting on the Preliminary Decision, which did not propose cancellation for the pulp and paper mill use, the Canadian Environmental Protection Services cited the use of pentachlorophenol in lumber mills as a major source of environmental pollution and questioned why the United States did not cancel all non-wood uses of pentachlorophenol.

Agency response. The Agency initially agreed with the position of the Canadian Environmental Protection Services. The Canadian Environmental Protection Services provided significant information concerning potential risks posed to aquatic organisms. Upon review of the Canadian Environmental Protection Services' report (Ref. 16) and other available data (Refs. 9, 10, 14, 15, 19, and 20), the Agency decided to cancel registrations for the pulp/paper mill use and the oil well flood water use. However, as dicussed in Section VI below, the draft Notice of Intent to Cancel (PD 4) was reviewed by the SAP which concluded that the data were inadequate for a thorough scientific review of the risks posed by the use of pentachlorophenol for pulp/paper mills and for oil well operations. When data are submitted in response to the Agency's Data Call-In, the Agency will make a final decision regarding registrations of pentachlorophenol products for these uses.

d. *Comments by Amrep Corporation.* The Amrep Corporation cited the benefits of pentachlorophenol as a herbicide and contended that cancellation would force it to reformulate its products, which would be financially disruptive.

Agency response. Amrep did not include data to substantiate its claim. Even if the reformulation of its product does entail a high cost, the Agency has concluded, based on its evaluation of all the risks and benefits, that the risks resulting from the herbicidal use of pentachlorophenol exceed the benefits and that no measures short of cancellation are adequate to reduce the risks sufficiently so that registration could be maintained.

B. Comments in Response to the Draft Notice of Intent To Cancel All Non-Wood Pentachlorophenol Products (PD 4)

The SAP's comments are published here in their entirety followed by the Ageny's responses to these comments.

Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel

A Set of Scientific Issues Being Considered by the Agency in Connection With the Agency's Proposed Action on the Non-Wood Uses of Pentachlorophenol as Set Forth in the Draft Position Document 4.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) has completed review of the data base supporting the Environmental Protection Agency's (EPA) decision to cancel most of the non-wood uses of Pentachlorophenol and modify the terms and conditions for registration of the remaining uses.[1] The review was conducted in an open meeting held in Arlington, Virginia, on February 11, 1986. All Panel members were present for the review.

Public notice of the meeting was published in the **Federal Register** on Friday, January 17, 1986 (Citation 51 FR 2568).

Oral statements were received from the staff of the Environmental Protection Agency and from Mr. David H. Fussell, Mr. Maurice Jones, Dr. Kenneth J. Macek, and Mr. Robert T. Seth for the Chapman Chemical Company.

In consideration of all matters brought out during the meeting and careful review of all documents presented by the Agency, the Panel unanimously submits the following report.

Report of SAP Recommendations

Pentacholorophenol

The Agency requested the Panel to focus its attention upon a set of issues relating to the pesticide Pentachlorophenol. There follows a list of the issues and the SAP's response to the questions.

1. The Panel is specifically requested to comment on the Agency's assessment of the ecotoxicological hazard of Pentachlorophenol to aquatic organisms.

2. The Panel is specifically requested to comment on the Agency's assessment of risk to aquatic organisms from the use of Pentachlorophenol in pulp and paper mills and in oil well water operations.

Panel Response. The Panel found the data and data analysis presented in the Draft PD 4 and related documents to be inadequate for a through scientific review of the ecotoxicological risk presented by the uses of Pentachlorophenol (PCP) in pulp and paper mills and in oil well operations. The Panel, however, concurs with the Agency's assessment of PCP's toxicity for aquatic biota, and is concerned about the potential hazards to ecological and human health from the non-wood uses of PCP. Thus, we recommend a reanalysis of risk and a thorough rewrite of the PD 4 document, followed by a resubmission of this material to the SAP.

The reanalysis and rewrite should take into account the following:

(1) The most recent data obtainable on PCP uses,

(2) A reevaluation of trace dibenzodioxin and dibenzofuran contamination in PCP products formulated for non-wood uses,

(3) A reevualtion of potential exposure to aquatic biota from pupl and paper and oil field uses,

(4) A reanalysis of ecotoxicological risk based on extant toxicity data and the reevaluated exposure analysis,

(5) A more complete analysis of the availability and comparative risk of alternatives to replace current non-wood uses of PCP, and

(6) A presentation of both upper and lower bounds for risk estimates to applicators (pp. 21–22).

The Panel also recommends an evaluation of potential human exposure to PCP (and trace technical grade contaminants) through other non-wood uses.

To obtain adequate information it may be necessary for the Agency to issue a data call-in from registrants holding non-wood use registrations.

For the Chairman:

Certified as an accurate report of Findings:

Stephen L. Johnson,
Executive Secretary
FIFRA Scientific Advisory Panel

Date: February 24, 1986.

Agency Response. 1. The Agency has acted on the recommendations of the SAP by sending a Data Call-In Notice to appropriate registrants onMay 30, 1986, requesting use and exposure data in order to reevaluate the risks and benefits of the pulp/paper mill and oil operation uses. The use data have been received and are being evaluated; the exposure data are expected by April 1, 1987. Results from analysis of these data will also dictate whether and to what extent ecological effects monitoring will be needed.

2. Comments by Chapman Chemical Company. Chapman Chemical Company commented at the SAP meeting on February 11, 1986, stating that use of pentachlorophenol in cooling towers was significant. Chapman wanted to make Agency aware that there were significant benefits to use of pentachlorophenol for this site. Chapman also claimed that there was low dermal exposure due to the application methods. No data were submitted to support this claim.

Agency response. Information gathered by the Agency indicated that pentachlorophenol was no longer used as antimicrobial in cooling towers. Therefore, in the Data Call-In Notice (May 30, 1986) requesting information on pulp/paper mill and oil operations, the Agency also requested exposure and use information on the use of pentachlorophenol in cooling towers. The Agency requested information on applicator exposure (dermal and inhalation), the time and frequency of application, and the type of protective clothing worn by applicators. The Agency also requested information on specific operations for a representative cooling tower as well as the names and addresses of the owners/managers of the cooling towers and the quantity sold. A request for ecological monitoring data was reserved pending the receipt and evaluation of the exposure and use data. The exposure date for all three uses must be submitted by April 1, 1987. The use data were submitted in November, 1986 and are currently being evaluated.

VII. Public Record

The Agency has established a public docket (OPP 30000–30D) for the non-wood pentachlorophenol Special Review. This public docket includes (1) this Notice; (2) any other notices pertinent to the non-wood pentachlorophenol Special Review; (3) any comments or materials regarding nonwood use of pentachlorophenol submitted at any time during the non-wood pentachlorophenol Special Review process by any person outside government; (4) the written response to the Notice of Preliminary Determination by the Scientific Advisory Panel (SAP); (5) any documents (other than information claimed to be confidential business information) which were relied upon by the Agency in reaching its determination; (6) a transcript of all public mettings held by the Agency or the SAP for the purpose of gathering information on the non-wood use of pentachlorophenol; (7) memoranda describing each meeting between Agency personnel and any person

[1] This statement is in error. The Draft PD 4 proposed to cancel registrations of all pentachlorophenol products for non-wood use.

outside the government which concerns a non-wood pentachlorophenol Special Review decision; (8) all documents and copies of written comments submitted to the Agency in response to the Special Review and (9) a current index of materials in the public docket. Information for which a claim of confidential business information has been asserted will not, however, be put in the public docket. The docket and index will be made available for public inspection and copying at the Program Management and Support Division, Room 236, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, Virginia, from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays.

DATE: Requests for a hearing by a registrant, applicant, or other adversely affected person must be received on or before February 20, 1987 or, for a registrant, or applicant, on or before February 20, 1987 or within 30 days from receipt by mail of this Notice, whichever date is later).

VIII. Procedural Matters

This Notice announces the Agency's final decision to cancel all registrations and to deny all applications for non-wood uses of products containing pentachlorophenol including its salts and esters, except for products used in pulp/paper mills, oil well operations, and cooling towers. Under FIFRA sections 6(b)(1) and 3(c)(6), applicants, registrants, and certain other adversely affected parties may request a hearing on the cancellation and denial actions that this Notice initiates. Unless a hearing is properly requested with regard to a particular registration or application, the registration will be cancelled or the application denied. This unit of the Notice explains how such persons may request a hearing and the consequences of requesting or failing to request a hearing in accordance with the procedures specified in this Notice.

A. Procedure for Requesting a Hearing

To contest the regulatory actions set forth by this Notice, registrants and any applicant whose application for registration has been denied, may request a hearing within 30 days of receipt of this Notice, or within 30 days from the publication of this Notice in the **Federal Register**, whichever occurs later. Any other persons adversely affected by the cancellation action described in this Notice, or any interested person with the concurrence of an applicant whose application for registration has been denied, may request a hearing within 30 days of publication of this notice in **Federal Register.**

All registrants, applicants, and other adversely affected persons who request a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures require that all requests must identify the specific registration(s) by Registration Number(s) and the specific use(s) for which a hearing is requested, and must be received by the Hearing Clerk within the applicable 30-day period. Failure to comply with these requirements will result in denial of the request for a hearing. Requests for a hearing should also be accompanied by objections that are specific for each use of the pesticide product for which a hearing is requested.

Requests for a hearing must be submitted to: Hearing Clerk (A-100), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

1. *Consequences of filing a timely and effective hearing request.* If a hearing on any action initiated by this Notice is requested in a timely and effective manner, the hearing will be governed by the Agency's Rules of Practice for Hearings under FIFRA section 6 (40 CFR Part 164). In the event of a hearing, each cancellation action concerning the specific use or uses of the specific registered product which is the subject of the hearing will not become effective except pursuant to an order of the Administrator at the conclusion of the hearing. Similarly, in the event of a hearing, each denial of registration which is a subject of the hearing will not become effective prior to the final order of the Administrator at the conclusion of the hearing.

The hearing will be limited to the specific registrations or applications for which the hearing is requested.

2. *Consequences of failure to file in a timely and effective manner.* If a hearing concerning the cancellation or denial of registration of a specific non-wood preservative pesticide product subject to this Notice is not requested by the end of the applicable 30-day period, registration of that product will be cancelled, or the denial will be effective.

B. Procedures Required for Products Registered Pursuant to 40 CFR 162.17

EPA is aware of a number of pesticide products containing pentachlorophenol including its salts and esters, for non-wood uses that are not federally registered and are being marketed under the authority of 40 CFR 162.17. The Agency, hereby notifies all persons producing or distributing such products that they must submit a full application for Federal registration including all required supporting data as prescribed by the provisions of FIFRA section 3 of 40 CFR Part 162 and of PR Notice 83-4 and 83-4a within 30 days of receipt of this Notice or publication in the **Federal Register**, whichever is later. The Agency further notifies all such applicants that this Notice is a denial of his application, and that if he wishes to contest the denial, he must request a hearing within the applicable 30-day period provided by this Notice.

C. Separation of Functions

The Agency's rules of practice forbid anyone who may take part in deciding this case, at any stage of the proceeding from discussing the merits of the proceeding ex parte with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives (40 CFR 164.7).

Accordingly, the following Agency offices, and the staffs thereof, are designated as the judicial function of the Agency in any administrative hearing on this Notice of Intent to Cancel. The Office of the Administrative Law Judge, The Office of the Judicial Officer, the Administrator, and the members of the staff in the immediate office of the Administrator. None of the persons designated as the judicial staff may have an ex parte communication with the trial staff or any other interested person not employed by EPA, on the merits of any of the issues involved in these proceedings, without fully complying with the applicable regulations.

IX. References

(1) Schwetz, B.A., P.A., Keeler, and P.J. Gehring, "The effect or purified and commercial grade pentachlorophenol on rat embryonal and fetal development." *Toxicology* and *Applied Pharmacology*, 28:151-161, (1974).

(2) Schwetz, B.A., et al. Results of 2 year toxicity and reproductive studies on pentachlorophenol in rats. In K.R. (Ed.) Pentachlorophenol, Chemistry, Pharmacology and Environmental Toxicity. Plenum Press. pp. 301-309, (1978).

(3) Holsapple, M.P., et al., "Immunosuppression by selected hexachlorodibenzo-p-dioxins (HxCDDs) in adult female B6C3F1 Mice." Abstract, National Meeting Society of Toxicology, Atlanta, GA 1984 and personal communication, (1984).

(4) Goldstein J.A., et al. "Effects of pentachlorophenol on hepatic drug-metabolizing enzymes and porphyria related to contamination with chlorinated dibenzo-p-

dioxins and dibenzofurans." *Biochemical Pharmacology*, 26:1549–1557, (1977).

(5) Courtney, R.D., et al. "The Effect of pentachloronitrobenzene, hexachlorobenzene and related compounds on fetal develoment." *Toxicology* and *Applied Pharmacology*, 35:239–456, (1976).

(6) Khera, K.S. "Teratogenicity and dormant lethal studies on hexachlorobenzene in rats." *Food* and *Cosmetics Toxicology*. 112:471–477, (1974).

(7) National Cancer Institute and National Toxicology Program Bioassay of Mixture of 1,2,3,6,7,8 and 1,2,3,7,8,9-Hexachlorodibenzo-p-dioxins for possible Carcinogenicity, Department of Health and Human Services Publication, NIH. pp. 80–1754, (1980).

(8) Larsen, R.V., et al. "Placental transfer and teratology of pentachlorophenol in rats. *Environmental Letters. 10(2) 121–128, (1975).*

(9) Johnson, W. and M. Finley, (1980) Potential Exposure and Risk for pulp/paper mills. Exposure and Risk for pulp/paper mills. The Development Document for Effluent Limitations Guidelines and Paperboard and the Buildings Paper and Board Mills. EPA 440/1–82/025, (October 1982).

(10) Ambient Water Quality Criteria for Pentachlorophenol EPA Publication. Office of Water Regulations and Standards, November 28, 1980.

(11) "Exposure and Risk Assessment for Pentachlorophenol," U.S. EPA Publication 4401 4–81–02, October 1980.

(12) McConnell, E.E., J.A. Moore, J.K. Haseman, M.W. Harris. "The comparatoxicity of chlorinated dibenzo-p-dioxin isomers in Mice and Guinea Pigs." Unpublished report. p. 59 (1979).

(13) EPA Internal Memorandum to Dr. Daniel Byrd "Audit of NCI Bioassay of Hexachlorodibenzo-P-Dioxin (HxCDD) by Dr. Gerald P. Schoenig, Dr. H.L. Edmonds, Julia Zachary, Dennis Newman and Diane Frilinik," (June 3, 1985).

(14) Summary of Effluent Characteristics and Guildelines for Selected Intustrial Point Source Categories Industry Status. Internal Final Report Vol. 1, July 26, 1984

(15) USDI FR Notice Vol. 44, No. 129, P39031, July 3, 1979. Oil and Gas and Sulphur Oerations in the Outer Continental Shelf.

(16) Chlorophenol and Their Impurities on the Canadian Environment. Economic and Technical Review Report. Environmental Protection Service EPS 3–EC–81–2. March 1981.

(17) EPA Internal Memorandum to Don Barnes. The Office of Health and Environmental Assessments Responses to Comments Regarding the Carcinogenicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin and hexachlorodibenzop-dioxins, November 28, 1984.

(18) Statistical Methods in Medical Research by P. Armatige, John Wiley, & Sons, 1973, Chapter 12.

(19) Pulp Paper and Paperboard and the Guilders Paperboard Mills Point Source Categories: Effluent Limitation Guidelines, Pretreatment Standards and New Source Performance Standards: Final Rule 47 FR 52006, (November 18, 1982).

(20) EPA Internal Memorandum to A. Farmer. Non-wood uses of pentachlorophenol pulp and paper mills and oil drilling, (August 22, 1985).

(21) EPA publication. Pentachlorophenol (Non-Wood Uses). Special Review Position Document 2/3, (November 1984).

(21a) EPA publication. Wood Preservation Pesticides: Creosote, Pentachlorophenol, Inorganic Arsenicals. Position Document 4, (July 1984).

(21b) EPA Publication. Creosote, Inorganic Arsenicals, Pentachlorophenol. Position Document 2/3, (January 1981).

(22) EPA Internal Memorandum to Don Barnes response to comments concerning the NCI/NTP bioassay study of HxCDD, (August 6, 1985).

(23) Poland, Alan, W.F. Greenlee, and A.S. Kende. Studies on the mechanism of action of the chlorinated dibenzo-p-dioxins and related compounds. Annals of the New York Academy of Sciences. Vol. 320 p. 214–330, (1970.

Dated: January 9, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87–1221 Filed 1–20–87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51658; FRL 3144-2]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of sixteen such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 87–414, 87–415, 87–416, 87–417 and 87–418—April 3, 1987.

P 87–419, 87–420, 87–421, 87–422, 87–423, 87–424, 87–425, 87–426 and 87–427—April 4, 1987.

P 87–428—April 5, 1987.

P 87–429—April 6, 1987.

Written comments by:

P 87–414, 87–415, 87–416, 87–417 and 87–418—March 4, 1987.

P 87–419, 87–420, 87–421, 87–422, 87–423, 87–424, 87–425, 87–426 and 87–427—March 5, 1987.

P 87–428—March 6, 1987.

P 87–429—March 7, 1987.

ADDRESS: Written comments, identified by the document control number "[OPTS-51658]" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: Effective with this notice, a nonsubstantive change in format is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act. Toxicity data will only appear in the notice when submitted with the PMN. Exposure and environmental release/disposal information will no longer be published in the notice. The following notice contains information extracted from the non-confidential version of the PMNs received by EPA. The complete non-confidential PMNs are available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 87–414

Manufacturer. E. R. Carpenter Company, Inc.

Chemical. (G) Polypropyleneoxide polyol.

Use/Production. (G) Intermediate. Prod. range: Confidential.

P 87–415

Manufacturer. H. B. Fuller Company.

Chemical. (G) Isophorone diisocyanate-polyol prepolymer.

Use/Production. (S) Industrial adhesive. Prod. range: Confidential.

P 87–416

Manufacturer. Oxy Process Chemicals, Incorporated.

Chemical. (G) Modified acrylamide polymer.

Use/Production. (G) Oil Field chemical. Prod. range: Confidential.

P 87–417

Manufacturer. H. B. Fuller Company.

Chemical. (G) Fatty acids, C_{18}-unsaturated dimers, polymers with alkyl diacid, 1,2-ethanediamine.

Use/Production. (S) Industrial hot melt adhesive. Prod. range: 700,000 to 1,500,000 kg/yr.

P 87–418

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer with styrene.

Use/Production. (G) Industrially used coating. Prod. range: Confidential.

P 87-419

Manufacturer. Confidential.
Chemical. (G) Vinylic methyl hydro polysilane.
Use/Production. (S) Raw material for ceramic production. Prod. range: Confidential.

P 87-420

Manufacturer. Confidential.
Chemical. (G) Alkyl amine polyether.
Use/Production. (G) Stabilizing additive for non-aqueous mixtures. Prod. range: Confidential.

P 87-421

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylate methacrylate.
Use/Production. (G) Industrial coating polymer. Prod. range: 67,000 to 400,000 kg/yr.

P 87-422

Manufacturer. Confidential.
Chemical. (G) Alkyl amine salt.
Use/Production. (G) Polymerization catalyst. Prod. range: Confidential.

P 87-423

Manufacturer. Confidential.
Chemical. (G) Alkyl amine salt.
Use/Production. (G) Polymerization catalyst. Prod. range: Confidential.

P 87-424

Manufacturer. Confidential.
Chemical. (G) Alkyl amine salt.
Use/Production. (G) Polymerization catalyst. Prod. range: Confidential.

P 87-425

Manufacturer. Confidential.
Chemical. (G) Alkyl amine salt.
Use/Production. (G) Polymerization catalyst. Prod. range: Confidential.

P 87-426

Manufacturer. Confidential.
Chemical. (G) Alkyl amine salt.
Use/Production. (G) Polymerization catalyst. Prod. range: Confidential.

P 87-427

Manufacturer. Confidential.
Chemical. (G) Alkyl amine salt.
Use/Production. (G) Polymerization catalyst. Prod. range: Confidential.

P 87-428

Manufacturer. Superior Varnish & Drier, Division of Suvar Corporation.
Chemical. (G) Polyester.
Use/Production. (S) Metal decorating printing ink vehicle. Prod. range: Confidential.

P 87-429

Manufacturer. American Cyanamid Company.
Chemical. (G) Substituted aromatic polymer.
Use/Production. (G) Resin for non-dispersive use. Prod. range: Confidential.

Dated: January 12, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87-1222 Filed 1-20-87; 8:45 am]

[BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Discovery and Decision Educational Foundation, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Discovery and Decision Educational Foundation, Inc..	Milwaukee, Wisc.	BPED-831024AN.	86-483
B. Family Stations, Inc..	Milwaukee, Wisc.	BPED-840217AT.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1 Comparative—Noncommercial Educational FM	A, B
2. Ultimate	A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-1196 Filed 1-20-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consildated Hearing; Kingdom of God Ministries, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant	City/State	File No.	MM Docket No.
A. Kingdom of God Ministries, Inc..	Indianapolis, Indiana.	BPET-860507KH.	86-500
B. Butler University.	Indianapolis, Indiana.	BPET-860624KG.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirely under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
Comparative—Noncommercial TV	A,B
Ultimate	A,B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW.,

Washington, DC 20037 (Telephone No. (202) 857-3800.)

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87-1197 Filed 1-20-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearings; Mercyhurst College et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Mercyhurst College.	Erie, PA	BPED-830927AA	86-482
B. Family Stations, Inc..	Erie, PA	BPED-840302CC	
C. Bayfront NATO, Inc..	Erie, PA	BPED-840719II	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. Air Hazard	B
2. Environmental Impact	A
3. Comparative—Noncommercial Educational RM	A, B, C
4. Ultimate	A, B, C

3. If there is any non-standardized isses(s) in this proceeding, the full text cf the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspeciton and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief Audio Services Division Mass Media Bureau.

[FR Doc. 87-1198 Filed 1-20-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-004155-001.

Title: Savannah Terminal Agreement.

Parties:

Georgia Ports Authority

Zim-American Israeli Shipping Co., Inc.

Synopsis: The proposed amendment would extend the term of the agreement through April 30, 1987. The parties have requested a shortened review period.

Agreement No.: 203-010977-002.

Title: Hispaniola Discussion Agreement.

Parties:

United States Atlantic and Gulf/Hispaniola Steamship Freight Association

Zim Israel Navigation Co.

Overseas Transport International Corp.

Synopsis: The proposed amendment would add Seaboard Caribe, Ltd. as a party to the agreement. The parties have requested a shortened review period.

Agreement No.: 224-011048.

Title: La Place Elevator Company/Louis Dreyfus Corporation Assignment & Assumption Agreement.

Parties:

La Place Elevator Company, Inc., (La Place)

Louis Dreyfus Corporation (Dreyfus)

Synopsis: The proposed agreement would assign all of La Place's interest in certain leases concerning a grain elevator facility located in Reserve, St. John the Baptist Parish, Louisiana to Dreyfus, including a guaranty by La Place of the performance of the Lessee's obligations under such leases. The parties have requested a shortened review period.

Agreement. No.: 224-011050.

Title: Baltimore Terminal Agreement

Parties:

Maryland Port Administration (Port)

Lumber Terminal, Inc. (LTI).

Synopsis: The proposed agreement would permit LTI to lease 13.85 acres at the Ports Dundalk Marine Terminal until June 30, 1987. An additional 6.549 will be made available to LTI on an as needed basis.

Agreement No.: 224-011051.

Title: Baltimore Terminal Agreement.

Parties:

Maryland Port Administration (Port)

Guthrie Latex, Inc. (Guthrie).

Synopsis: The proposed agreement would permit Guthrie to lease space in the Pier 4-5 Shed at the Port's North Locust Point Marine Terminal for a period of six years.

By Order of the Federal Maritime Commission.

Dated: January 15, 1987.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 87-1244 Filed 1-20-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

January 14, 1987.

Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's unusal practice is not to take any action on a proposed information collection until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-6880).

Request for Approval of New Report

1. *Report title:* Country Exposure Information Report

Agency form number: FFIEC 009a

OMB Docket number: 7100-0188

Frequency: Quarterly

Reporters: State member banks and bank holding companies

Small businesses are not affected.

General description of report:

Respondent's obligations to reply is mandatory [12 U.S.C. 248(a), 1844(c), and section 907 of the International Lending Supervision Act]; a pledge of confidentiality is not promised.

Report will disclose information on international claims for U.S. banks and bank holding companies. The information is used for supervisory and analytical purposes in determining the degree of risk in their portfolios and the possible impact on U.S. banks of any adverse developments in particular countries.

Board of Governors of the Federal Reserve System, January 14, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-1203 Filed 1-20-87; 8:45 am]

BILLING CODE 6210-01-M

[Docket Nos. R-0587, R-0588, R-0589, and R-0590]

Requests for Comments on Proposals Regarding Payment System Risks; Extension of time

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of comment periods.

SUMMARY: On December 10, 1986, the Board requested public comment on a series of proposals to reduce and control payment system risks. (The notices were published in the **Federal Register** on December 16, 1986.) The specific proposals concerned risks associated with book-entry securities transfers (Docket No. R-0587, 51 FR 45046), reduction of existing levels for net debit caps (Docket No. R-0588, 51 FR 45050), adoption of a new, "*Dde minimis*" cap category (Docket No. R0589 [1] 51 FR 45053), and adopting limits on inter-affiliate Fedwire transfers (Docket No. R-0590, 51 FR 45054). Comments were due by February 9, 1987. In response to requests from the public, the Secretary to the Board, acting pursuant to delegated authority from the Board, has extended the comment period for each of these proposals until February 27, 1987.

DATE: Comments must be received by February 27, 1987.

FOR FURTHER INFORMATION CONTACT: Edward C. Ettin, Deputy Director, Division of Research and Statistics (202-452-3368), or Joseph R. Alexander, Senior Attorney, Legal Division (202-452-2489); or, for the hearing impaired *only:* Telecommunications Device for the Deaf (202-452-3544), Earnestine Hill or Dorothea Thompson.

By order of the Secretary of the Board, acting pursuant to delegated authority, 12 CFR 265.2(a)(6), January 15, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-1235 Filed 1-20-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86N-0444]

Revocation of Action Levels for Polybrominated Biphenyls

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation to its action levels for the industrial chemicals, polybrominated biphenyls (PBB's), in milk and dairy products, meat, eggs, and animal feed. The revocation was effective on January 5, 1987. FDA took this action because it concluded that the action levels are no longer necessary to protect the public health.

DATE: Written comments by March 23, 1987.

ADDRESS: Written comments concerning FDA s revocation of the action levels for PBB's should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John R. Wessel, Office of Regulatory Affairs (HFC-205), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1815.

SUPPLEMENTARY INFORMATION: In May 1974, it was discovered that PBB's had been inadvertently mixed with commercial dairy feed, which resulted in widespread contamination of Michigan dairy animals, a major portion of the State's milk supply, and, eventually, certain other animal-derived foods. As part of its response to the incident, FDA immediately established action levels for use by the agency, the U.S. Department of Agriculture (USDA), and Michigan officials in controlling the marketing of affected foods and feeds. The action levels were lowered in November 1974, based on improvements in PBB analytical methodology and confirmation capabilities and new toxicological information indicating that a reduction in dietary exposures to PBB was necessary to protect the public health. The lower action levels, which have remained in effect, are: 0.3 part per million (ppm) (fat basis) for milk and dairy products and meat (including poultry); 0.05 ppm for eggs; and 0.05 ppm for animal feed. Because they are stable chemicals, the PBB's persisted in the Michigan farm environment for several years after the initial contamination and continued to occur in feedstuffs and animal-derived foods produced in the State.

Under FDA's regulations, 21 CFR 109.6(c) for human food and 21 CFR 509.6(c) for animal feed, the agency may establish an action level for an added poisonous or deleterious substance if, among other things, the contaminant in question cannot be avoided by good manufacturing practices. Under these regulations an action level should not be maintained if the contaminant no longer meets the criterion of being an unavoidable food or feed contaminant. Available information indicates that PBB's no longer meet this criterion.

In 1983, FDA's Detroit District reported on a survey it conducted for PBB's and other chemical contaminants in milk produced in Michigan. The survey samples represented approximately 490 producers in Michigan and included areas that were implicated in the original PBB contamination. The FDA survey results show no detectable PBB's in the milk samples at a limit of detection of about 0.01 ppm (fat basis). In addition, the Michigan Department of Agriculture routinely analyzes from 200 to 250 milk samples each year for PBB's. There have been no positive milk samples for PBB's for several years. Also, USDA's Food Safety and Inspection Service sampled

[1] A typographical error in the December 16, 1986, **Federal Register** misidentified Docket No. R0589 as Docket No. R-05891.

Michigan dairy cattle in December 1982 through January 1983, and all 101 samples were negative for PBB's at a 0.02 ppm (fat basis) limit of detection.

During the 1980's, sampling of poultry, eggs, or animal feeds for PBB's has not been performed. However, during the height of the PBB contamination incident in 1974 and 1975, the frequency with which PBB's were found in poultry and eggs produced in Michigan was substantially less in comparison to the frequency with which PBB's were occurring in milk and meat derived from dairy cattle (beef cattle were not affected by the contamination). For this reason, the monitoring results which show that milk and dairy cattle no longer are contaminated with PBB's also provide a strong indication that poultry and eggs produced in the State would no longer be contaminated with PBB's. Because PBB-contaminated animal feed was the major source of PBB contamination of Michigan dairy cattle, the absence of PBB's in milk and dairy cattle samples likewise indicates that PBB's are not present in animal feed. FDA believes, therefore, that the results of the Federal and State sampling provide ample evidence to conclude that PBB's can no longer be considered unavoidable contaminants in foods and feeds produced in Michigan.

Although FDA established the PBB action levels to deal with the Michigan incident, the agency also examined whether there would be any national implications if the action levels were revoked. After the PBB contamination in Michigan was discovered, FDA looked for, but did not find, evidence indicating that PBB's were contaminating animal-derived foods or animal feeds produced outside the State of Michigan. In addition, there is now very little likelihood of another incident of PBB contamination in Michigan or elsewhere in the United States. The Environmental Protection Agency (EPA) has concluded that PBB's have not been manufactured in, imported into, or processed in the United States for commercial purposes since 1980 (see 51 FR 24555; July 7, 1986). This conclusion is based on the fact that no reports have been filed in response to an EPA rule under the Toxic Substances Control Act (15 U.S.C. 2600 et seq.) requiring the submission of Notice of Manufacture or Importation of PBB's (see 45 FR 70728; October 24, 1980). In the July 7, 1986, notice, EPA also stated that because there are now effective substitutes for industrial uses of PBB's, it is unlikely that these uses of PBB's will be resumed.

For all these reasons, FDA has concluded that PBB's can no longer be considered unavoidable food or feed contaminants and that the possibility of their recurrence as contaminants in the nation's food supply is remote. Accordingly, the action levels for unavoidable PBB's in animal-derived foods and animal feeds can no longer be justified under current agency regulations. Therefore, the agency has revoked the action levels. If FDA finds PBB's in food or feed, the food or feed would be subject to enforcement action under section 402(a)(1) (21 U.S.C. 342(a)(1)) of the Federal Food, Drug, and Cosmetic Act if the contamination is unavoidable or section 402(a)(2)(A) of the act if the contamination is avoidable.

The PBB action levels which were in effect are currently listed in an FDA booklet entitled "Action Levels for Poisonous or Deleterious Substances in Human Food and Animal Feed." The booklet is available to the public upon request and may be obtained by writing to Industry Programs Branch (HFF-326), Food and Drug Administration, 200 C St. SW., Washington, DC 20204. Because of the agency's decision to revoke the PBB action levels, the listing of the PBB action levels will be deleted from the next edition of the booklet.

Copies of the relevant sections of the FDA booklet "Action Levels for Poisonous or Deleterious Substances in Human Food and Animal Feed," summary information on Federal and State sampling for PBB's, and a memorandum to FDA's Regional and District Offices concerning the revocation of the PBB action levels are on file in the Dockets Management Branch (address above) under the docket number found in brackets in the heading of this document and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may, on or before March 23, 1987 submit written comments, data, and information regarding the action level revocations to the Dockets Management Branch. Two copies of any comments are to be submitted, except that individuals may submit one copy.

Comments must be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 30, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-1056 Filed 1-20-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86P-0510]

Canned Green Beans Deviating From Identity Standards; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that temporary permit has been issued to Truitt Brothers, Inc., to market test experimental packs of canned green beans containing added zinc chloride as part of the packing medium. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than April 21, 1987.

FOR FURTHER INFORMATION CONTACT: Catharine R. Calvert, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0121.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of a standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Truitt Brothers Inc., 1105 Front St. NE., Salem, OR 97308.

The permit covers limited interestate marketing tests of experimental packs of canned green beans. The test product deviates from the standard of identity for canned green beans prescribed in 21 CFR 155.120 (canned green beans and canned wax beans) in that it will contain added zinc chloride in the packing medium in an amount reasonably necessary to retain the green color of the test product (up to 75 parts per million of zinc in the finished food). The test product meets all requirements of § 155.120, with the exception of the variation.

The permit provides for the temporary marketing of 50,000 cases containing six No. 10 (603 X 700) cans each of the test product. The experimental packs of the test product will be distributed throughout the continental United States. The test product is to be manufactured at the Truitt Brothers, Inc., plant, Salem, OR 97308.

The principal display panel of the label states the product name as "Cut Green Beans" and each of the

ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than April 21, 1987.

Dated: January 13, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-1199 Filed 1-20-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Facilities Improvement and Repair Priority List for Fiscal Year 1987

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of add-on projects to the facilities improvement and repair priority list for FY 1987.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8.

Six facilities improvement and repair projects are being added to the list published in the **Federal Register**/Vol. 51, No. 194/Tuesday, October 7, 1986/Notice 35701.

The six additional projects are:

1. Manderson School
2. Crow Creek High School
3. Low Mountain Sewer Lagoons
4. Rough Rock Demonstration School
5. Chemawa High School
6. Jones Academy.

Construction of these additional projects is made possible by the congressional add-on of $4,150,000 to the FY 1987 appropriation for the FI&R Program. It is based upon the Bureau's criteria for ranking projects as published in the **Federal Register**/Volume 51, No. 30/Thursday, February 13, 1986/Notice 5415.

Ronald L. Esquerra,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 87-1219 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CO-942-06-4520-12]

Colorado: Filing of Plats of Survey

January 8, 1987.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 A.M., January 8, 1987.

The supplemental plat, correcting erroneous acreage in previous lot 17 and now showing amended lottings and areas in the SE¼ of section 32, T. 1 N., R. 100 W., Sixth Principal Meridian, Colorado, was accepted December 15, 1986.

The supplemental plat was prepared to meet certain administrative needs of this Bureau.

The plat representing the dependent resurvey of a portion of the Ute Base Line (south boundary), a portion of the Ute Principal Meridian (east boundary), a portion of the subdivisional lines and subdivision of certain sections, T. 1 N., R. 1 W., Ute Meridian, Colorado, Group No. 808, was accepted December 11, 1986.

This survey was executed to meet certain administrative needs of the Bureau of Reclamation.

The plat representing the corrective survey of the subdivision of sections 31 and 32, T. 5 S., R. 82 W., Sixth Principal Meridian, Colorado, Group No. 815, was accepted December 11, 1986.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

Jack A. Eaves,

Acting Chief, Cadastral Surveyor for Colorado.

[FR Doc. 87-1176 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-JB-M

[ID-030-07-4830-04]

Idaho Falls District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the Idaho Falls district advisory council.

SUMMARY: The Idaho Falls District Advisory Council will meet Wednesday, February 25, 1987. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 9 a.m. at the Idaho Falls District Office on 940 Lincoln Road, Idaho Falls, Idaho. The meeting is open to the public; public comments on agenda items will be accepted from 11:00 to 11:30 a.m.

The agenda items are: A Breifing on the Pocatello Resource Management Plan, an Introduction to the South Fork Plan and an update on the Noxious Weed Program.

Minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Lloyd H. Ferguson, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529-1020.

Lloyd H Ferguson,

District Manager.

January 12, 1987.

[FR Doc. 87-1178 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-GG-M

[UT-050-07-4333-11]

Richfield District, Richfield, UT, Public Meeting

AGENCY: Bureau of Land Management, Richfield, Utah.

ACTION: Public meeting.

SUMMARY: The Richfield District will hold two open house meetings to discuss the changes in the fees to be charged at the Little Sahara Recreation Area in accordance with 43 CFR 8372.4 and as stated in the Special Recreation Permit Policy. These meetings are scheduled to be held at: Nephi County Court House, Commissioners Chambers, Nephi, Utah from 7:00 p.m. to 9:00 p.m. on February 4; and BLM Utah State Office fourth floor Conference Room, 324 South State Street, Suite 301, Coordinated Financial Services Building, Salt Lake City, Utah from 4:40 p.m. to 9:00 p.m. on February 5, 1987.

The fee for daily use remains the same, $4.00 per day, however, in addition an annual use fee is now proposed. This fee would be $35.00 for the first vehicle; should a person wish to register a second vehicle, it would be $15.00 for the calendar year of 1987. The proposed annual use fee is not an entrance fee and applies only to the Little Sahara Recreation Area.

The meeting will also address the change in definition of a day use period. In the past a day's use was defined as midnight to midnight. The new proposal is from 2:00 p.m. to 2:00 p.m.

Donald L. Pendleton,

District Manager.

January 12, 1987.

[FR Doc. 87-1200 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-DQ-M

[ID-060-07-4410-11]

Coeur d'Alene District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: District Advisory Council Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Coeur d'Alene District Advisory Council will be held on March 11 and 12, 1987, at the Bureau of Land Management, Cottonwood Resource Area Headquarters, Cottonwood, Idaho 83522.

Agenda for the meeting will include:

1. Briefing on Phase II of the Lower Salmon River withdrawal study;
2. Field trip to Phase II study area;
3. Discussion and Council recommendations;
4. Arrangements for next meeting.

The meeting will commence at 11:00 a.m. on March 11 and conclude at 2:00 p.m. on March 12, 1987. The meeting is open to the public. Interested persons may make oral statements to the Council between 11:00 a.m. and 11:30 a.m. on March 12, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the Coeur d'Alene District Manager, 1808 North Third Street, Coeur d'Alene, Idaho 83814 by March 2, 1987. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: January 12, 1987.

Fritz U. Rennebaum,

District Manager.

[FR Doc. 87-1223 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-GG-M

[OR-050-4410: GP-7-080]

Prineville District Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Prineville District Advisory Council to be held February 26, 1987. The meeting will begin at 10:00 am at the Prineville District BLM Office located at 185 East Fourth Street, Prineville, Oregon.

Agenda items to be discussed by the Council include the Brothers/LaPine Resource Management Plan and public comments dealing with the preliminary issues and alternatives. Other agenda items include preparation strategy for the John Day River Management Plan, the District land exchange strategy and the BLM Organization Study for the State of Oregon.

The meeting is open to the public. Anyone wishing to attend and make written or oral comments to the Council should contact the Prineville District Manager at the above address or by phone (503 447-4115) prior to February 19, 1987.

Dated January 9, 1987

Donald L. Smith,

Acting District Manager.

[FR Doc. 87-1224 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-33-M

[CA-940-07-4212 13] CA 17640

Exchange of Public and Private Lands in San Diego and San Bernardino Counties, and Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document and order providing for opening of public lands.

SUMMARY: The purpose of this exchange was to acquire non-Federal lands within the Johnson Valley Off-Road Vehicle Recreation Area to create a more logical and manageable public land unit. The public interest was well served through completion of this exchange. The land acquired in this exchange will be opened to operation of the public land laws, and only a portion of the acquired land will be opened to the full operation of the United States mining laws and mineral leasing laws.

FOR FURTHER INFORMATION CONTACT: Viola Andrade California State Office (916) 978-4815

The United States issued an exchange conveyance document to the Southern Pacific Land Company on December 19, 1986, under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716), for the following described land:

San Bernardino Meridian, CA

T. 12 S., R. 1 W.,
Sec. 4, N½SW¼ and NW¼SE¼;

Containing 120.00 acres of public land in San Diego County.

In exchange for this land the United States acquired the following described lands from the Southern Pacific Land Company:

San Bernardino Meridian, CA

Parcel One . .

T. 5 N., R. 2 E.,
Sec. 1, Lots 1 through 4, S½N½, and S½;
T. 6 N., R. 2 E.,
Sec. 1, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, and S½;
Sec. 13, All;
Sec. 25, N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 33, All;
T. 5 N., R. 3 E.,
Sec. 5, Lots 1 through 8, S½N½, and S½;
T. 6 N., R. 3 E.,
Sec. 5, Lots 1 through 4, S½N½, and S½;
Sec. 9, NE¼NE¼, NW¼SW¼, S½SW¼, and SE¼SE¼;
Sec. 13, All;
Sec. 17, All;
Sec. 21, All;
Sec. 29, All;
Sec. 33, All;
T. 7 N., R. 3 E.,
Sec. 33, All;
T. 5 N., R. 4 E.,
Sec. 5, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, and S½;
Sec. 9, Lots 1 through 6, E½NE¼, NW¼, and S½S½;
T. 6 N., R. 4 E.,
Sec. 1, Lots 1 through 4, W½E½ and W½;
Sec. 5, All;
Sec. 9, All;
Sec. 13, Lots 1 through 4, W½E½, and W½;
Sec. 17, Lots 1 through 4, N½S½, and N½;
Sec. 21, Lots 1 through 7, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 29, All;
Sec. 33, All;
T. 7 N., R. 4 E.,
Sec. 25, Lots 1 through 4, W½E½, and W½;
Sec. 33, All;

Parcel Two

T. 5 N., R. 2 E.,
Sec. 1, Lots 1 through 4, and S½N½;
T. 6 N., R. 2 E.,
Sec. 25, N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 33, All;
T. 5 N., R. 3 E.,
Sec. 5, Lots 1 through 8, S½N½, and S½;
T. 6 N., R. 3 E.,
Sec. 5, Lots 1 through 4, S½N½, and S½;
Sec. 9, NE¼NE¼, NW¼SW¼, S½SW¼, and SE¼SE¼;
Sec. 29, All;
Sec. 33, NW¼;
T. 7 N., R. 3 E.,
Sec. 33, All;
T. 5 N., R. 4 E.,
Sec. 5, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, and S½;
T. 6 N., R. 4 E.,
Sec. 21, Lots 1 through 7, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 29, All;
Sec. 33, All;

Containing 16,471.46 acres of non-Federal lands in San Bernardino County.

The values of the public land and the non-Federal lands in this exchange are equal.

At 10 a.m. on February 23, 1987, the non-Federal lands described under Parcels One and Two above shall be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 23, 1987, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on February 23, 1987, the non-Federal lands described under Parcel One above shall be open to applications under the United States mining laws and mineral leasing laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, CA 95825.

Dated: January 12, 1987.

Sharon N. Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 87-4310 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-3110-10-AKOO; CA 17755]

Exchange of Public and Private Lands in Humboldt County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document.

SUMMARY: The purpose of the exchange was to acquire non-Federal land within the King Range National Conservation Area, and to consolidate public landownership for more effective management in the Scattered Blocks Planning Unit. The public interest was well served through completion of the exchange.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 978-4815.

The United States issued an exchange conveyance document to Kermit C. Miller and Ramona J. Miller on December 30, 1986, under the Act of October 21, 1970, (16 U.S.C. 460y), for the following described land:

Humboldt Meridian, CA

T. 2 S., R. 5 E.,
Sec. 25, SE¼SE¼;
T. 5 S., R. 5 E.,
Sec. 6, SE¼SW¼;
Sec. 7, NE¼NW¼.
Containing 120.00 acres of public land.

In exchange for these lands, the United States acquired the following described land from Mr. and Mrs. Miller:

Humboldt Meridian, California

T. 4 S., R. 1 E.,
Sec. 9, Lots 3 and 4, and W½SW¼.
Containing 159.52 acres of non-Federal land.

A payment in the amount of $8,120.00 has been paid to Mr. and Mrs. Miller by the United States to equalize values between the non-Federal land and the public land.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Dated: January 12, 1987.

Sharon N. Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 87-1226 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4220-10; CA 3981]

Tahoe National Forest, Placer County, Termination of Proposed Withdrawal and Reservation of Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice of the Forest Service, U.S. Department of Agriculture, application CA 3981 for withdrawal and reservation from appropriation under the mining laws (30 U.S.C. Chapter 2) for protection of the Greek Store Administrative Site in the Tahoe National Forest, Placer County, was published in the **Federal Register** on November 18, 1976, page 50873, FR Doc. 76-34100. The applicant agency has withdrawn its application in its entirety as to the following described lands:

Mount Diablo Meridian

T. 14 N., R. 13 E.,
Sec. 7, E½NE¼NE¼SE¼, SE¼NE¼SE¼, and NE¼NE¼SE¼SE¼.
Sec. 8, W½NW¼NW¼SW¼.
The land described aggregates 22.5 acres.

DATE: Pursuant to the regulations in 43 CFR 2310.2-1(c), such land at 10:00 a.m. February 27, 1987, will be relieved of the segregative effect on the above mentioned application.

FOR FURTHER INFORMATION CONTACT: Annisteen Pack-Lovelace, California State Office, Federal Office Building, 2800 Cottage Way, Room E 2841, Sacramento, California 95825 916-978-4815.

Dated: January 12, 1987.

Sharon Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 87-1227 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-40-M

[ID-943-07-4220-11; I-15072]

Proposed Continuation of Withdrawal; ID

Correction

In FR Doc. 86-28205, filed December 16, 1986, appearing on page 45186 of the issue for December 17, 1986, the following correction should be made:

T. 9 N., Rs. 3 and 5 E. should read:
T. 9 N., Rs. 3 and 4 E.

Dated: January 9, 1987.

William E. Ireland, *Chief*

Realty Operations Section.

[FR Doc. 87-1228 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-GG-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Mexico

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Minerals Management Service has recently completed a statistical compilation of oil spills resulting from drilling and production activities on the Outer Continental Shelf in the Gulf of Mexico OCS Region for the period 1976-85. Notice is hereby given that the report is available to the public upon request.

ADDRESSES: Copies of the report may be obtained from the Technical Publications Unit, Office of OCS Information and Publications, Minerals Management Services; Mail Stop 642, 1951 Kidwell Drive, Vienna, Virginia 22180.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Daniels, Chief, Branch of Lease Exploration; Minerals Management Service; 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091; Telephone (703) 648-7853, (FTS) 959-7853.

SUPPLEMENTARY INFORMATION: Requesters should ask for a copy of "Oil Spills, 1976-85: Statistical Report" to obtain the correct report.

Dated: January 9, 1987.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 87-1180 Filed 1-20-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Release of Waybill Data for Use in Analyzing Chlorine Tank Car Movements

The Commission has received a request from the Chlorine Institute, Inc. (CII) for permission to use certain data from the Commission's 1985 Waybill Sample to analyze the traffic patterns (including density) of loaded chlorine tank cars. CII is responsible for an emergency response system (CHLOREP) under which they respond to chlorine emergencies in the U.S. and Canada on a 24-hour, 7-day-a-week basis. Because of recent plant closings, they state that they need to review their geographic assignments to better respond to emergencies. The identification of heavy volume movements of chlorine would indicate whether redeployment of sector responsibility and/or enlisting additional teams is necessary. Specifically, they seek waybill data on chlorine (STCC 28128) movements in tank cars.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party (49 **Federal Register** 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: Elaine Kaiser, (202) 275-7003.

Noreta R. McGee,

Secretary.

[FR Doc. 87-1234 Filed 1-20-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Decree; Baird & McGuire, Inc., et al.

In accordance with the Departmental policy, 28 CFR 50.7, notice is hereby given that on January 6, 1987 a proposed consent decree in *United States* v. *Baird & McGuire, Inc.*, et al., Civil Action No. 83-3002-4 was lodged with the United States District Court for the District of Massachusetts. The proposed consent decree concerns the recovery of costs incurred by the United States in taking response actions, and to be incurred by the United States in undertaking remedial action under the Comprehensive Environmental Response, Compensation and Liability Act at a facility in Holbrook, Massachusetts where chemicals were processed for retail sale. Various hazardous substances were disposed of at the facility. The proposed consent decree requires the defendants to pay the United States $900,000 in reimbursement for response costs incurred and to be incurred.

The Department of Justice will receive for a period of thirty days from the date of this publication comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to DOJ Ref. 90-11-2-64.

The proposed consent decree may be examined in the Office of the United States Attorney, District of Massachusetts, 1107 J.W. McCormick Post Office and Courthouse, Boston, Massachusetts 02109, and at the Region I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Office of Regional Counsel, Boston, Mass. 02203. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.10 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-1229 Filed 1-20-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Lightolier Inc.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on January 7, 1987, a proposed Consent Decree was lodged with the United States District Court for the Central District of California in *United States* v. *Lightolier, Inc.*, CV 86-4275 JSL. The proposed Consent Decree concerns the prevention of the release of volatile organic compounds in violation of the Clean Air Act and the limits set forth in Local Rule 1107 of the South Coast Air Quality Management Division which is part of the California State Implementation Plan that has been approved by the United States Environmental Protection Agency. The proposed Consent Decree requires Lightolier, Inc., to make the necessary modifications to achieve compliance with Rule 1107 and to pay a civil penalty of $20,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to Lightolier, Inc., D.J. Ref. 90-5-2-1-968.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, 312 N. Spring Street, Los Angeles, California 90012, and at the Region 9 Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 90415. Copies of the Consent Decree also may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy please refer to the referenced case and enclose a check in the amount of $1.60 (10 cents per page reproduction

cost) made payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-1230 Filed 1-20-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Paul B. Morris Co., Inc.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on January 7, 1987, a proposed Consent Decree was lodged with the United States District Court for the Central District of California in *United States* v. *Paul B. Morris Companv, Inc.*, CV 86-4276 AWT. The proposed Consent Decree concerns the prevention of the release of volatile organic compounds in violation of the Clean Air Act and the limits set forth in Local Rule 1107 of the South Coast Air Quality Management Divisions which is part of the California State Implementation Plan that has been approved by the United States Environmental Protection Agency. The proposed Consent Decree requires Morris to make the necessary modifications to achieve compliance with Rule 1107 and to pay a civil penalty of $20,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *Paul B. Morris*, D.J. Ref. 90-5-2-1-967.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, 312 N. Spring Street, Los Angeles, California 90012, and at the Region 9 Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 90415. Copies of the Consent Decree also may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue, NW., Washington,.DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy please refer to the referenced case and enclose a check in the amount of $1.60 (10 cents per page reproduction cost) made payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-1231 Filed 1-20-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Superior Industries, Inc.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on January 7, 1987, a proposed Consent Decree was lodged with the United States District Court for the Central District of California in *United States* v. *Superior Industries, Inc.*, CV 86-4277 KN. The proposed Consent Decree concerns the prevention of the release of volatile organic compounds in violation of the Clean Air Act and the limits set forth in Local Rule 1107 of the South Coast Air Ouality Management Division which is part of the California State Implementation Plan that has been approved by the United States Environmental Protection Agency. The proposed Consent Decree requires Superior Industries, Inc. to make the necessary modifications to achieve compliance with Rule 1107 and to pay a civil penalty of $32,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *Superior Industries, Inc.*, D.J. Ref. 90-5-2-1-965.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, 312 N. Spring Street, Los Angeles, California 90012, and at the Region 9 Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 90415. Copies of the Consent Decree also may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Divison, Department of Justice. In requesting a copy please refer to the referenced case and enclose a check in the amount of $1.60 (10 cents per page reproduction cost) made payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-1232 Filed 1-20-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Virco Manufacturing Corp.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on January 7, 1987, a proposed Consent Decree was lodged with the United States District Court for the Central District of California in *United States* v. *Virco Manufacturing Corporation*, CV 86-4265 JMI. The proposed Consent Decree concerns the prevention of the release of volatile organic compounds in violation of the Clean Air Act and the limits set forth in Local Rule 1107 of the South Coast Air Quality Management Division which is part of the California State Implementation Plan that has been approved by the United States Environmental Protection Agency. The proposed Consent Decree requires Virco Manufacturing Corporation to make the necessary modifications to achieve compliance with Rule 1107 and to pay a civil penalty of $27,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *Virco Manufacturing Corporation*, D.J. Ref. 90-5-2-1-963.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, 312 N. Spring Street, Los Angeles, California 90012, and at the Region 9 Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 90415. Copies of the Consent Decree also may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Divison, Department of Justice. In requesting a copy please refer to the referenced case

and enclose a check in the amount of $1.60 (10 cents per page reproduction cost) made payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-1233 Filed 1-20-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Office will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers,if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503 (telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Occupational Safety and Health Administration

Posting of Signed for Emergency Phones and Allowable Load Weights
1218-0093; OSHA 269
On occasion
Businesses or other for profit; small businesses or organizations
208,976.5 responses, 6,966 hours; 2,925 responses, 1900 hours

This information collection covers two regulatory areas:

a. Posting of phone numbers of physicians, hospitals or ambulances to expedite obtaining medical attention for injured construction employees.

b. Posting maximum safe load limits for storage areas should reduce floor overload hazards for construction employees.

Reinstatement

Occupational Safety and Health Administration

Telecommunication Training Record
1218-0057, OSHA 220
Recordkeeping
Businesses or other for-profit; small businesses or organizations
100,000 respondents; 21,400 hours; 0 forms

This regulation requires telecommunications employers to describe their training program. OSHA needs this information to determine if employees are trained in accordance with the OSHA standards. Employers and employees also use this information to keep track of which employee has received what training.

Reinstatement

Occupational Safety and Health Administration

Vinyl Chloride
1218-0010; OSHA 251
On occasion
Businesses or other for-profit
2,832 responses, 6,569 hours

The purpose of this standard and its information collection requirements is to provide protection for employees from the health effects associated with occupational exposure to the carcinogen, vinyl chloride (VC). Employers must monitor employee exposure, reduce employee exposures to within permissible limits and provide medical exams, training and other information to exposed employees.

Reinstatement

Women's Bureau

Conference/Workshop Evaluation Form
1225-0018; WB-2
Individuals or households; state or local governments; business or other for-profit; federal agencies or employees; non-profit institutions; small businesses or organizations
16,484 responses; 1,648 hours; 1 form

Conferences and workshops are used by the Women's Bureau to disseminate information about women's economic status and improving their opportunities for employment. The public's assessment of the information provided is used to improve the conferences' information content and quality and to determine if conferences and workshops are an effective information dissemination technique.

Signed at Washington, DC, this 15th day of January 1987.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 87-1266 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-26-M

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and trade Policy.

Date, time and place; February 10, 1987, 9:30 a.m., Rm. S4215 A&B, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss

sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION CONTACT: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565.

Signed at Washington, DC, this 14th day of January 1987.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 87-1267 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Gilbert Manufacturing Corp., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 29, 1986–January 2, 1987 and January 5, 1987–January 9, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-18,387; Gilbert Manufacturing Corp., Locke Mills, ME

TA-W-17,723; The Lee Co., Madison, AL

TA-W-18,339; Armour Handcraft, Inc., Plants #1 and #2, West Hazleton, PA

TA-W-17,684B; Ledex, Inc., Wilmington, OH

TA-W-17,704; Greendall Manufacturing, New York, NY

TA-W-18,426; Pea Ridge Iron Ore Co., Inc., Sullivan, MO

TA-W-17,685; Owens-Illinois, Kimble Division, Parkersburg, WV

TA-W-17,299; Summitville Tiles, Inc., Summitville, OH

TA-W-17,300; Summitville Tiles, Inc., Minerva, OH

TA-W-18,414; Terrell Drilling Co., Terrell's Tractor & Well Service, Terrell Drilling & Producing Co., Grayville, IL

TA-W-18,948; Sunset Manufacturing Co., Pottstown, PA

TA-W-18,215; Elaine Pleating, Inc., New York, NY

TA-W-17,643; Aalfs Manufacturing, Miami, OK

TA-W-18,367; New Textile Printing & Finishing, Inc., Lebanon, PA

TA-W-17,622; Euclid Crane, Division of Kranco, Inc., Euclid, OH

TA-W-17,797; Creations by Kenscott, New York, NY

The following cases the invetigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-18,548; AT&T Information Systems Material Management Center, Underwood, IA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-18,546; Central Foundry, Division of General Motors Corp., Massena, NY

Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-18,781; MP Industries, Tyler, TX

Aggregate U.S. imports of oilfield equipment are negligible.

TA-W-18,773; Geophysical Service, Inc., Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,776; Blake Drilling, Inc., Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,777; Sedco Forex Schlumberger, Ventura, CA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,322; Geoege Racho, Hazleton, PA

The investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coal are negligible.

TA-W-18,762; Conveyor Belt Service, Inc., Virginia, MN

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,758; Western Tank Company of Odessa, Odessa, TX

Aggregate U.S. imports of storage tanks are negligible.

TA-W-17,659; Sun Apparel Corp., El Paso, TX

Separations at the subject firm were due to a domestic transfer of operations.

TA-W-18,551; Molycorp, Inc., Washington, PA

Aggregate U.S. imports of molybdenum components are negligible.

TA-W-18,613; TRW Reda Pump Co., Midland, TX

Aggregate U.S. imports of oilwell pumps are negligible.

TA-W-18,680; Cummings Southern Plains, Lubbock, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,633; W.C. Norris, Tulsa, OK

Aggregate U.S. imports of oilfield equipment are negligible.

TA-W-18,706; Oklahoma Petroleum Management Corp., Okemah, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,890; Xerox Corp., Lewisville, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-18,806; Newton Machine Works, Midland, TX

Aggregate U.S. imports of oilfield equipment are negligible.

TA-W-18,793; Trico Industries, Dickinson, ND

Aggregate U.S. imports of oil storage tanks and oilfield equipment are negligible.

TA-W-18,334; Old Colony Envelope Co., Dayton, OH

Aggregate U.S. imports of envelopes are negligible.

TA-W-18,779; Camel Outdoor Products, Knoxville, TX

The workers' firm does not produce an article as required for certification

under section 222 of the Trade Act of 1974.

TA-W-18,418; Source Petroleum, San Antonio, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,786; AMF Tuboscope, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,788; Flint Engineering and Construction, Inc., Dickinson, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,792; Sedco Forex Schlumberger Technology Corp., Dallas, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,803; Sweco, Incorporated, Odessa, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,804; W&S Pit Lining, Odessa, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,000; Atlantic Richfield Company (ARCO); Arco Oil and Gas Co. and Arco Exploration and Technology Co., Dallas, TX

Aggregate U.S. imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,001; Atlantic Richfield Company (ARCO); Arco Oil and Gas Co. and Arco Exploration and Technology Co., Plano, TX; Research Labs

Aggregate U.S. imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,147; Atlantic Richfield Company (ARCO); Arco Oil and Gas Co., and Arco Exploration and Technology Co., Dallas, TX

Aggregate U.S. imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,148; Atlantic Richfield Company (ARCO); Arco Oil and Gas Co., and Arco Exploration and Technology Co., Denver, CO

Aggregate U.S. imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,150; Atlantic Richfield Company (ARCO); Arco Oil and Gas Co., and Arco Exploration and Technology Co., Dallas, TX

Aggregate U.S. imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,151; Atlantic Richfield Company (ARCO); Arco Oil and Gas Company and Arco Exploration and Technology Co, Pasadena, CA

Aggregate U.S. Imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,152; Atlantic Richfield Company (ARCO); Arco Oil and Gas Company and Arco Exploration and Technology Co, Bakersfield, CA

Aggregate U.S. Imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,153; Atlantic Richfield Company (ARCO); Arco Oil and Gas Company and Arco Exploration and Technology Co, Anchorage, AK

Aggregate U.S. Imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,154; Atlantic Richfield Company (ARCO); Arco Oil and Gas Company and Arco Exploration and Technology Co, Midland, TX

Aggregate U.S. Imports of gasoline and distillate fuel oil did not increase as required for certification.

TA-W-18,807; Tesoro Land and Marine, Rental Co., Bay City, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,818, B.J. Titan Service, Dickinson, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,815; I.R.I. International, Pampa, TX

Aggregate U.S. Imports of Steel forgings did not increase as required for certification and imports of oilfield equipment are negligible.

TA-W-18-749; Cabot Corporation, Pampa, TX

Aggregate U.S. imports of natural gas did not increase as required for certification.

TA-W-18,819; Axelson, Inc., Colorado Springs, CO

Aggregated U.S. imports of oilfield equipment are negligible.

Affirmative Determinations

TA-W-18,612; The Maurice L. Brown Co., Kansas City, MO

A certification was issued covering all workers of the firm separated on or after November 3, 1985.

TA-W-17,838; Coastal Oil and Gas Corp., Exploration & Production Division, Headquartered in Houston, TX

A certification was issued covering all workers of the firm separated on or after July 17, 1986.

TA-W-18,266; Amco Production Corp, Farmington, NM District, Farmington, NM

A certification was issued covering all workers of the firm separated on or after September 15, 1985.

TA-W-17,754; Marie Dianne Fashions, Springfield, MA

A certification was issued covering all workers of the firm separated on or after July 11, 1985 and before March 18, 1986.

TA-W-17,684; Ledex, Inc. Vandalia, OH

A certification was issued covering all workers of the firm separated on or after June 27, 1985.

TA-W-17,684A; Ledex, Inc., Piqua, OH

A certification was issued covering all workers of the firm separated on or after June 27, 1985.

TA-W-17,849; Columbia Foowear Corp., Hazleton, PA

A certification was issued covering all workers of the firm separated on or after January 1, 1986.

TA-W-17,891; Statesville Sportswear, Statesville, NC

A certification was issued covering all workers of the firm separated on or after August 6, 1985 and before October 5, 1986.

TA-W-18,355; East 18th Avenue Corporation, Hialeah, FL

A certification was issued covering all workers of the firm separated on or after September 22, 1985.

TA-W-18,280; Key Tronic Corp., Newport, WA

A certification was issued covering all workers of the firm separated on or after August 14, 1985.

TA-W-17,878; Bay Bee Shoe Co., Dresden, TN

A certification was issued covering all workers of the firm separated on or after November 1, 1985.

TA-W-18,503; Tenneco Oil Co., Exploration and Production Div., Headquartered in Houston, TX

A certification was issued covering all workers of the firm separated on or after October 13, 1985.

TA-W-18,067; Ensource, Inc., Englewood and Denver, CO

A certification was issued covering all workers of the firm separated on or after July 15, 1985.

TA-W-18,474; Kerr-McGee Corp., Petroleum Exploration & Production Div., Headquartered in Morgan City, LA

A certification was issued covering all workers of the firm separated on or after September 30, 1985.

TA-W-18,201; International Shoe Co., Bryan, TX

A certification was issued covering all workers of the firm separated on or after September 5, 1985.

TA-W-18,115 and TA-W-18,115A; Conoco, Inc., Petroleum Exploration & Production Div., Lakewood, CO and Houston, TX

A certification was issued covering all workers of the firm separated on or after June 18, 1985.

TA-W-18,116; Conoco, Inc., Petroleum Exploration & Production Div., Midland, TX

A certification was issued covering all workers of the firm separated on or after June 18, 1985.

TA-W-18,117; Conoco, Inc., Petroleum Exploration & Production Div., Lafayette, LA

A certification was issued covering all workers of the firm separated on or after June 18, 1985.

TA-W-18,118; Conoco, Inc., Petroleum Exploration & Production Div., New Orleans, LA

A certification was issued covering all workers of the firm separated on or after June 18, 1985.

TA-W-18,414; Russell-Newman Manufacturing Co., Inc., Saint Jo, TX

A certification was issued covering all workers of the firm separated on or after October 1, 1985.

TA-W-18,671; Code-A-Phone Corp., Clackamus, OR

A certification was issued covering all workers of the firm separated on or after July 1, 1986.

TA-W-18,490; General Chemical Corp., (Currently Avtex Fibers, Inc), Front Royal, VA

A certification was issued covering all workers of the firm separated on or after October 14, 1985 and before February 1, 1987.

TA-W-18,174; Phoenix Footwear, Secaucus, NJ

A certification was issued covering all workers of the firm separated on or after October 24, 1985.

TA-W-18,338; Chemetals, Inc., Kingwood, WV

A certification was issued covering all workers of the firm separated on or after August 25, 1985.

TA-W-17,976; Salem Shoe Manufacturing Co., Salem MA

A certification was issued covering all workers of the firm separated on or after August 19, 1985.

TA-W-18,675; Absher Oil Co., Carmi, IL

A certification was issued covering all workers of the firm separated on or after November 13, 1985.

TA-W-18,513; Alco Power, Inc., Auburn, NY

A certification was issued covering all workers of the firm separated on or after October 21, 1985.

TA-W-18,647; Sunshine Mining Co., Boise Office, Boise ID

A certification was issued covering all workers of the firm separated on or after October 31, 1985.

I hereby certify that the aforementioned determinations were issued during the period December 29, 1986–January 2, 1987 and January 5, 1987–January 9, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 6, 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-1268 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18, 234]

Standard Oil Production Co., Continental Division, Dallas, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 30, 1986 in response to a worker petition which was filed on behalf of workers at the Continental Division of Standard Oil Production Compnay, Dalls, Texas.

A negative determination applicable to the petitioning group of workers was issued recently (TA-W-18, 015). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 13th day of January 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-1269 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Puerto Rico

This notice announces the ending of the Extended Benefit Period in the State of Puerto Rico, effective on December 20, 1986.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. Under the Extended Benefit Program in Puerto Rico, individuals who have exhausted their rights to regular unemployment benefits (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended benefit period, to receive up to 10 weeks of extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period in Puerto Rico, individuals are eligible for a maximum of up to 10 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 30 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for

which there is an off indictor, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Puerto Rico on September 21, 1986, and has now triggered off.

Determination of an "off" Indicator

The head of the employment security agency of that State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on November 29, 1986, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending December 20, 1986.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the ending of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office in their locality.

Signed at Washington, DC, on January 13, 1987.

Roger D. Semerad,

Assistant Secretary of Labor.

[FR Doc. 87-1270 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-86-222-C]

Acme Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Acme Coal Company, P.O. Box 71, Tower City, Pennsylvania 17980 has filed a petition to modify the application of 30 CFR 75.1714 (self-contained self-rescuers) to it No. 5 Lykens Vein Slope (I.D. No. 36-01778) located in Dauphin County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator make available to each person who goes underground a self-contained self-rescue device approved by the Secretary which is adequate to protect such person for one hour or longer.

2. The mine is always damp to wet. The only electrical equipment, which is a pump, is located at the foot of the slope.

3. Petitioner states that the distance from the mine portal to the actual working face is less than 2,000 feet. The mine can be evacuated in less than 15 minutes.

4. Petitioner states that the devices are too heavy, bulky, and cumbersome to be worn while working or in the narrow confines of the slope gun boat which serves as a mantrip at the mine.

5. Sections of the mine are subjected to freezing temperatures making constant availability of the devices questionable. In addition, the wet mine conditions make it difficult to locate a suitably dry storage location for the self-rescuers.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before (February 20, 1987). Copies of the petition are available for inspection at that address.

Dated: January 9, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-1271 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-230-C]

BethEnergy Mines, Inc.; Petition for Modification of Application of Mandatory Safety Standard

BethEnergy Mines, Inc., P.O. Box 143, Eighty-Four, Pennsylvania 15330 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 58 (I.D. No. 36-00957) located in Washington County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement the return air courses be examined in their entirety on a weekly basis.

2. Petitioner states that due to roof falls and deteriorating roof support, certain areas of the mine are too difficult and hazardous to examine, and rehabilitation of these areas would expose miners to hazardous conditions.

3. There are three bleeder evaluation stations located in these areas which will continue to be examined.

4. As an alternate method, petitioner proposes to establish monitoring stations at specific locations where examinations for hazardous conditions can be conducted.

5. In support of this request, petitioner states that:

(a) The monitoring stations and all access routes will be maintained in a safe condtion. Air lock doors will be provided when needed and station identification signs will be posted along the haulage road;

(b) Methane and air readings will be made daily by a certified person at each measuring station. Air quantity and methane readings will be recorded and a date board or book will be located at each measuring station for the date, time and initials of the examiner. The direction of airflow will be posted at the measuring stations; and

(c) Methane will not be allowed to accumulate beyond legal limits in these return air courses. If there is a marked variation in quantity or 0.5 percent increase in methane content, immediate action will be taken to determine the cause and appropriate action taken when necessary.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 20, 1987. Copies of the petition are available for inspection at that address.

Dated: January 12, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-1272 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-202-C]

Greenwood Mining; Petition for Modification of Application of Mandatory Safety Standard

Greenwood Mining, 119 Greenwood Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 1 Slope (I.D. No. 36-07388) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that in such safety catch or device is available for the steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if "makeshift" safety devices were installed they would be activated on knuckles and curves when no emergency existed and cause a tumbling effect on the conveyance.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, above the main connecting device. The hoisting ropes would have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 20, 1987. Copies of the petition are available for inspection at that address.

Dated: January 9, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-1273 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-220-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75.500(c) (permissible electric equipment) to its No. 3 Mine (I.D. No. 01-00758) located in Jefferson County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that all electric face equipment which is taken into or used in by the last crosscut of any coal mine classified under any provision of law as a gassy mine shall be permissible.

2. As an alternate method, petitioner proposes to use a diesel air compressor for the purpose of rockdusting the gob area behind the longwall panels. The air compressor would be used in by the last open crosscut which is within 150 feet of pillar workings on longwall sections.

3. In support of this request petitioner states that;

(a) The area inby the longwall face will be examined before the non-permissible equipment is taken into the area;

(b) The diesel air compressor will be moved into the area by a diesel locomotive and/or permissible electric equipment. When a diesel locomotive is used, the locomotive will not remain within 150 feet of pillar workings but will be removed from that area until the rockdust tanks and air compressor need to be moved again;

(c) Air currents will be directed so that intake air is coursed over the non-permissible equipment when it is in use;

(d) Brattice lines will be maintained between the track and the gob with regulators in locations that will ensure positive ventilation at all times the non-permissible equipment is operating;

(e) Ventilation and methane examinations will be made in the area at least once each hour while the non-permissible equipment is operating; and

(f) If ventilation is disturbed, the non-permissible equipment will be either deenergized or removed from the area until proper ventilation is restored.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 20, 1987. Copies of the petition are available for inspection at that address.

Dated: January 12, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-1274 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-221-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75.1002-1(a) (location of other electric equipment; requirements for permissibility) to its No. 3 Mine (i.D. No. 01-00758) located in Jefferson County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirment that electric equipment other than trolley feeder wires, high-voltage cables, and transformers be permissible, and maintained in permissible condition when such electric equipment is located within 150 feet from pillar workings.

2. As an alternate method, petitioner proposed to use a diesel air compressor for the purpose of rockdusting the gob area behind the longwall panels. The air compressor would be used inby the last open crosscut which is within 150 feet from pillar workings on longwall sections.

3. In support of this request petitioner states that:

(a) The area inby the longwall face will be examined before the non-permissible equipment is taken into the area;

(b) The diesel air compressor will be moved into the area by a diesel locomotive and/or permissible electric

equipment. When a diesel locomotive is used, the locomotive will not remain within 150 feet of pillar workings but will be removed from that area until the rockdust tanks and air compressor need to be moved again;

(c) Air currents will be directed so that intake air is coursed over the non-permissible equipment when it is in use;

(d) Brattice lines will be maintained between the track and the job area with regulators in locations that will ensure positive ventilation at al times the non-permissible equipment is operating;

(e) Ventilation and methane examinations will be made in the area at least once each hour while the non-permissible equipment is operating; and

(f) If ventilation is disturbed, the non-permissible equipment will be either deenergized or removed from the area until proper ventilation is restored.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 20, 1987. Copies of the petition are available for inspection at that address.

Dated: January 12, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-1275 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-86-83-C]

Neumeister Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Neumeister Coal Company, R.D. #1, Box 327-D, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its No. 2 Slope (I.D. No. 36-07166) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. Petitioner states that automatic couplers would restrict the maneuverability and make it difficult to make turns on the sharp curves and narrow confines of the gangway haulage road.

3. The mine cars are only 28 inches wide. As an alternate method, petitioner proposes to couple the mine cars with a pin in the center of a male and female hitch which can be evenly reached from the side of the car; therefore the motorman would not have to get between the mine cars. The male and female couplers make the mine cars maneuver easily around the sharp curves and over unevenness in the track.

4. The battery locomotive is operated by one man, there is no brakeman, and there is no car movement during the coupling or uncoupling process.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 20, 1987. Copies of the petition are available for inspection at that address.

Dated: January 9, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-1276 Filed 1-20-87; 8:45 am]

BILLING CODE 4510-43-M

NUCLEAR REGULATORY COMMISSION

State of Illinois; Staff Assessment of Proposed Agreement Between the NRC and the State of Illinois; Revision of Date for Comments

AGENCY: Nuclear Regulatory Commission.

ACTION: Revision of date for comments.

SUMMARY: In a **Federal Register** document published on December 31, 1986 (51 FR 47327—43341, FR Doc. 86-29382) NRC published a notice for public comment on 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. As required by the Atomic Energy Act, as amended, this notice was to be republished in the **Federal Register** for 3 successive weeks. A comment due date of January 30, 1987, was provided. Because of errors in the printing process, the December 31, 1986, and January 7, 1987, notices were incomplete and also contained errors. The corrected notice of the staff assessment is published following this notice. The corrected notice will be published once each week for 4 successive weeks. To accommodate public review and comment of the corrected notice, the date for comments is revised as follows:

DATES: Comments must be received on or before February 20, 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 Commision, 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.

Dated at Bethesda, Maryland, this 13th day of January, 1987.

For the U.S. Nuclear Regulatory Commision.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 87-1127—Filed 1-20-87; 8:45 am]

BILLING CODE 7590—01—T

State of Illinois; Staff Assessment of Proposed Agreement Between the NRC and the State of Illinois; Republication

[**Editorial Note:** The following document was originally published at page 47327 in the issue of Wednesday, December 31, 1986, and was republished at page 618 in the issue of Wednesday, January 7, 1987. In each publication, several paragraphs of text were omitted from section II9. The corrected document is reprinted below in its entirety. The omitted material has been added and other typesetting errors have been corrected.]

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

* See the preceding document in which the Nuclear Regulatory Commission revises the comment deadline.

[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

protection regulation for radioactive materials and machine produced radiation, lasers, low-level radioactive waste management, surveillance of transportation of radioactive materials and environmental radiation, coordination of State government functions concerning nuclear power and emergency preparedness.

E. The proposed illinois Agreement will cover several unique facets. It will include (1) regulation of a low-level waste disposal site which is no longer accepting low-level radioactive waste for disposal (Sheffield), (2) regulation of a new regional low-level waste disposal facility, (3) regulation of one of only two licensed uranium conversion plants in the United States (Allied-Chemical) and (4) assumption of regulatory responsibility for off-site source material resulting from operation of the Kerr-McGee West Chicago Rare Earths Facility (including such material which is, or may be, stored on the Kerr-McGee site). Jurisdiction over the tailings materials at this site (by-product material as defined by section 11e(2) of the Act) will remain with NRC. The State's proposed programs for low-level radioactive waste disposal and the Allied Chemical plant are assessed under Criteria nos. 9, "Radioactive Waste Disposal" and 20 "Personnel." The disposition of the regulatory responsibility for the Kerr-McGee radioactive materials resulting from the operation of the Rare Earths Facility is covered in the assessment under 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

[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).

authority inspections as per 10 CFR 19, Section 19.16 and to be represented during inspections as specified in Section 19.14 of 10 CFR 19.

The Illinois regulation contain requirements for instruction and notices to workers that are uniform with those of 10 CFR Part 19.

Reference: 32 ILL. ADM. CODE Part 400.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

The Illinois regulations contain a requirement for security of stored radioactive material.

Reference: 32 ILL ADM. CODE 340.2060.

9. *Radioactive Waste Disposal.* (a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR Part 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is 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

*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.

M.S.—University of Illinois (1965)—Nuclear Engineering
B.S.—Millikin University (1964)—Physics/Mathematics
"Management Education Workshop," Ill. Dept. of Personnel, Champaign (1978)
"International Symposium on Migration of Tritium in the Environment," International Atomic Energy Agency, California (1978)
"Radiological Emergency Response Operations," US NRC, Nevada (1977)
"Workshop on Collective Bargaining for Public Employees," Ill. Dept. of Personnel (1976)
"Administrative and Organizational Behavior," Ill. Dept. of Public Health (1975)
"Professional Engineering Review," Univ. of Ill. (1974)
"Response of Structures to External Forces, i.e., Earthquakes, Tornados, etc.," Penn. State Univ. (1968)

Experience:

1980–Present: Illinois Department of Nuclear Safety
1973–1980: Illinois Department of Public Health
1967–1973: Sangamo-Weston Electronics Company, Springfield, Illinois
1965–1967: Westinghouse Electric Company, Forrest Hills, Pennsylvania

Reference: Illinois Program Statement, Section III.D." Allied Chemical Uranium Conversion Facility," Appendix 5, and Appendix 9, "Current Agreement State Staff Positions: Low-Level Radioactive Waste Management Program, Office of Environmental Safety."

c. Licensing and Regulation of Permanent Disposal of Low-Level Radioactive Waste

i. Personnel

The Office of Environmental Safety has responsibility for the low-level waste (LLW) management regulatory program which includes the Sheffield site and the regional waste disposal facility. The assessment of the regulatory framework is included under Criterion 9, "Radioactive Waste Disposal." The LLW and transportation management program is staffed by 13 technical staff members. The Manager of the Office of Environmental Safety will provide overall supevision and management and the Chief of the Office's Division of Nuclear Chemistry will provide laboratory support. Technical support will also be available from the Division of Nuclear Materials. These personnel and summaries of their duties are:

(a) Staff previously identified in the materials or uranium conversion plant regulatory oversight programs (Section 20 a and b):

Michael H. Momeni, Lih-Ching Chu, John W. Cooper, James F. Schweitzer.

(b) Other IDNS Staff:

Robert A. Lommler: Chief, Division of Waste and Transportation. Has responsibilities for implementing the Illinois LLW management act, supervises staff in the LLW program and manages the spent nuclear fuel and LLW shipment inspection program.

Training:

B.S.—Kent State University (1971)—Chemistry
"10 CFR 61," US NRC, Springfield, Illinois (1986)
"Incinerator Basics," Univ. of California, Charlotte, N.C. (1986)
"Radioactive Material Transportation Workshop," US DOE, Chicago, Illinois (1985)
"10 CFR 61 Compliance," TMS, Inc., Washington, D.C. (1984)
"Radiological Protection Officer Course," U.S. Army (1978)
"Chemical Officer Advanced Course," U.S. Army (1978–1979)
"Transportation of Hazardous Materials by Air," US DOT (1972)
"Chemical Officer Basic Course," U.S. Army (1971)

Experience:

1984–Present: Illinois Department of Nuclear Safety
1979–1983: U.S. Army, Radiation Safety Officer, Ft. Riley, Kansas
1975–1978: U.S. Army, Mannehim, West Germany
1971–1975: U.S. Army, Edgewood, Maryland

Michael Klebe: Nuclear Safety Engineer. Serves as technical resource on LLW management environmental problems, decomissioning and disposal facility siting.

Training:

M.S.—Montana College of Mineral Science and Technology (1982)—Mining Engineering
B.S.—Montana College of Mineral Science and Technology (1980)—Mining Engineering

Experience:

1986–Present: Illinois Department of Nuclear Safety
1982–1986: Shell Mining Company, Houston, Texas and Elkhart, Illinois, Mining Engineer

David Flynn: Geologist. Evaluates geological and hydrologic factors relating to LLW management.

Training:

B.S.—Southern Illinois University (1979)—Geology
"Uranium and Thorium. A Perspective on the Hazard," Radiation Safety Associates, Springfield, Illinois (1986)
"Corrective Actions for Containing and Controlling Ground Water Contamination," National Water Well Association, Columbus, Ohio (1986)
"A Standardized System for Evaluation of Groundwater Pollution Potential Using Hydrogeologic Setting," National Water Well Association, Denver, Colorado (1986)
"Groundwater Pollution and Hydrology," Princeton & Associates, Miami, Florida (1986)
"Engineering and Design of Waste Disposal Systems," Civil Engineering Department, Colorado State University, Fort Collins, Colorado (1985)
""Groundwater Monitoring Workshop," Illinois Department of Energy and Natural Resources, Champaign, Illinois (1984)
"Radiological Emergency Response Training for State and Local Government Emergency Preparedness Personnel," FEMA, Nevada Test Site (1983)

Experience:

1983–Present: Illinois Department of Nuclear Safety
1981–1983: Mine Geologist, Atlas Minerals Corporation, Moab, Utah
1980–1981: Associate Mine Geologist, Rancher's Exploration & Development Corporation, Albuquerque, New Mexico
1979–1980: Junior Geologist, Rancher's Exploration & Development Corporation, Albuquerque, New Mexico

Shannon M. Flannigan: Geologist. Reviews, interprets and evaluates geologic hydrologic, physical and environmental data related to environmental impact, design, location, construction and decommissioning of facilities.

Training:

B.S.–Drake University (1978) Geology
A.A.–Springfield College in Illinois (1976)–Business
"Radiological Emergency Response," FEMA, Nevada (1986)
"Groundwater Contaminant Transport Modeling," Princeton University, Princeton, New Jersey (1986)
"A standardized System for Evaluating Groundwater Pollution Using Hydrogeologic Setting," Denver, Colorado (1986)
"Groundwater Pollution & Hydrology," Princeton Associates, Princeton, New Jersey (1986)

"Borehole Geophysics Techniques for Solving Groundwater Problems," National Water Well Association, Denver, Colorado (1986)
"Soil Mechanics and Foundations," Lincoln Land Community College, Springfield, Illinois (1981)
"Environmental Risk Assessment," Sagamon State University, Springfield, Illinois (1985)
"Recognition, Evaluation, and Control of Ionizing Radiation," OSHA Training Institute, Illinois (1985)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1984–1985: Hanson Engineers, Inc. Springfield, Illinois
1981–1984: Veesay Geoservice, Inc. Denver, Colorado
1978–1981: Hanson Engineers, Inc. Springfield, Illinois.

George T. FitzGerald: Nuclear Safety Engineer I. Principally responsible for geology.

Training:

B.A.–Humboldt State University, California (1968)–Geology
Post-Graduate Work: Education, Humboldt State University, Economic Evaluation, Colorado School of Mines, Golden, Colorado

Experience:

1986–Present: Illinois Department of Nuclear Safety
1984–1986: Boliden Minerals, Inc., Silver City, New Mexico
1980–1984: Minatome Corporation, Denver, Colorado
1975–1980: SOHIO, Seboyeta, New Mexico
1968–1975: Kerr McGee Corporation Grants, New Mexico

Dana M. Willaford: Nuclear Safety Supervisor. Responsible for overall operation of waste generator registration and inspection program.

Training:

M.P.A.–Sangamon State University (1983)
B.A.–University of Illinois (1981)–Political Science, Math/Physics Minor
"Radioactive Materials Transportation Course," US DOE, Kansas City, Missouri (1986)
"Uranium and Thorium: A Perspective on the Hazard," Radiation Safety Associates, Inc., Springfield, Illinois (1986)
"Recognition, Evaluation, and Control of Ionizing Radiation," OSHA, Des Plaines, Illinois (1985)
"Environmental Laws and Regulations Compliance Course," government institutes, Washington, D.C. (1985)
"Radiological Emergency Response Operations Course," FEMA, Nevada (1983)

Experience:

1983–Present: Illinois Department of Nuclear Safety
1981–1983: Illinois Department of Nuclear Safety/Sangamon State University (Graduate Public Service Intern)
1977–1981: University of Illinois (Student Worker)

Tim Runyon: Nuclear Safety Inspector. Assists the Chief, Waste & Transportation Management.

Training:

A.S.–Illinois Central College–Radiologic Technology
"Hazardous Materials Transportation Course," ISP, Illinois State Policy Academy, Springfield, Illinois (1985)
"Review of USDOT Regulations," US NRC, Hanford, Washington (1985)
"Evaluation and Control of Ionizing Radiation," OSHA, Argonne National Laboratory (1981)
"Emergency Response for Radiological Accidents," REECO, Las Vegas, Nevada (1981)

Experience:

1985–Present: Illinois Department of Nuclear Safety, Office of Environmental Safety
1979–1985: Illinois Department of Nuclear Safety, Office of Radiation Safety

Stephen B. Shafer: Nuclear Safety Inspector II. Performs inspections and health physics Surveys.

Training:

Graduate Classes (non-degree) University of Illinois (1984)
B.S.–Western Illinois University (1983)–Geophysics
Hazardous Materials Transportation Enforcement Course, Illinois State Police, Springfield, Illinois (1986)
Radiological Emergency Response Operations Course, FEMA, Nevada (1986)
Short Course: Uranium and Thorium: A Perspective on the Hazard (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1984–1984: Illinois Department of Nuclear Safety, Summer Intern

Eric Schwing: Attorney. Provides legal counsel to the Director and technical staff in low-level radioactive waste management.

Training:

Ph.D. Candidate (presently enrolled), Michigan State University, Resource Development/Environmental Toxicology
Doctor of Laws (1982), Thomas M. Cooley Law School
B.A.—Michigan State University (1976)
—Chemistry

Experience:

1986–Present: Illinois Department of Nuclear Safety
1978–1986: Michigan Department of Public Health
1973–1978: Michigan State University
1971–1972: William Beaumont Geneal Hospital (U.S. Army)

Gregory P. Crouch: Chief, Division of Radioecology. Directs the Office's environmental surveillance program.

Training:

M.P.H.—University of Minnesota (1986)
—Environmental Health
M.S.—Purdue University (1977)
—Bionucleonics/Health Physics
B.S.—Purdue University (1975)
—Biology
"Seminar on the Transportation of Nuclear Materials," US NRC, Springfield, Illinois (1983)
"Radiological Emergency Response Course," US DOE/FEMA, Nevada Test Site (1983)
"Inspection Procedures Course," US NRC, Atlanta, Georgia (1982)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1981–1984: Illinois Department of Nuclear Safety
1977–1978: Indiana University Medical Center, Assistant Radiation Safety Officer
1976–1977: Purdue University, Radiological Services, Graduate Assistant

Gregory J. Shott: Nuclear Safety Supervisor. Supervises the Department's—Mobile Radiochemistry Laboratory.

Training:

M.S.—University of Michigan (1985), Fisheries
B.S.—University of New Hampshire (1981), Biology

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1986: Environmental & Chemical Sciences, Inc.; Environmental Scientist
1984: Lawrence Livermore National Laboratory; Research Associate, Environmental Intern Program
1981–1984: University of Washington, Laboratory of Radiation Ecology, Research Assistant

David D. Ed: Assistant Manager, Office of Environmental Safety.

Training:

B.S.—University of Illinois, Urbana (1971)
—Chemistry
"Radon Training for State Personnel," US EPA (1986)

"Comprehensive Health Physics," Rockwell International (1985)
"Biological Effects of Ionizing Radiation," Harvard University, School of Public Health (1982)
"Dose Projection, Accident Assessment and Protective Action Decision Making for Radiological Emergency Response," US NRC, FEMA (1980)
"Environmental Radiation Surveillance," Georgia Institute of Technology (1977)
"Radiological Emergency Response Operations Training," US NRC, ERDA (1977)
"Environmental Source Term Modeling," University of Chicago, Argonne National Laboratory (1971)

Experience:

1980–Present: Illinois Department of Nuclear Safety
1973–1980: Illinois Department of Public Health
1972–1973: Illinois Environmental Protection Agency

Abdul Khalique: Nuclear Safety Scientist I. Plans, implements and participates in radioanalytical programs.

Training:

Ph.D.—University of Birmingham, England (1976), Analytical Chemistry
M.S.—University of Karachi, Pakistan (1967), Chemistry
B.S.—University of Karachi, Pakistan (1964)
Quality Control Course, University of Business Administration, University of Karachi, Pakistan 1964)

Experience:

1986–Present Illinois Department of Nuclear Safety
1981–1986: Department of Pharmacology, Southern Illinois University School of Medicine
1975–1980: Glaxo Laboratories (Pakistan), Ltd.
1968–1970: Opal Laboratories, Ltd. (Pakistan)

Melanie A. Hamel: Health Physicist. Functions as a health physics specialist in the environmental monitoring division.

Training:

B.S.—University of Lowell, MA (1977), Health Physics
University of Lowell, MA (1977), Environmental Monitoring and Surveillance, Health Physics Certification Review, Medical Health Physics
"Environmental Law and the Citizen," Sangamon State University, Springfield, Illinois
"Post-Accident Radiation Assessment," Northwestern University, Illinois
"Radiation Protection Instrumentation," Harvard University, Boston, MA
"Radon Training Session for State Personnel," US EPA

Experience:

1982–Present: Illinois Department of Nuclear Safety
1977–1981: Yankee Atomic Electric Company
1975: University of Lowell, Research Reactor Facility, Health Physics Technician

Michael V. Madonia: Nuclear Safety Associate. Performs technical duties concerning nuclear facility monitoring and environmental radiation control.

Training:

B.S.—University of Illinois
—Nuclear Engineering, Radiation Protection and Shielding
"Air Sampling for Radioactive Materials," Oak Ridge Associated Universities; Oak Ridge, Tennessee (1986)
"Personal Computer Applications in Health Physics," TMS, Inc.; Boston, MA (1986)
Nuclear-General Employee Training (NGET), Commonwealth Edison, Chicago, Illinois (1985)
"Radiation Detection and Measurement—Advanced Course," Eberline Analytical, Albuquerque, New Mexico (1985)
"Fundamentals of Ground Water Contamination," Geraghty & Miller, Chicago, Illinois (1985)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1983–1984 (Summers): Illinois Department of Nuclear Safety

Richard Walker: Nuclear Policy Analyst. Performs review and analysis of Federal and State regulations.

Training:

Ph.D—Purdue University (1976)
—Sociology (Research Methods and Statistics)
M.S.—Purdue University (1974)
—Sociology
B.S.—Marietta College (1972)
—Sociology
Environmental Radiation Surveillance, Harvard University, Massachusetts (1985)
"Fundamentals of Radiation Safety," Radiation Safety Associates (1985)

Experience:

1985–Present: Illinois Department of Nuclear Safety
1978–1984: Chairman, Department of Sociology, Blackburn College, Carlinville, Illinois
1976–1978: Department of Sociology Muhlenberg College, Allentown, Pennsylvania

Teresa A. Adams: Nuclear Policy Analyst. Performs staff functions coordinating and assisting with the direction of office programs.

Training:

B.A.—Wellesley College (1981)
—German
Massachusetts Institute of Technology, Department of Urban Studies and Planning (1982–1984)
University of Hanover, West Germany; Department of Planning and Architecture (1981–1982)
Additional coursework in decision analysis, fundamentals of radiation protection, hazardous waste minimization

Experience:

1985–Present: Illinois Department of Nuclear Safety
1984: Parliamentary Research Service; Bonn, West Germany
1982–1984: Worked on a variety of projects dealing with policy development and dispute resolution in environmental issues

Paul E. Seidler: Nuclear Policy Analyst. Responsible for implementing the Illinois public participation plan, also performs as liaison with local government groups.

Experience:

M.A.—University of Chicago (1986)
—Public Policy
B.A.—University of Illinois (1983)
—Political Science, Communications Studies
Urban & Regional Information Systems Association, 1986 Annual Conference (1986)

Experience:

1986–Present: Illinois Department of Nuclear Safety
1985–1986: University of Chicago, Office of the Comptroller
1985–1985: Illinois Bureau of the Budget
1984–1985: Compass Health Plans
1984–1984: U.S. Senator Paul Simon
1982–1982: Creative Research Associates

Reference: Illinois Program Statement, (Section II.C.1.a), "Low-Level Waste Management," (Section II.C.1.b) "Sheffield Low-Level Waste Disposal Facility," Section IV.B, "Low-Level Radioactive Waste Management Program," and Appendices 5 and 9.

21. *Conditions Applicable to Special Nuclear Material, Source Material, and Tritium.* Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material, and tritium; and (2) periodic inventory data.

The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.

Reference: 32 ILL. Adm. Code 310.10.

22. *Special Nuclear Material Defined.* The definition of special nuclear material in quantities not sufficient to form a critical mass, as contained in the Illinois regulations, is uniform with the definition in 10 CFR Part 150.

Reference: 32 ILL. Adm. Code 310.20, Definition of Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

Administration

23. *Fair and Impartial Administration.* The Illinois statute and regulations provide for administrative and judicial review of actions taken by the Department of Nuclear Safety.

Reference: 32 Ill. Adm. Code Parts 200, 310.90, 310.110, 330.500, Part 400.

24. *State Agency Designation.* The Illinois Department of Nuclear Safety has been designated as the State's radiation control agency.

References: Enabling statute for Illinois Department of Nuclear Safety, Ill. Rev. Stat. 1985, ch. 127, par. 63b17.

25. *Existing NRC Licenses and Pending Applications.*

The Department has made provision to continue NRC licenses in effect temporarily after the transfer of jurisdiction. Such licenses will expire on the date of expiration specified in the NRC license.

With respect to the radioactive materials covered by the NRC license issued to Kerr-McGee Chemical Corporation for the West Chicago Rare Earth's Facility (Docket No. 40-2061-SC) the NRC staff has determined that the radioactive materials at the facility are most appropriately treated as thorium mill tailings, i.e., byproduct materials are defined in Section 11e.(2) of the Atomic Energy Act of 1954, as amended, whereas the thorium-bearing materials recovered from off-site residential properties and sewer treatment plant in West Chicago and stored at the Kerr-McGee facility are source material. The former material [11e(2) by product material] will not be subject to the Agreement and NRC will retain regulatory jurisdiction. The latter material will be regulated by IDNS when the Agreement becomes effective.

Radiologically contaminated materials in Kress Creek and in Reed-Keppler Part, West Chicago have also been determined by NRC staff to be source material. The former is the subject of an Atomic Safety and Licensing Board (ASLB) Proceeding [Docket 40-2061-SC (ASLBP No 84-502-01-SC)]. In the Kress Creek proceeding, in which Kerr-McGee and the People of the State of Illinois are parties, the ASLB found that the presence of this material in Kress Creek and the West Branch of the DuPage River probably resulted from the conduct of an NRC (and AEC) licensed activity at the West Chicago Rare Earths Facility. The ASLB, however, declined to require clean-up of the Creek and River based upon its analysis of the hazard posed by the radiologically contaminated material. The NRC staff has appealed that decision to the Atomic Safety and Licensing Appeal Board, but a decision on appeal has not yet been issued. Jurisdiction over source material in Kress Creek and the West Branch of the DuPage River will be relinquished to Illinois when the Agreement becomes effective. At that time, the NRC staff will request termination of the ASLB proceeding. Jurisdiction over the source material in Reed-Keppler Park will also be relinquished to Illinois when the Agreement becomes effective.

With respect to the Sheffield low-level radioactive waste disposal site, jurisdiction will be relinquished by the NRC to Illinois when the Agreement becomes effective. At that time, NRC staff will request termination of the ASLB proceeding [Docket 27-39-SC (ASLB No. 78-374-01-OT)].

Reference: 32 ILL. ADM. CODE 330.360.

26. *Relations With Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

The proposed agreement declares that the State will use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of like materials.

Reference: Proposed Agreement between the State of Illinois and the Nuclear Regulatory Commission, Article VI.

27. *Coverage, Amendments, Reciprocity.*

The proposed Illinois agreement provides for the assumption of regulatory authority over the following categories of materials within the State:

(a) Byproduct material, as defined by Section 11e(1) of the Atomic Energy Act, as amended.

(b) Source materials.

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

(d) The land disposal of source, by-product and special nuclear material received from other persons.

Reference: Proposed Agreement, Article I.

Provision has been made by Illinois for the reciprocal recognition of licenses to permit activities within Illinois of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR Part 150.

Reference: 32 ILL. ADM. CODE 330.900.

28. *NRC and Department of Energy Contractors.*

The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: 32 ILL. ADM. CODE 310.30.

III. Staff conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states;

> The Commission shall enter into an agreement under subsection b of this section with any State if:
>
> (1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and
>
> (2) The Commission finds that the State program is in accordance with the requirements of subsection o, and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed amendment.

The staff has concluded that the State of Illinois meets the requirements of Section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. Since the State is not seeking authority over uranium milling activities, subsection o, is not

applicable to the proposed Illinois agreement.

Dated at Bethesda, Maryland, this 24th day of December 1986.

For the U.S. Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

Appendix A—Proposed Agreement Between the United States Nuclear Regulatory Commission and the State of Illinois for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant To Section 274 of the Atomic Energy Act of 1954, as Amended

WHEREAS, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials and special nuclear materials in quantities not sufficient to form a critical mass; and,

WHEREAS, the Governor of the State of Illinois is authorized under Illinois Revised Statutes, 1985, ch. 111 ½, par. 216b and ch. 111 ½, par. 241–19 to enter into this Agreement with the Commission; and,

WHEREAS, the Governor of the State of Illinois certified on _____ that the State of Illinois (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

WHEREAS, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and,

WHEREAS, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

WHEREAS, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and,

WHEREAS, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, IT IS HEREBY AGREED between the Commission and the Governor of the State, acting in behalf of the State as follows:

Article I

Subject to the exceptions provided in Articles II, IV and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to the following:

A. Byproduct material as defined in section 11e.(1) of the Act;

B. Source materials;

C. Special nuclear materials in quantities not sufficient to form a critical mass; and,

D. The land disposal of source, byproduct and special nuclear material received from other persons.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with rspect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission; and,

E. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area specified in Article II, paragraph E, whereby the State can exert regulatory control over the materials stated therein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act.

Article IX

This Agreement shall become effective on _____, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at _____, in triplicate, this _____ day of _____.

For the United States Nuclear Regulatory Commission.

Chairman

For the State of Illinois.

Governor

[FR Doc. 86-29382 Filed 12-30-86; 8:45 am]

BILLING CODE 7590-01-T

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published December 23, 1986 (51 FR 45970). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the February 1987 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone: 202/634-3265, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meeting

Structural Engineering, January 21 and 22, 1987, Albuquerque, NM. The Subcommittee will review the NRC safety research programs on containment integrity and Category I structures and visit the contrator's test facilities.

Advanced Reactor Designs, February 4, 1987, Washington, DC. The Subcommittee will review DOE advanced non-LWR designs regarding the use of proven technology and standardization.

Standardization of Nuclear Facilities, February 11, 1987, Washington, DC. The Subcommittee will discuss the definition of an essentially complete EPRI standardized plant and the scope of the licensing basis agreement between General Electric and NRC on the ABWR.

Waste Management, February 12 and 13, 1987, Washington, DC. The Subcommittee will review several pertinent nuclear waste management topics, which are to be determined during an agenda planning session with the NMSS and RES Staffs on January 21, 1987.

Human Factors, February 18, 1987, Washington, DC. The Subcommittee will review the "Safety Conscience" concept at utilities.

Regional and I&E Programs, March 12, 1987, Washington, DC. The Subcommittee will continue its review of the activities of the Office of Inspection and Enforcement.

Severe Accidents, Date to be determined (February/March), Washington, DC. The Subcommittee will continue the review of the NRC Implementation Plan for Severe Accidents, specifically the generic letter for Individual Plant Examinations (IPE) for existing plants.

AC/DC Power Systems Reliability, Date to be determined (March), Washington, DC. The Subcommittee will review the proposed Station Blackout rule.

Joint Occupational and Environmental Protection System/Severe Accidents/Seabrook, Date to be determined (March), Washington, DC. The Subcommittee will review Brookhaven National Laboratory's draft report of the Seabrook Emergency Planning Sensitivity Study.

Thermal Hydraulic Phenomena, Date to be determined (2-day meeting, April/May), INEL, Idaho Falls, ID. The Subcommittee will review: (1) The final ECCS Rule and associated documentation, (2) uncertainty methodology to be applied to review the new BE ECCS code models, and (3) TIC activities at INEL.

Decay Heat Removal Systems (tentative), Date to be determined (April/May), Washington, DC. The Subcommittee will continue its review of the NRR Resolution Position for USI A-45.

Seabrook Unit 1, Date to be determined, Washington, DC. The Subcommittee will review the application for a full power operating license for Seabrook Unit 1.

Regional and I&E Programs, Date to be determined (May), Region IV, Arlington, TX. The Subcommittee will continue its review of the activities under the control of the Region IV Office.

Metal Components, Date to be determined, Washington, DC. The Subcommittee will: (1) Review public comments on GDC 4 broad scope rule (LBB) and criteria for component support design margins, (2) hear a status report of the Whipjet program (application of broad scope GDS 4 criteria) as applied to lead plant Beaver Valley Unit 2, (3) review public comments on NUREG-0313, Revision 2 (long range fix for BWR-IGSCC problems), (4) discuss Regulatory Guide 1.99, Revision 2, and (5) review other related matters, i.e., Surry feedwater suction piping failure.

ACRS Full Committee Meeting

February 5-7, 1987: Items are *tentatively* scheduled.

*A. *Quantitative Safety Goals*—Discuss proposed NRC Staff plan for implementation of the NRC Safety Goal Policy statement.

*B. *Meeting with NRC Commissioners*—Disucss matters related to NRC regulatory requirements and procedures (tentative).

*C. *Standard Plant Improvements*—Discuss proposed ACRS comments regarding improvements in standardized nuclear power plants.

*D. *Naval Reactors Training Facility (Closed)*—Review proposed navel reactor training facility.

*E. *NRC Safety Research Program*—Discuss proposed ACRS report to the U.S. Congress.

*F. *ACRS Subcommittee Activities*—Hear and discuss reports of activities of designated ACRS subcommittees regarding safety related matters and the nuclear regulatory process.

*G. *Future ACRS Activities*—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

*H. *Appointment of New Members (Closed)*—Discuss qualifications and availability of candidates proposed for appointment to the Committee (tentative).

*I. *Performance of Dynamic Containments*—Discuss proposed NRC Staff resolution of concerns regarding the potential for bypassing of the suppression pool condensing function.

*J. *Recent Events at Operating Nuclear Plants*—Hear reports and discuss recent operating events at nuclear power plants.

*K. *Advanced Reactor Designs*—Report and discussion regarding the scope and status of the NRC Staff review of proposed DOE advanced non-water reactors.

*L. *GE Advanced Boiling Water Reactor*—Discuss major issues applicable to the licensing basis agreement for the regulatory review and licsening of this standard plant design.

*M. *NRC Augmented Inspection Team Reports*—Hear and discuss the reports of NRC AITs for the Surry Nuclear Station and the E.I. Hatch Nuclear Power Plant.

*N. *Proposed ACRS Reports to NRC*—Discuss proposed ACRS reports to the NRC regarding items considered during this meeting. Discuss a proposed report to the NRC regarding protection from electrical surges in nuclear power plants.

*O. *NRC Nuclear Radwaste Program*—Discuss proposed ACRS participation in the NRC program for regulation of radioactive wastes.

March 5–7, 1987—Agenda to be announced.

April 9–11, 1987—Agenda to be announced.

Dated: January 15, 1987.

John C. Hoyle,

Advisory Committee Managemnt Officer.

[FR Doc. 87-1257 Filed 1-20-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al.; Millstone Nuclear Power Station, Unit No. 2; Exemption

I

The Northeast Nuclear Energy Company, et al. (the licensee), is the holder of Facility Operating License No. DPR-65 which authorizes operation of the Millstone Nuclear Power Station, Unit No. 2, at a steady state power level not in excess of 2700 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in the Town of Waterford, Connecticut. The license provides, among other things, that it is subject to all rules, regulations and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these 15 subsections, III.J, is the subject of this exemption request. Specifically, Subsection III.J requires emergency lighting units with at least an 8-hour battery power supply in all areas needed for the operation of safe shutdown equipment and in access and egress routes thereto.

III

By letter dated October 8, 1986, the licensee requested exemption from the requirements of Section III.J of Appendix R, as these requirements apply to vital electrical Bus 24F which is required for operation of safe shutdown equipment. The acceptability of the exemption request is addressed below.

IV

The purpose of Section III.J to Appendix R is to ensure that fixed lighting of sufficient duration and reliability are provided to allow operation of equipment required for post-fire, safe shutdown of the reactor. Lighting for access/egress associated with the equipment is also required. The licensee has proposed that the use of portable illumination be substituted for fixed battery units associated with electrical Bus 24F.

In the event of a fire in certain plant areas, the licensee must gain acess to Bus 24F in the switchyard to compensate for fire damage and to safely shut down the plant. This necessitates travel across the yard area, which is not provided with 8-hour battery powered emergency lighting units.

The licensee states that it is not feasible to install battery powered lighting units in these outdoor locations which would provide an adequate level of illumination throughout the path of travel. Instead, the licensee proposes to use flashlights for the path of travel outdoors. The licensee also will use flashlights in the locations in which a fire occurs in conjunction with fire fighting and post-fire recovery activities.

The technical requirements of Section III.J are not met in the general yard area because 8-hour battery powered lighting units have not been provided in the access routes to Bus 24F.

The staff had three concerns with the licensee's proposal. The first was that the flashlights would not be maintained in an operable condition for use in the emergency. However, the licensee committed to control access to and to maintain the flashlights so as to be assured of their availability and operability when needed.

The staff was also concerned that there might be obstructions or tripping hazards in the route of travel that might not be adequately revealed with the beam of a flashlight. Based on past staff observations of the proposed route, however, no such conditions exist.

Finally, the staff was concerned that in proceding from the power block to the Bus 24F, the plant operator would be required to use both hands which would effectively prevent him from using the flashlight. However, the licensee has identified no such actions. On this bases the staff considers the licensee's use of flashlights in lieu of fixed lighting units to be acceptable.

In conclusion, special circumstances exist in this case in that fixed 8-hour battery powered lighting units, required by Section III.J, do not represent the best technical solution to providing reliable illumination in the vicinity of Bus 24F. The use of flashlights, in this case, provides a better alternative than fixed units.

Based on the above evaluation, the staff considers the licensee's alternative fire protection configuration to be equivalent to that achieved by conformance with Appendix R to 10 CFR Part 50. Therefore, the licensee's request for exemption from Section III.J in the outside yard area is granted.

V

Accordingly, the Commission has determined pursuant to 10 CFR 50.12(a), that (1) this exemption as described in Section IV is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and (2) special circumstances are present for this exemption in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purposes of Appendix R to 10 CFR Part 50. Therefore, the Commission hereby grants the exemption request identified in Section IV above.

Pursuant to 10 CFR 51.32 the Commission has determined that the granting of this Exemption will not result in any significant impact on the environment (52 FR 1566).

Dated at Bethesda, Maryland, this 14th day of January 1987.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Director, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

[FR Doc. 87-1252 Filed 1-20-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-128; License No. R-83; EA 86-105]

Texas Engineering Experiment Station (Nuclear Science Center Reactor); Order Imposing Civil Monetary Penalty

I

Texas Engineering Experiment Station (licensee) is the holder of Operating License No. R-83 (the license) issued by the Nuclear Regulatory Commission (NRC/Commission). The license authorizes the licensee to operate the Nuclear Science Center Reactor in accordance with the conditions specified therein.

II

A safety inspection of the licensee's activities under its license was conducted on May 5, 1986. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with the Technical Specifications in its license. The results of this inspection were discussed with licensee representatives during an enforcement conference on May 21, 1986.

A written Notice of Violation and Proposed Imposition of Civil Penalty (NOV) was subsequently served upon the licensee by letter dated July 22, 1986. This NOV stated the nature of the violations, the license conditions that were violated, and the amount of civil penalty proposed for the violations. Two letters, both of which were dated September 18, 1986, were received from the licensee in answer to the Notice of Violation and Proposed Imposition of Civil Penalty.

III

After consideration of the licensee's responses and the statements of fact, explanation, and argument for remission of the proposed civil penalty, reclassification of the severity level of Violations A and B, and reconsideration of Violation C contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that Violations A and B occurred as stated and the penalty proposed for Violations A and B designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed. Violation C has been withdrawn.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, PL 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay the civil penalty in the amount of Eight Hundred Thirty-Three Dollars ($833) within thirty days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

V

The licensee may request a hearing within 30 days of the date of this Order. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy of the hearing request also shall be sent to the Assistant General Counsel for Enforcement, Office of General Counsel, at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in items A and B of the Notice of Violation and Proposed Imposition of Civil Penalty and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, the 12th day of January 1987.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

Appendix

On July 22, 1986 a Notice of Violation and Proposed Imposition of Civil Penalty (NOV) was issued for violations identified during a reactive NRC safety inspection. Texas Engineering Experiment Station responded to the NOV in two letters dated September 18, 1986. The licensee requested remission of the civil penalty and further requested that Violations A and B be reclassified as separate Severity Level V violations or a Severity Level IV violation if considered in the aggregate, and that Violation C be withdrawn. The NRC's evaluation and conclusions regarding the licensee's requests are as follows:

Restatement of Violations

A. Technical Specification (TS) 3.6.1(a) requires that during reactor operation nonsecured experiments shall have a reactivity worth of less than one dollar.

Contrary to the above, on March 10, 1986, and on May 1, 1986, a nonsecured experiment (boron rotisserie-experiment 86-123) which had a reactivity worth of approximately $1.08 was removed from reactor core position B-5 while the reactor was operating.

B. TS 4.6.c requires that the reactivity worth of an experiment be estimated or measured, as appropriate, before operating the reactor with the experiment installed.

Contrary to the above, on March 10, 1986, and again on May 1, 1986, the reactor was operated with an experiment (the boron rotesserie-experiment 86-123) installed without the reactivity being adequately estimated or measured.

C. TS 6.6.2 requires that for any reportable occurrence defined in Section 1.2[9] of the TS, a report shall be made to the NRC Region IV office by telephone no later than the following working day and shall be followed by a written report that describes the circumstances of the event within 14 days of its occurrence.

TS Section 1.29 defines a reportable occurrence in paragraph (b) as operation in violation of limiting conditions for operation (LCO) established in the TS and in paragraph (d) as an unanticipated or uncontrolled change in reactivity greater than one dollar.

Contrary to the above, on March 10, 1986, a reportable violation of TS occurred in that the reactor experienced an unanticipated change in reactivity of $1.08, but a report was not made to NRC Region IV by telephone on the following work day nor was a written report describing the circumstances of the event forwarded within 14 days of its occurrence.

These violations evaluated in the aggregate as a Severity Level III problem (Supplement I). (Civil Penalty—$1,250 assessed equally among the violations.)

Summary of Licensee's Response

The licensee admits that Violations A and B did occur as stated, but disagrees with Violation C and the grouping of the March 10 and May 1, 1986 events as a Severity Level III problem.

The licensee does not concur with Violation C regarding the failure to report the March 10, 1986 event to the NRC in a timely manner because it contends that at that time it was not correctly recognized as a reportable event and it was only after the findings of May 1, 1986 that the violation of March 10, 1986 was properly identified. Thus the licensee contends that there is no basis to conclude the event was deliberately or purposely not reported and that such is contradictory to their history of reporting even very minor incidents to the NRC. The licensee states that the three-second period scram of March 10, 1986 was not a clear indication that the worth of the removed sample was greater than $1 since sample worths significantly less than $1 will result in a three-second period scram.

The licensee also requests withdrawal of the civil penalty and contends that the severity level for the events has been improperly classified and should be considered as Severity Level V violations if considered as separate events or no greater than Severity Level IV when considered in the aggregate since these events involved human error and had no actual potential for injury to the reactor or to personnel. The licensee asserts than non-safety related events involving human error problems should be corrected through improved training programs and procedural changes as opposed to civil penalty considerations. The licensee asserts that the proposed civil penalty for a non-safety related human error will have a degrading effect upon the future performance of research reactor operators.

The licensee contends that the events are not being evaluated from a perspective relevant to the type of reactor involved and conclusions of severity of the incidents are being drawn within the context of other reactor systems. The licensee asserts that credit should be given for the operators' awareness of the characteristics of TRIGA reactors, including the self limiting safety features which show that a threefold error in assumed reactivity worth from that which actually occurred in handling the experiment would have had no significant effect.

Evaluation of Licensee's Response

The NRC staff has carefully reviewed the licensee's response and its disagreement with Violation C. The NRC staff has concluded that sufficient indicators, in addition to the three second period scram, did exist to indicate that a violation had occurred during the March 10 event and that those indicators should have been recognized by the licensee's staff. However, because the licensee was nonetheless unaware that a violation had occurred, the NRC staff agrees that it was inappropriate to expect the violation to be reported to the NRC. Therefore, Violation C is withdrawn from the NOV.

The licensee contends that the severity level classification of the violations was improper and that the violations should be considered as either Severity Level IV or V violations when considering that the events had no actual or potential safety consequence. The NRC staff disagrees with the licensee. The significance of the violations, as stated in the NOV and as described in the associated NRC inspection report, is that the licensee failed to adhere to operating procedures and the requirements of its technical specifications. The failure to adhere to these requirements does have the potential to lead to events that may have adverse safety consequences. In this case, the bases for the technical specification requirement that was violated was to assure that the fuel element temperature safety limit would not be exceeded. With an experiment in the reactor with a reactivity worth in excess of $1.00, the licensee on March 10, and May 1, 1986 because of personnel errors made changes in reactor parameters by the removal of an experiment while the reactor was in oeration. This caused an unanticipated reduction in the margin of safety. Furthermore, the NRC staff notes that if the licensee had followed the corrective actions for the March 10 event, the event on May 1, 1986 could have been prevented. The NRC staff considers these violations cause for significant concern.

The root cause of these violations is similar to that for a previous violation identified in NRC Inspection Report 50-128/82-30 dated March 16, 1983. The previous violation, which involved an overpower event and a failure to report it to the NRC, was caused by a weakness in reactor operator training, a failure to provide adequate guidelines in facility procedures, and an operating philosophy lacking the awareness of and attention to changing parameters and reasonable questioning of these changes. If the corrective actions taken as a result of the previous violation had been properly implemented, these current violations could have been avoided. The NRC does not normally refer to similar violations when more than two years have passed since the previous violation. However, due to the strong connection between the corrective action for the previous vilolation and the lack of awareness and attention to changing parameters involved with the current violations, the NRC staff considers it appropriate when evaluating the latest violations.

In summary, because (1) these violations involved the failure to adhere to procedures and inattention to license requirements which resulted in violations of Technical Specifications, (2) a violation under similar circumstances occurred on March 10, 1986, (3) the root cause of these events have the potential for adverse safety consequences, and (4) previous corrective actions were not effective in preventing recurrence of similar violations, the NRC staff considers it appropriate to view these violations in the aggregate and classify them as a Severity Level III problem.

While the NRC staff agrees that corrective actions to the violations should include improved training programs and procedural changes, the NRC staff also considers it appropriate to impose a civil penalty because of the significance of the violations to emphasize the importance of adhering to technical specification and procedural requirements. The NRC staff does not agree that a civil penalty will have a degrading effect on the future performance of research reactor operators; rather, the civil penalty emphasizes the importance NRC places in assuring that personnel properly perform their duties, especially those specifically entrusted with the safe operation of the facility.

The NRC staff also disagrees that the events have been evaluated without consideration of the type of reactor involved. The NRC staff recognized the type of reactor involved, a TRIGA, when it determined that the event should be evaluated as a Severity Level III violation. Had this event occurred at another type of research reactor, we would have considered it a Severity Level I or II event because the consequences of the event could be significantly greater for other than TRIGA reactors. Nevertheless, the event involves serious personnel errors of a type which could have serious consequences and the NRC staff took into account the type of reactor involved when the violations were classified as a Severity Level III problem.

The licensee contends that it is appropriate to give credit for the operators awareness of the characteristics of TRIGA reactors. Although the licensee has estimated that there was a threefold margin until actual fuel damage would have occurred, the technical specification limit was expressly provided to ensure that there was adequate margin to the fuel safety limit. The operation of the reactor in violation of the technical specifications reduced that margin of safety. In addition, the required training programs that teach the characteristics of the reactor are intended to teach the operators the limitations and conditions prescribed in the facility license and in their individual licenses to operate the facility. The violations demonstrate that the licensed operators were not aware of the limitations prescribed by these licenses in that they failed to fully and adequately implement the procedures for which they had responsibility.

Therefore, in summary, the NRC staff views these violations to be significant and appropriately classified as a Severity Level III problem. Although, the NRC staff maintains that it is appropriate to mitigate the base civil penalty 50 percent because of your good performance in the area of concern and your extensive corrective actions, further mitigation was not deemed appropriate because of your failure to take these corrective actions in response to the March 10, 1986 event.

NRC Conclusion

The licensee has not provided sufficient justification for a reduction of the severity level or mitigation of the civil penalty. However, since the licensee has provided justification for the withdrawal of Violation

C, we have concluded that the total civil penalty should be reduced. Consequently, a civil penalty in the amount of $833 should be imposed.

[FR Doc. 87-1253 Filed 1-20-87; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549.

New

Rules 701, 702 and Form 701.
No. 270-306

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval Rules 701, 702 and Form 701 which provide an exemption for offers and sales of securities pursuant to the terms of a compensatory employee benefit plan or employment contract from the registration requirements of the Securities Act of 1933. The number of affected entities is approximately 500 per year.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395-7340 Office of Information and Regulatory Affairs, Commerce and Lands Branch, Room 3228 NEOB Washington, DC 20530.

Jonathan G. Katz,
Secretary.

January 15, 1987.

[FR Doc. 87-1217 Filed 1-20-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15538; 812-6497]

Banco de Bilbao; Application for Exemption

January, 13, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("the 1940 Act).

Applicants: Banco de Bilbao, S.A. ("Banco") and B.B. Finance (Delaware) Inc. ("Finance") (collectively, "Applicants").

Relevant 1940 Act sections: Exemption requested under section 6(c) from all provisions.

SUMMARY OF APPLICATION: Applicants seek and order to permit the issuance and sale of Banco's debt and equity securities and Finance's debt securities in the United States.

FILING DATE: The application was filed on October 10, 1986, and amended on December 12, 1986.

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 5, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Requests notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington DC 20549. Applicants, c/o David M. Huggin, Esq., Sullivant & Cromwell, 125 Broad Street, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney (202) 272-2847 or Brion R. Thompson, Special Counsel (202) 272-3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' representations:

1. Banco is the parent company of what is know as the Banco de Bilbao Finance Group (the "Group"). The Group constituties one single decision-making unit, and incudes Banco's directly and indirectly owned financial and other subsidiaries, 8 subsidiary banks of Banco which comprise 1,693 branches in Spain, and 21 overseas branches of Banco. The shares of Banco on the Bilbao, Madrid, Barcelona, Valencia, Frankfurt and london stock exchanges. Banco's principal business, like that of major United States banks, is the receipt of deposits and the making of loans. In addition, Banco engages in other banking and bank-related activities, including foreign exchange transactions, foreign currency lending, trade finance, Euromarket activities, credit card operations and securities activities.

2. As of February 1986, Banco was the second largest Spanish bank in terms of loans and advances ($6.2 billion). In terms of assets, Banco was the third largest commercial bank in Spain ($13.3 billion as of December 31, 1985). Total deposits amounted to $11.9 billion (89.6% of total liabilities), and capital funds amounted to $728 million. Banco's net profits for 1985 were $88 million. Banco's loans as of December 31, 1985, totaled approximately $6.2 billion, or about 46.6% of Banco's total assets (excluding customers' liability for guarantees), and were widely diversified as to type of loan and type of borrower. (Amounts stated herein in United States dollars have been converted from Spanish pesetas at the rate of exchange prevailing on December 31, 1985, of 153.96 pesetas to one dollar. As of December 10, 1986, the rate of exchage was 136.41 pesetas to one dollar.)

3. The Bank of Spain exercises general supervision over all Spanish financial institutions in a manner similar to the central banks of most European countries and the United States. The Bank of Spain supervises the compliance of Spanish banks with the following compulsory ratios: cash ratio, short-term government bonds ratio, investment ratio, and reserve-to-assets ratio. These compulsory ratios create, in effect, reserve requirements. In addition, Banco is subject to periodic inspections by the Bank of Spain.

4. Banco considers that it has a substantial presence in the United States through its branch in New York and its agency in Miami for purposes of the proposed sale of its equity securities in the United States. The New York branch is engaged principally in receiving deposits and making loans, and had assets of $394.3 million on June 30, 1986. The New York branch operates as such under a license from the Superintendent of Banks of the State of New York, and is subject to state and federal supervision and regulation substantially equivalent to those applicable to a bank organized under the New York Banking Law. In addition, under section 7 of the International Banking Act of 1978 ("IBA"), the New York branch is subject to federal reporting and examination requirements similar to those imposed on domestic banks which are members of the Federal Reserve Systems. The New York branch is a member of the Federal Deposit Insurance Corporation. The Miami agency is engaged principally in making loans, issuing letters of credit and taking deposits from non-United States persons. On September 30, 1986, the Miami agency had total assets of $80

million. The Miami agency operates as a state agency subject to the supervision of the Banking Department of the State of Florida.

5. Finance was organized under the laws of the State of Delaware on August 14, 1986, with an initial capitalization of $5,000. Banco organized Finance to provide a vehicle through which it may sell commercial paper notes to, among others, certain institutional purchasers who may be subject to a policy of limiting their purchases of debt obligations to obligations of domestic issurers. All the outstanding capital stock of Finance is owned by Banco. No other common or capital stock will be issued. Finance's sole business will be the issuance of its debt obligations and the provision of the proceeds thereof to Banco, and substantially all of Finance's assets will consist of amounts receivable from Banco.

6. Banco proposes to issue and sell, or to cause Finance to issue and sell, in the United States, unsecured prime quality commercial paper notes (the "Notes") in bearer form and denominated in United States dollars. No Note will be in a denomination smaller than $100,000. Applicants undertake to ensure that the Notes will not be advertised or otherise offered for sale to the general public, but instead will be issued and sold through one or more United States commercial paper dealers in the United States who, as principals, will reoffer the Notes to investors and other entities and individuals in the United States who normally purchase commercial paper notes. Applicants do not currently intend to sell the Notes in the United States in excess of an aggregate of $250 million at any one time outstanding. The terms of the Notes, including their negotiability, maturity and minimum denomination, the amount outstanding at any given time and the manner of offering them to investors will be such as to qualify the Notes for the exemption from registration provided by section 3(a)(3) of the Securities Act of 1933 (the "1933 Act").

7. In addition, Applicants may, from time to time, offfer other debt securities for sale in the United States. Payment of the principal, interest and premium, if any, on the Notes and any future debt securities issued and sold by Finance will be unconditionally guaranteed by Banco and, thus, the holders of such may be considered as holders of obligations of Banco. The proceeds of the sale of Finance's proposed issue of Notes and all future issues of debt securities will be placed on short-term deposit with, or loaned to, Banco. Those deposits or loans will be withdrawn by, or repaid to, Finance on terms that are substantially similar to those of Finance's Notes and that will allow Finance to make timely payments on the Notes.

8. Whether issued as direct liabilities of Banco or unconditionally guaranteed obligations of Finance, the Notes will rank *pari passu* among themselves, prior to equity securities of Banco, and equally with all other unsecured indebtedness of Banco, including liabilities to depositors, but excluding indebtedness entitled to special priorities by operation of the laws of Spain.

9. Applicants also undertake to ensure that the dealer will provide each offeree of the Notes and any future offering of debt securities prior to purchase with a memorandum which briefly describes the business of Banco, including its most recent publicly available fiscal year-end balance sheet and profit and loss statement which shall have been audited in such manner as is customarily done for Banco by its statutory auditors for financial statements in its Annual Report. Such memorandum will describe differences which are material to investors, if any, between the accounting principles applied in the preparation of such financial statements and generally accepted accounting principles as employed by banks in the United States. Such memorandum and financial statement will be at least as comprehensive as those customarily used by United States bank holding companies in offering commercial paper in the United States and will be updated promptly to reflect material changes in the financial condition of Banco. Applicants undertake that, for any future offering of their debt securities made pursuant to a registration statement under the 1933 Act, they will furnish a disclosure document to such persons and in such manner as may be required by the 1933 Act and the rules and regulations thereunder.

10. Banco also proposes to sell, from time to time, its equity securities (the "Equity Securities") through either private placements or public offerings in the United States. Banco undertakes that any private placement of Equity Securities will meet the prevailing standards for the exemption from registration provided by section 4(2) of the 1933 Act for transactions by an issuer "not involving any public offering." The number and nature of offerees will be limited in accordance with normal private placement standards and will include only experienced and substantial investors meeting such standards and purchasing a minimum of $500,000 aggregate amount of Equity Securities per investor. The offerees will be further limited to those known to be experienced in investing in restricted securities. Each purchaser of the presently proposed and any future offering of Equity Securities will receive a disclosure document similar to that described above for the Notes, which will be appropriate or otherwise required for the private placement of the Equity Securities. Banco undertakes that any public offering of its Equity Securities will comply with the registration and disclosure requirements of the 1933 Act and the rules and regulations thereunder.

11. Applicants undertake not to issue or sell Notes until they have received an opinion of their United States legal counsel that the Notes would be entitled to the exemption under section 3(a)(3) of the 1933 Act, and Banco will not sell Equity Securities through a private placement until it has received an opinion of its United States legal counsel that the private placement of such Equity Securities would be entitled to exemption under section 4(2) of such Act. Applicants do not request Commission review or approval of United States counsel's opinion letter regarding the availability of an exemption under either section 3(a)(3) or section 4(2) of the 1933 Act. Applicants are not subject to the reporting requirements of the Securities Exchange Act of 1934, and will not become subject to such requirements in connection with the issuance and sale of the Notes or Equity Securities through a private placement.

12. Applicants represent that the proposed issue of Notes and all future issues of debt securities (not including deposits) in the United States shall have received prior to issuance one of the three highest investment grades from at least one nationally recognized statistical rating organization and that their United States counsel shall have certified that such rating has been received, provided, however, that no such rating need be obtained with respect to any such issue if, in the opinion of United States counsel, such counsel having taken into account for the purpose thereof the doctrine of "integration" referred to in Rule 502 under the 1933 Act and various releases and relevant no-action letters made public by the Commission, an exemption from registration is available under section 4(2) of the 1933 Act.

13. Banco undertakes to appoint a bank or other financial institution in the United States as its authorized agent to

issue its Notes from time to time. Banco also will appoint either such financial institution, Finance, its New York branch or some other United States person which normally acts in such capacity to accept any process which may be served in any action based on the presently proposed issuance of the Notes or any future offering of debt securities or the Equity Securities and instituted by the holder of such securities in any State or Federal court. Banco also will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable so long as such Notes or other debt securities or the Equity Securities remain outstanding and until all amounts due and to become due in respect of such securities have been paid. Applicants undertake to be subject to suit in any other court in the United States which could have jurisdiction because of the manner of the offering of the Notes or other debt securities or the Equity Securities or otherwise in connection with such securities. The authorized agent will not be a trustee for the Noteholders and will not have any responsibilities or duties to act for such holders as would a trustee.

14. Banco represents that it has no present intention so to curtail its banking operations in Spain that it would cease to be regulated as a bank in Spain. Applicants will only issue the Notes or other debt securities or the Equity Securities in the United States so long as Banco is supervised and examined by governmental authorities in Spain having the power of supervision over banks in that country and by State or Federal authorities in the United States having the power of supervision over banks in this country.

15. Banco presently intends to maintain its banking operations in the United States. If, however, such operations in the future are curtailed with the result that Banco is no longer regulated as a bank in the United States, Banco will continue to comply with its undertaking concerning appointment of an agent in New York City and submission to jurisdiction until such time as there shall be no holders in the United States of the Notes or other debt securities or the Equity Securities of the Applicants isued in reliance upon any Commission order made pursuant to the application.

16. The requested order is both necessary and appropriate in the public interest because Banco would be effectively precluded from issuing and selling its securities in the United States if it were required to register as an investment company and comply with the provisions of the 1940 Act. Such a result would be both inherently inequitable and in direct conflict with the objective of the IBA which is intended to place United States and foreign banks on a basis of competitive equality in their transactions in the United States.

17. The order is consistent with the protection of investors because: (1) There are already in place regulatory and disclosure structures which afford sufficient protection for investors; (2) Banco is subject to a regulatory structure comparable to that imposed on the United States banks; and (3) the particular abuses against which the 1940 Act is directed are not present in the instant case.

18. The order is consistent with the purposes fairly intended by the policy and provisions of the 1940 Act since Banco is a closely regulated banking entity with investments and objectives totally different from the investment companies at which the 1940 Act is directed and for which its substantive provisions are neither necessary nor suitable.

19. The rationale for a section 6(c) exemption for Banco extends to Finance as well because of the close relationship between the two companies and because the obligations of Finance will in effect be obligations of Banco. The sole business of Finance is and will continue to be to operate as a financing vehicle for Banco. Accordingly, the public policy concerns which led to the enactment of the 1940 Act are not applicable to Finance, nor do the holders of Finance's securities require the protections afforded by the 1940 Act.

Applicants' condition: If the requested order is granted, the Applicants agree to the following condition:

Applicants consent to any Commission order being expressly conditioned on their compliance with the undertakings and representations summarized above and more fully set forth in the application and amendment.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-1258 Filed 1-20-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel No. IC-15537; 812-6413]

M.D.C. Mortgage Funding Corp. II; Exemption

Dated: January 13, 1987

AGENCY: Securities and Exchange Commission (the "SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicant: M.D.C. Mortgage Funding corporation II (the "Applicant").

Relevant 1940 Act sections: Exemption requested under section 6(c) from all provisions of the 1940 Act.

SUMMARY OF APPLICATION: The Applicant seeks an order conditionally exempting itself and certain trusts that it may form from all provisions of the 1940 Act to permit its proposed issuance of collateralized mortgage obligations, sale of beneficial ownership interests in such trusts and investment in certain mortgage certificates as collateral for such obligations.

FILING DATE: The application was filed on June 18, 1986, and amended on November 10, 13 and December 11, 1986, and January 13, 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 6, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESS: Secretary, SEC, 450 5th Street, Washington DC 20549. Applicant, 3600 South Yosemite Street, Suite 900, Denver, Colorado 80237.

FOR FURTHER INFORMATION CONTACT: Denis R. Molleur, Staff Attorney (202) 272-2363 or Brion R. Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicant's representations:

1. The Applicant is a wholly-owned, limited purpose finance subsidiary of Yosemite Financial, Inc., a Colorado corporation, which is a wholly-owned subsidiary of M.D.C. Holdings, Inc., a Delaware corporation. The Applicant, a newly-formed Delaware corporation, will form separate trusts ("Trusts") for the limited purpose of issuing one or more series ("Series") of collateralized mortgage obligations ("Bonds") and investing in certain Mortgage Certificates [1] which will be used to collateralize such Bonds. Applicant will not engage in any business or investment activities unrelated to such purposes.

2. Each Trust will be established pursuant to a separate deposit trust agreement (the "Trust Agreement") between the Applicant, acting as Depositor, and a bank or other fiduciary acting as owner trustee (the "Owner Trustee"). Each Trust will issue one or more Series of Bonds secured by Mortgage Certificates pursuant to the terms of an indenture (the "Indenture") between the Owner Trustee and the Indenture Trustee, as supplemented by one or more series supplements (each, a "Series Supplement"). The Indenture will be qualified under the Trust Indenture Act of 1939 unless an appropriate exemption is available.

3. In the case of each Series of Bonds: (a) Each Trust will hold no substantial assets other than the Mortgage Certificates; (b) the Bonds will be secured by Mortgage Certificates having a collateral value determined under the Indenture, at the time of issuance and following each payment date, equal to or greater than the outstanding principal balance of the Bonds; (c) distributions of principal and interest received on the Mortgage Certificates securing the Bonds and any applicable reserve funds, plus reinvestment income thereon, will be sufficient to pay all interest on the Bonds and to retire each class of Bonds by its stated maturity; and (d) the Mortgage Certificates will be assigned by the Owner Trustee to the Indenture Trustee and will be subject to the lien of the related Indenture.

4. Each Series of Bonds to be issued may contain one or more classes of variable or floating interest Bonds which will have a fixed maximum rate of interest ("interest rate cap") that will be payable on the Bonds (or the minimum rate of interest, in the case of an inverse-floating rate bond). Any Series of Bonds containing one ore more classes of variable or floating interest rate Bonds will be structured with reference to the interest rate caps for that particular Series, to insure that the cash flow scheduled to be received by the Trustee from the Mortgage Certificates pledged to secure the Bonds will be sufficient to make all payments of principal and interest on the Bonds, even if the interest rate on any class of variable or floating interest rate Bonds in such Series climbed to the interest rate cap in the first interest period and remained constant throughout the life of the Bonds.

5. In addition to the issue and sale of the Bonds, Applicant intends to sell the beneficial interests in each Trust to a limited number, in no event more than one hundred, of sophisticated institutional investors in transactions exempt from the registration requirements of the Securities Act of 1933 ("1933 Act") under section 4(2) thereof. Such institutional investors may include one or more banks, savings and loan associations, insurance companies, and pension plans or other investors that would have prior experience in making investments in mortgage related securities or real estate ("Eligible Institutions"). Each Eligible Institution will be required to represent that it is purchasing such beneficial interests for investment purposes. In addition, the Trust Agreement relating to each Trust will further prohibit the transfer of any certificates for such beneficial interests if there would be more than one hundred owners of such certificates at any time.

6. Neither the holders of the beneficial interests of any of the Trusts, the Owner Trustee nor the Indenture Trustee will be able to impair the security afforded by the Mortgage Certificates to the holders of the Bonds. That is, without the consent of each Bondholder to be affected, neither the holders of the beneficial interest of any of the Trusts, the Owner Trustee nor the Indenture Trustee will be able to: (1) Change the stated maturity on any Bonds; (2) reduce the principal amount or the rate of interest on any Bond; (3) change the priority of payment on any class of any Series of Bonds; (4) impair or adversely affect the Mortgage Certificates securing a Series of Bonds; (5) permit the creation of a lien ranking prior to or on a parity with the lien of the related Indenture with respect to the Mortgage Certificates; or (6) otherwise deprive the Bondholders of the security afforded by the lien of the related Indenture.

7. The sale of the beneficial interests in each Trust will not alter the payment of cash flows under the Indenture, including the amounts to be deposited in the collateral proceeds account or any reserve fund created pursuant to the Indenture to support payments of principal and interest on the Bonds.

8. No holder of a controlling interest in a Trust (as the term "control" is defined in Rule 405 under the 1933 Act), will be affiliated with either the custodian for the Mortgage Certificates, or the statistical rating agency rating the Bonds. None of the owners of the beneficial interests in the Trust will be affiliated with the Trustee.

9. The interests of the Bondholders will not be compromised or impaired by the ability of the Applicant to sell beneficial interests in each Trust, and there will not be a conflict of interest between the Bondholders and the holders of the beneficial interests for several reasons: (a) The collateral which initially will be deposited into each Trust and will be pledged to secure the Bonds issued by such Trust will not be speculative in nature because it will consist solely of GNMA Certificates, FNMA Certificates or FHLMC Certificates, which Mortgage Certificates are guaranteed as to timely payment of interest and timely or ultimate payment of principal by the respective agency; (b) the Bonds will only be issued provided an independent nationally recognized statistical rating agency has rated such Bonds in one of the two highest rating categories, which by definition means that the capacity of the issuing Trust to repay principal and interest on the Bonds is extremely strong; (c) the Indenture under which the Bonds will be issued subjects the collateral pledged to secure the Bonds, all income distributions thereon and all proceeds from a conversion, voluntary or involuntary, of any such collateral to a first priority perfected security interest in the name of the Trustee on behalf of

[1] By definition, the "Mortgage Certificates" collateralizing the Bonds will consist of (1) "fully-modified" pass-through mortgage-backed certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates"), (2) mortgage participation certificates issued by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates"), and (3) guaranteed mortgage pass-through securities issued by the Federal National Mortgage Association ("FEMA Certificates"). All or a portion of the Mortgage Certificates securing a Series of Bonds may be "partial pool" Mortgage Certificates. Some of the GNMA Certificates securing a Series of Bonds may be backed by mortgage loans that provide for payments during the initial portion of their term that are less than the actual amount of principal and interest thereon on a level debt service basis ("GPM GNMA Certificates"). In addition to the Mortgage Certificates directly securing the Bonds, a series may have additional collateral which may include certain collateral proceeds accounts and reserve funds as specified in the related Indenture.

the Bond holders;[2] and (d) the owners of the beneficial interests will be entitled to receive current distributions representing the residual payments on the collateral from each Trust in accordance with the terms of the applicable Trust Agreement, which distributions are analogous to dividends payable to a shareholder of a corporate issuer of collateralized mortgage obligations. Furthermore, unless the Trust elects to be treated as a real estate mortgage investment conduit ("REMIC") pursuant to the Internal Revenue Code of 1986, the beneficial interest holders will be liable for the expenses, taxes and other liabilities of the Trust (other than the principal and interest on the Bonds) to the extent not previously paid from the trust estate. The choice of the form of issuer for the Bonds and the identity of the owners of the beneficial interests in such issuer, however, will not alter in any way the payments made to the holders of such Bonds, which are payments governed by an Indenture which will meet the requirements of the Trust Indenture Act of 1939.

10. The election by any Trust to be treated as a REMIC will have no effect on the level of the expenses that would be incurred by any such Trust. Any Trust that elects to be treated as a REMIC will provide for the payment of administrative fees and expenses by one or more of the four methods which are set forth in the application. Each Trust will insure that the anticipated level of fees and expenses will be more than adequately provided for regardless of which or all of the methods are selected by such Trust.

11. The aggregate interests in the collateral of the owners of the beneficial interests and the expected returns earned by such owners will be far less than the payments made to Bondholders. The Applicant does not intend to deposit in any Trust, Mortgage Certificates with a collateral value which exceeds 110% of the aggregate principal amount of the related Bonds.

12. Except to the extent permitted by its limited right to substitute collateral, it will not be possible for the owners of the beneficial interests to alter the collateral initially deposited into a Trust, and in no event will such right to substitute collateral result in a diminution in the value or quality of such collateral. Although it is possible that any collateral initially deposited into a Trust may have a different prepayment experience than the original collateral, the interests of the Bondholders will not be impaired because: (a) The prepayment experience of any collateral will be determined by market conditions beyond the control of the owners of the beneficial interests, which market conditions are likely to affect all Mortgage Certificates of similar payments terms and maturities in a similar fashion; (b) the interests of the holders of the beneficial interests are not likely to be greatly different from those of the Bondholders with respect to collateral prepayment experience; and (c) to the extent that it may be possible for the owners of the beneficial interests to cause the substitution of collateral which has a different prepayment experience than the original collateral, this situation is no different for the Bondholders than the traditional structure where bonds are issued by an entity that is a wholly-owned subsidiary. Further, due to the fact that there usually will be more than one owner of the Trust, it appears less likely that the owners will be able to agree on any desired substitution of collateral than if there were a single owner that could unilaterally decide on the timing and execution of the substitution.

13. For additional representations and conditions concerning the Bonds, Trust expenses in the event REMIC status is elected, floating rate Bonds, and the application of "excess cash flow," see the application.

14. The requested order is necessary and appropriate in the public interest because: (a) The Trusts should not be deemed to be entities to which the provisions of the 1940 Act were intended to be applied; (b) the Trusts may be unable to proceed with their proposed activities if the uncertainties concerning the applicability of the 1940 Act are not removed; (c) the Trust's activities are intended to serve a recognized and critical public need; (d) granting of the requested order will be consistent with the protection of investors because they will be protected during the offering and sale of the Bonds by the registration or exemption provisions of the 1933 Act and thereafter by the Indenture Trustee representing their interests under the Indenture; and (e) the beneficial interests in the Trusts will be held entirely by the

Applicant or offered only to limited number of sophisticated institutional investors through private placements.

Applicant's conditions. Applicant agrees that if an order is granted it will be expressly conditioned on the following:

1. Each Series of Bonds will be registered under the 1933 Act, unless offered in a transaction exempt from registration pursuant to section 4(2) of the 1933 Act.

2. The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Secrities Exchange Act of 1934. However, the collateral directly securing the Bonds will be limited to GNMA Certificates, FNMA Certificates, or FHLMC Certificates.

3. If new mortgage collateral is substituted, the substitute collateral will: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; and (iv) meet the conditions set forth in paragraphs (2) and (4). In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as mortgage collateral. In no event may any new mortgage collateral be substituted for any substitute mortgage collateral.

4. All Mortgage Certificates, funds, accounts or other collateral securing a Series of Bonds ("Collateral") will be held by a Trustee, or on behalf of a Trustee by an independent custodian. The custodian may not be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405) of the Applicant. The Trustee will be provided with a first priority perfected security or lien interest in and to all Collateral.

5. Each Series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating agency that is not affiliated with the Applicant. The Bonds will not be considered "redeemable securities" within the meaning of section 2(a)(32) of the 1940 Act.

6. No less often than annually, an independent public accountant will audit the books and records of each Trust and, in addition, will report on whether the anticipated payments of principal and interest on the mortgage collateral continue to be adequate to

[2] The Indenture further specifically provides that no amounts may be released from the lien of the Indenture to be remitted to the issuing Trust (and any owner of beneficial interests thereof) until (i) the Trustee has made the scheduled payment of principal and interest on the Bonds, (ii) the Trustee has received all fees currently owned to it, and (iii) to the extent required by any supplemental indentures executed in connection with the issuance of the Bonds, deposits have been made to certain reserve funds which will ultimately be used to make payments of principal and interest on the Bonds. Once amounts have been released from the lien of the Indenture, the Trust Agreement for each Trust will provide that the Owner Trustee under the Trust Agreement will have a lien superior to that of the owners of the beneficial interests of the Trust to the remaining cash flow.

pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's reports will be provided to the Trustee.

7. In addition, the above representations regarding the equity interests, floating rate Bonds, and the payment of expenses upon an election of REMIC status will be express conditions to the requested order.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-1259 Filed 1-20-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15531 (File No. 812-6022)]

Salomon Brothers Unit Investment Trust, Insured Tax-Exempt Series One; Second Notice of Application

January 13, 1986.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Second Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Salomon Brothers Unit Investment Trust, Insured Tax-Exempt Series One ("Series One") (and Subsequent and Similar Series of Trust); Salomon Brothers Inc ("Sponsor").

Relevant 1940 Act sections: Exemption requested under section 6(c) from section 22(c) of the 1940 Act and Rule 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order to permit them to sell units of beneficial ownership ("Units") of Series One and all subsequent and similar series of trust ("Trusts") on the date of deposit of the Trust at a price based upon the net asset value determined with reference to the value of the securities deposited therein on the business day preceding the date of deposit.

FILING DATES: The application was filed on January 10, 1985, and amended on May 10, 1985 and March 7, 1986.

Prior action: Notice of filing of the application was issued April 4, 1985 (Investment Company Act Rel. No. 14457).

Hearing or notification of hearing: If no hearing is ordered, the application will be granted. Any interested persons 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 6, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, One New York Plaza, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Curtis R. Hilliard (202) 272-3026 or Special Cousel H.R. Hallock, Jr. (202) 272-3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

The Trusts are unit investment trusts organized under the laws of the State of New York whose investment objectives are the receipt of federally tax-exempt interest in a diversified portfolio of muncipal bonds (the "Securities"). Each insured series of the Trust will invest only in insured Securities.

Current Trusts are, and each future Trust will be, governed by a trust indenture ("Indenture") under New York law and a Standard Terms and Conditions of Trust (the "Agreement") for that Trust, under which the Sponsor will act as depositor, a banking corporation or trust company meeting the requirements of the 1940 Act will act as trustee ("Trustee") and Standard & Poor's Corporation and Kenny Information Systems will act as evaluator. The Sponsor will initially deposit in a Trust insured tax-exempt municipal bonds or contracts for the purchase of such bonds with the Trustee in exchange for certificates representing ownership of all of the Units of the Trust. Later that day (the "Date of Deposit"), an amendment to a registration statement with respect to the Trust on Form S-6 under the Securities Act of 1933, which describes the deposit and execution of the Indenture, will be filed with the Commission. Upon the grant of effectiveness of such registration statement, the Units will be sold by the Sponsor to the public pursuant to the prospectus contained therein and at the price described in said prospectus which shall include a sales charge.

Applicants propose to sell Units in response to purchase orders received on the Date of Deposit at a public offering price based on the net asset value per Unit determined by the value of the Securities at 4:00 p.m. on the business day preceding the Date of Deposit (the "Backward Price") unless: (1) The public offering price based on the net asset value per Unit determined by the value of the securities at 4:00 p.m. on the Date of Deposit (the "Forward Price") is lower than the Backward Price, in which event purchase orders received on the Date of Deposit will be effected at the lower, Forward Price; or (2) the public offering price based on the net asset value per Unit determined by using the Forard Price is more than 1% above the Backward Price, in which event purchase orders received on the Date of Deposit will be effected at the higher, Forward Price.

Beginning on the busines day following the Date of Deposit, the public offering price will be based on the current net asset value per unit next determined after receipt of the purchase order, plus the applicable sales charge. The net asset value next determined also will be used in calculating the unit price for all redemptions, and for all purchases and sales by the Sponsor in connection with its secondary market activities.

Applicants believe that Rule 22c-1 has two purposes: (1) To eliminate any dilution in the value of investment company shares which might occur through the practice of selling securities at a price based on a previously established value which permits a potential investor to take advantage of an increase in the value of investment company shares which is not yet reflected in the price for such shares; and (2) to eliminate certain speculative trading practices.

Where a sponsor forms a trust by depositing portfolio securities in return for all units of the trust, trust assets are in no way affected by the method of pricing the units in the initial public offering. The method proposed for pricing Units on the Date of Deposit is analogous to "backward pricing" used with respect to secondary market transactions on the offering side in connection with "eligible trust securiteis", such as municipal bonds, permitted by Rule 22c-1. Like those secondary market activities, this proposal cannot result in dilution of the interests of Unitholders.

The forward pricing requirements of Rule 22c-1 can be confusing to investors in unit trusts that forward price on the date of deposit. Although the effective

prospectus for a trust that sells units on the basis of forward price, the price given is that which would have been effective had the trust been formed on the business day preceding the date of deposit. Accordingly, the prices set forth in the prospectus is not the price at which any purchases of units will be effected. If the order requested herein is granted, purchasers of Trust Units on the Date of Deposit will have their purchase orders effected and confirmed at the price set forth in the final prospectus.

The possibility of speculation from backward pricing on the Date of Deposit will be minimal. In order for a speculator to benefit from a purchase and immediate redemption, the net asset value increase would have to be in excess of the sales charge. In light of the applicable sales charges and the difference between offering prices of the Securities (which are the prices used to compute the initial public offering price) and the bid prices thereof (which are used to compute redemption prices) (generally a difference of between $10 and $20 per Unit), such one day price changes are not expected to approach the transactional costs related to any attempted speculation by investors. Although the Trusts will be comprised of long term securities, the volatility of market prices in any one day is not likely to be of such a magnitude to overcome the related costs of speculation. The largest daily percentage increases in prices of municipal bonds studied over a 17 month period (December 1983 to May 1985) was 1.1%, the largest daily percentage decrease was −1.7% and the average daily fluctuation was .25%.

Conditions:

(1) In order to eliminate any possibility of speculation on the part of the Sponsor, the Sponsor will not during the initial public offering period for any Trust, tender back to the Trustee for redemption any of its unsold Units.

(2) The Sponsor will not allow its registered representatives (or any broker or dealer through which it might in the future distribute Units) to convert an increase in the market into a speculative gain by tendering any Units they might purchase to the Trustee for redemption during the initial public offering period.

(3) Applicants will effect all sales on the Date of Deposit at a public offering price based on the Forward Price if the Forward Price is lower than the Backward Price.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-1260 Filed 1-20-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-16627]

Application and Opportunities for Hearing; U.S. Home Corp.

Notice is hereby given that U.S. Home Corporation ("Applicant") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 ("Act") for a finding by the Securities and Exchange Commission ("Commission") that the trusteeship of J. Henry Schroder Bank & Trust ("Schroder") under three indentures of the Applicant heretofore qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Schroder from acting as trustee under any of such indentures.

Section 310(b) of the Act provides, in pertinent part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding.

The Applicant alleges that:

1. The Applicant has outstanding, as of November 1, 1986, $31,725,000 of its 12-¾% Reset Notes due December 15, 1997 ("12-¾% Reset Notes"), $35,102,000 of its 11-¼% Reset Notes due April 15, 2000 ("11-¼% Reset Notes") and $11,315,250 of its 12% Reset Notes", due December 15, 1997 ("12% Reset Notes", together with the 12-¾% Reset Notes and the 11-¼% Reset Notes, "Debt Securities"), each issued under an indenture, dated as of January 15, 1985 ("1985 Indenture"), between the Applicant and Schroder, as Trustee, which was qualified under the Act. The 11-¼% Reset Notes were registered under the Securities Act of 1933 ("1933 Act") and the 12-¾% Reset Notes and 12% Reset Notes were exempt from registration under the 1933 Act.

2. The Applicant had outstanding, as of November 1, 1986, $50,000,000 of its 13-¼% Notes Due 1994 ("13-¼% Notes") and $7,700,000 of its 12-¾% Notes Due 1989 ("12-¾% Notes"; together with the 13-¼% Notes, the "Notes") both issued under an indenture, dated as of November 1, 1982 ("1982 Indenture"), between the Applicant and Bankers Trust Company ("Bankers"), which was qualified under the Act. The 13-¼% Notes and the 12-¾% Notes were both registered under the 1933 Act.

3. The Applicant has outstanding, as of November 1, 1986, $18,610,000 of its 10% Notes Due 1987 ("10% Notes") issued under an indenture dated as of August 15, 1977 ("1977 Indenture"), between the Applicant and Bankers, which was qualified under the Act. The 10% Notes were registered under the 1933 Act. The 1977 Indenture, the 1982 Indenture and the 1985 Indenture each contain the provisions required by section 310(b)(1)(ii) under the Act.

4. On November 12, 1986 Schroder was appointed successor trustee under th 1977 Indenture and the 1982 Indenture.

5. The Applicant is not in default under any of the Indentures.

6. The Applicant's obligations under the indentures and the debentures issued thereunder are wholly unsecured and rank *pari passu inter se.* There are no material differences between the 1977 Indenture, the 1982 Indenture and the 1985 Indentures except for variations as to aggregate principal amounts, dates of issue, grace periods, maturity and interest payment dates, interest rates, redemption prices and sinking fund provisions.

7. In the opinion of the Applicant, the provisions of the Identures are not so likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify Schroder from acting as successor trustee under any of such indentures.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, File No. 22-16627, which is a public document on file in the offices of the Commission at the Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than February 1, 1987, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for

such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-1261 Filed 1-20-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

January 14, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Airgas, Inc.
Common Stock, $.01 Par Value (File No. 7-9534)
Boston Celtics Limited Partnership
Units of Limited Partnership (File No. 7-9535)
British Gas Public Limited Company
American Depository Shares (File No. 7-9536)
Buckeye Partners, L.P.
Limited Partnership Units (File No. 7-9537)
Ecolab, Inc.
Common Stock, $1.00 Par Value (File No. 7-9538)
Equitable Real Estate Shopping Center
Limited Partnership Units (File No. 7-9539)
Filtertek, Inc./Filtertek De Puerto Rico, Inc.
Paired Common Stock (File No. 7-9540)
Franklin Resources, Inc.
Common Stock, $10.00 Par Value (File No. 7-9541)
Health & Rehabilitation Properties Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7-9542)
Prime Motor Inns Limited Partnership
Depository Receipts (File No. 7-9543)
OMS, Inc.
Common Stock, $.01 Par Value (File No. 7-9544)
Reebok International Ltd.
Common Stock, $.01 Par Value (File No. 7-9545)
Kay Jewelers Inc.
Common Stock, $1.00 Par Value (File No. 7-9546)
Vista Chemical Co.
Common Stock, $.01 Par Value (File No. 7-9547)
A.O. Smith Corporation (New York)
Class B Common Stock, $1.00 Par Value (File No. 7-9548)
Data-Design Laboratories (CA)
Common Stock, 33⅓ Par Value (File No. 7-9549)
Data Point Corporation
$4.94 Exchangeable Preferred Stock, $1.00 Par Value (File No. 7-9550)
British Land of America (Delaware)
Common Stock, $1.00 Par Value (File No. 7-9551)
Eastern Air Lines, Inc.
Depository Preferred Share, $1.00 Par Value (File No. 7-9552)
Eastern Air Lines, Inc.
$2.27 Cumulative Preferred Stock, $1.00 Par Value (File No. 7-9553)
IMO Delaval Inc.
Common Stock, $1.00 Par Value (File No. 7-9554)
Transcapital Financial Corporation
Rights to Subscribe (File No. 7-9555)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 5, 1987, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-1255 Filed 1-20-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 995]

International Conferences; Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its October, 1985—December, 1986 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III(c)5 of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: January 9, 1987.

Frank R. Provyn,

Director, Office of International Conference Programs.

United States Delegation to the CSCE Budapest Cultural Forum—Budapest, October 15-November 25, 1985

Representative

The Honorable Walter J. Stoessel, Jr., Bureau of European and Canadian Affairs, Department of State

Alternate Representative

Sol Polansky, Bureau of European and Canadian Affairs, Department of State

Senior Adviser

The Honorable Nicolas M. Salgo, Ambassador, U.S. Embassy, Budapest

Congressional Advisers

Lynne Davidson, Staff Assistant, Commission on Security and Cooperation in Europe
Orest Deychakiwsky, Staff Assistant, Commission on Security and Cooperation in Europe (November 4-25)
John Finerty, Staff Assistant, Commission on Security and Cooperation in Europe (October 15—November 1)
Mary Sue Hafner, Counsel, Commission on Security and Cooperation in Europe (October 15-25)
Robert Hand, Staff Assistant, Commission on Security and Cooperation in Europe (November 4-25)
Michael Hathaway, Staff Director, Commission on Security and Cooperation in Europe (October 15-25)
David Seal, Press Secretary, Commission on Security and Cooperation in Europe (October 15-18)
Sam Wise, Deputy Staff Director, Commission on Security and Cooperation in Europe

Advisers

Edward Alexander, Office of European Affairs, United States Information Agency
Richard Baltimore, Political Officer, U.S. Embassy, Budapest
Bruce Connuck, Office of Human Rights, Bureau of Human Rights and Humanitarian Affairs, Department of State (October 15-29)
Guy Coriden, Office of European Security and Political Affairs, Bureau of European and Canadian Affairs, Department of State
Julien LeBourgeois, Office of European Security and Political Affairs, Bureau of European and Canadian Affairs, Department of State
Edward C. McBride, Office of European Affairs, United States Information Agency
Amy Monk, Office for Policy and Programs, Bureau of Human Rights and Humanitarian Affairs, Department of State (October 29—November 25)

W.W. Littell, Office of European Affairs, United States Information Agency
John Schmidt, Office of Soviet Union Affairs, Bureau of European and Canadian Affairs, Department of State (October 19—November 10)
Keith C. Smith, Deputy Chief of Mission, U.S. Embassy, Budapest

Private Sector Advisers

Edward Albee, Playright, New York City, New York (October 21–25)
Peter Blake, Architect, Washington, DC (October 28—November 1)
Daniel Boorstin, Librarian of Congress, Washington, DC (November 4–8)
Trisha Brown, Dancer, New York City, NY (October 21–25)
Paul Caponigro, Photographer, Santa Fe, New Mexico (October 21–25)
Nancy Coolidge, Preservationist, Boston, Massachusetts (October 28—November 1)
Frank Conroy, Professor, Washington, DC (November 11–15)
William Ferris, Historian, Lafayette, Mississippi (November 11–15)
Sam Gilliam, Painter, Washington, DC (October 21–25)
Nathan Glazer, Sociologist, Cambridge, Massachusetts (November 11–15)
Leo Gruliow, Author, Columbus, Ohio (November 4–15)
Bess Hawes, Folklorist, Washington, DC (October 21–25)
Eugene Istomin, Pianist, Washington, DC (October 21–25)
David O. Ives, TV Executive, Boston, Massachusetts (October 28—November 1)
Allen Kassof, Professor, New York, New York (November 4–8)
Jack Masey, Designer, New York, New York (November 11–15)
Jaroslav Pelikan, Professor, Hamden, Connecticut (November 4–8)
Susan Phillips, Associate Director, Office of Presidential Personnel, Former Director Institute of Museum Services
Rudy Pozzatti, Printmaker, Bloomington, Indiana (October 21–25)
Ellendea Proffer, Publisher, Ann Arbor, Michigan (November 4–15)
Arthur Pulos, Designer, Fayetteville, New York (October 28—November 1)
Cliff Robertson, Actor, Van Nys, California (October 28—November 1)
William Jay Smith, Author, New York, New York (November 4–15)
Billy Taylor, Pianist, New York, New York (October 28—November 1)
William L. Trogdon (Professionally known as William Least Heat Moon), Author, Columbia, Missouri (November 4–15)

United States Delegation to the Preparatory Committee Meeting and Experts Meeting on Human Contacts, Conference on Security and Cooperation in Europe (CSCE)—Bern, April 2—May 27, 1986

Representative

Michael Novak, Bureau of European and Canadian Affairs, Department of State

Alternate Representative

Sol Polansky, Bureau of European and Canadian Affairs, Department of State

Senior Adviser

The Honorable Faith R. Whittlesey, U.S. Ambassador, Bern

Advisers

Edward Alexander, Office of European Affairs, United States Information Agency (4/14–5/26)
Bruce Connuck, Bureau of Human Rights and Humanitarian Affairs, Department of State
Catherine Cosman, Staff, Commission on Security and Cooperation in Europe (5/13–5/26)
Thomas Countryman, Bureau of European and Canadian Affairs, Department of State (4/15–5/12)
Orest Deychakiwsky, Staff, Commission on Security and Cooperation in Europe (4/14–5/2)
John Finerty, Staff, Commission on Security and Cooperation in Europe (4/14–5/2)
Mary Sue Hafner, General Counsel, Commission on Security and Cooperation in Europe (4/18–28 and 5/25–27)
Robert Hand, Staff, Commission on Security and Cooperation in Europe (4/27–5/19)
Michael Hathaway, Staff Director, Commission on Security and Cooperation in Europe (4/28–5/10 and 5/25–27)
Richard Korff, Assistant Public Affairs Officer, U.S. Embassy, Bern
Julien LeBourgeois, Bureau of European and Canadian Affairs, Department of State
Richard H. Morgan, Political Officer, U.S. Embassy, Bern
John Spiegel, Bureau of Consular Affairs, Department of State (4/21–5/18)
Robert Reilly, Senior Adviser for Public Affairs, U.S. Embassy, Bern
John Schmidt, Bureau of European and Canadian Affairs, Department of State (4/15–5/12)
James W. Shinn, Deputy Chief of Mission, U.S. Embassy, Bern
Frank Tumminia, Political Counselor, U.S. Embassy, Bern
Samuel G. Wise, Jr., Deputy Staff Director, Commission on Security and Cooperation in Europe (4/1–4/18 and 5/10–27)

Private Sector Advisers

William Korey, Director, International Policy Research, B'nai B'rith, New York City
George R. Urban, Director, Radio Free Europe, Washington, DC

United States Delegation to the First 1986 Regular Session of the UN Economic and Social Council (ECOSOC)—New York, April 29–May 23, 1986

Representative

The Honorable Patricia M. Byrne, Ambassador, Deputy U.S. Representative to the Security Council of the United Nations, New York, New York

Alternate Representatives

The Honorable James Ferrer, Deputy U.S. Representative to the Economic and Social Council of the United Nations, New York, New York
W. Lewis Amselem, United States Mission to the United Nations, New York, New York

Advisers

Laura Genero, Deputy Assistant Secretary for International Social and Humanitarian Affairs, Bureau of International Organization Affairs, Department of State
Maureen Reagan, U.S. Representative to the UN Commission on the Status of Women
Leonard K. Barrett, United States Mission to the United Nations, New York, New York
Harold S. Fleming, United States Mission to the United Nations, New York, New York
Ernest Grigg, Officer-in-Charge, Women's Affairs, Bureau of International Organization Affairs, Department of State
John M. Herzberg, United States Mission to the United Nations, New York, New York
Jack P. Orlando, United States Mission to the United Nations, New York, New York
Kyle R. Scott, United States Mission to the United Nations, New York, New York
Philippa N. Smithey, United States Mission to the United Nations, New York, New York
Gordon J. Stirling, United States Mission to the United Nations, New York, New York
Douglas B. Wake, United States Mission to the United Nations, New York, New York
Beverly Zweiben, Office of Human Rights, Bureau of International Organization Affairs, Department of State

United States Delegation to the Meeting of International Telegraph and Telephone Consultative Committee (CCITT), Study Group XI, International Telecommunication Union (ITU)—Geneva, April 30–May 23, 1986

Representative

Thijs de Haas, Institute for Telecommunication Science, Department of Commerce, Boulder, Colorado

Private Sector Advisers

Eric Scace, GTE Telenet, Reston, Virginia
Conferlete Carney, GTE Service Corporation, Stamford, Connecticut
Douglas Donohoe, AT&T Bell Laboratories, Holmdel, New Jersey
Robert Zader, Bell Communications Research, Red Bank, New Jersey

United States Delegation to the 23rd North Atlantic System Planning Group Meeting of the International Civil Aviation Organization (ICAO)—Lisbon, May 5–16, 1986

Member

John Sachko, Air Traffic Service, Federal Aviation Administration, Department of Transportation

Alternate Members

Allen Busch, FAA Technical Center, Federal Aviation Administration, Department of Transportation
Howard Hess, Office of Flight Operations, Federal Aviation Administration, Department of Transportation
Bob Howard, Assistant Manager (Oceanic), Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Richard Covell, Aeronautical Radio, Inc., Annapolis, Maryland
Paul C. Leonard, Vice President, Air Traffic Management and Regional Operations, Air

Transport Association of America
Washington, DC

United States Delegation to the 27th Session of the Subcommittee on Containers and Cargoes Intergovernmental Maritime Organization (IMO)—London, May 12–16, 1986

Representative

Joseph J. Angelo, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Larry Gibson, Lieutenant Commander, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Nancy Fibish, Shipping Attache, United States Embassy, London
Jeffrey G. Lantz, Lieutenant Commander, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Robert Letourneau, Lieutenant Commander, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Adviser

S. Fraser Sammis, President, National Cargo Bureau, New York, New York

United States Delegation to the Sixteenth Plenary Assembly of the International Radio Consultative Committee (CCIR) of the International Telecommunications Union (ITU)—Dubrovnik, May 12–23, 1986

Chairman

Richard E. Shrum, Office of International Radio Communications, Bureau of International Communications and Information Policy, Department of State

Vice Chairmen

Richard D. Parlow, National Telecommunications and Information Administration, Department of Commerce
Thomas B. Stanley, Federal Communications Commission

Government Advisers

Roger E. Beehler, National Bureau of Standards, Boulder, Colorado
Dr. John F. Cavanagh, Naval Surface Weapons Center, Dahlgren, Virginia
Gordon F. Hempton, Staff Engineer, Technical Standards Branch, Federal Communications Commission
Harold G. Kimball, National Telecommunications and Information Administration, Department of Commerce
Alex C. Latker, Tariff Division, Common Carrier Bureau, Federal Communications Commission
Robert Mayher, National Telecommunications and Information Administration, Department of Commerce
Robert Mayher, National Telecommunications and Information Administration, Department of Commerce
Robert C. McIntyre, Private Radio Bureau, Federal Communications Commission
Neal K. McNaughten, Office of Science and Technology, Federal Communications Commission
Warren G. Richards, Office of International Radio Communications, Bureau of International Communications and Information Policy, Department of State
Arthur D. Spaulding, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce
Dr. William F. Utlaut, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Herbert T. Blaker, Rockwell International Corporation, Arlington, Virginia
Cecil R. Crump, AT&T Communications, Morristown, New Jersey
E. William Henry, Advanced Television Systems Committee, Washington, DC 20036
John J. Kelleher, Systematics General Corporation, Sterling, Virginia
Hans J. Weiss, Communications Satellite Corporation, Washington, DC
Roman Z. Zaputowycz, The Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the Joint Working Group of the Insurance Committee and Committee on Invisibles and the Insurance Committee Organization for Economic Cooperation and Development (OECD)—Paris, May 20–23, 1986

Representative

Brant W. Free, Director, Office of Service Industries, Department of Commerce

Adviser

Appropriate USOECD Mission Officer, Paris

Private Sector Adviser

Gordon J. Cloney, Director, International Insurance Advisory Council, United States Chamber of Commerce, Washington, DC

United States Delegation to the Special Session on the Critical Economic Situation in Africa, United Nations General Assembly (UNGA)—New York, New York, May 27–31, 1986

Representatives

The Honorable Vernon A. Walters (Chairperson),[1] Ambassador Extraordinary and Plenipotentiary, Permanent United States Representative to the United Nations
The Honorable Herbert S. Okun, Ambassador Extraordinary and Plenipotentiary, Deputy United States Representative to the United Nations

Alternate Representatives

The Honorable Gerald P. Carmen, Ambassador, U.S. Representative to the European Office of the United Nations, Geneva
The Honorable Chester Crocker, Assistant Secretary, Bureau of African Affairs, Department of State
The Honorable Mark Edelman, Assistant Administrator, Agency for International Development
The Honorable Alan L. Keyes, Assistant Secretary, Bureau of International Organization Affairs, Department of State
The Honorable M. Peter McPherson, Administrator, Agency for International Development
The Honorable Joseph V. Reed, United States Representative on the Economic and Social Council
The Honorable Loret Ruppe, Director, Peace Corps
The Honorable Allen Wallis, Under Secretary for Economic Affairs, Department of State

Senior Advisers

Joan Wallace Dawkins, Office of International Cooperation and Development, Department of Agriculture
James Ferrer, Jr., United States Mission to the United Nations
Dennis C. Goodman, Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State
Princeton Lyman, Deputy Assistant Secretary, Bureau of African Affairs, Department of State
Helen Soos, National Security Council
Michael Ussery, Deputy Assistant Secretary, Bureau of Near Eastern and South Asian Affairs, Department of State

Advisers

Kay Davies, Agency for International Development
Reed J. Fendrick, United States Mission to the United Nations
Harold S. Fleming, United States Mission to the United Nations
Matt Hennessey, Department of the Treasury
Richard Hottelet, United States Mission to the United Nations
Gary Maybarduk, Bureau of African Affairs, Department of State
George Saddler, United States Mission to the United Nations
Kyle Scott, United States Mission to the United Nations

Private Sector Advisers

W. Michael Blumenthal, Burroughs Corporation, New York, New York
Peter Davies, Interaction, New York, New York
John Smith, Mayor, Pritchard, Alabama

United States Delegation to the Meeting of Study Group Special "S" of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU)—Geneva, May 27–June 4, 1986

Representative

Domenick Iacovo, Bureau of International Communications and Information Policy, Department of State

Adviser

Douglas Davis, Federal Communications Commission

[1] The Secretary of State is Chairman Ex Officio of the United States Delegation when in attendance.

Private Sector Adviser

Richard J. Holleman, IBM Corporation, Purchase, New York

United States Delegation to the Committee of Governmental Experts on Audiovisual Works and Phonograms, UN Educational, Scientific and Cultural Organization (UNESCO)/World Intellectual Property Organization (WIPO)—Paris, June 2–6, 1986

Representative

Harvey J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Lewis I. Flacks, Policy Planning Adviser, U.S. Copyright Office

Private Sector Advisers

Norman Alterman, Vice President, Motion Picture Export Association of America, New York, New York
Stanley Gortikov, President, Recording Industry Association of America, New York, New York

United States Delegation to the 38th Annual Meeting and Associated Meetings, International Whaling Commission (IWC)—Malmo, Sweden, June 9–13, 1986

Representative

The Honorable Anthony J. Calio, United States Commissioner and Administrator, National Oceanic and Atmospheric Administration, Department of Commerce

Congressional Adviser The Honorable Mervyn M. Dymally, United States House of Representatives

Congressional Staff Advisers

Robert Eisenbud, Chief Counsel for Maritime and Ocean Policy, Commerce Committee, United States Senate
Donald James Barry, Staff Counsel, Committee on Merchant Marine and Fisheries, United States House of Representatives
Randall Echols, Special Assistant to the Honorable Mervyn M. Dymally, United States House of Representatives

Advisers

Howard Braham, National Marine Mammal Laboratory, National Marine Fisheries Service, Seattle, Washington
Timothy Brand, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Anne Crichton, Office of the Solicitor, Department of Interior
William E. Evans, Chairman, Marine Mammal Commission, Hubbs Sea World Institute, San Diego, California
Jeff Haun, Naval Ocean Systems Center, Department of the Navy
Claudia Kendrew, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Daniel McGovern, General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce
Dean Swanson, Office of International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

George Ahmaogak, Alaska Eskimo Whaling Commission, Barrow, Alaska
Edward D. Asper, Vice President, Sea World of Florida, Orlando, Florida
Nancy Azzam, Windstar Foundation, Golden Valley, Minnesota
Arnold Brower, Jr., Chairman, Alaska Eskimo Whaling Commission, Barrow, Alaska
Douglas G. Chapman, College of Fisheries, University of Washington, Seattle, Washington
Richard Ellis, National Audubon Society, New York, New York

United States Delegation to the Meeting of the International Rubber Study Group (IRSG)—London, June 16–20, 1986

Representative

Frederic W. Siesseger, Director, International Commodities Division, Department of Commerce

Alternate Representative

Kenneth Davis, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

James Burkart, U.S. Embassy, London
Bruce McMullen, U.S. Embassy, London

Private Sector Advisers

Peter Bierrie, President, United Baltic Corporation, New York, New York
Thomas E. Cole, Vice President, Rubber Manufacturers Association, Washington, DC
Donald A. Ensminger, General Manager, Plantation Operations, Goodyear Tire & Rubber Company, Akron, Ohio
James F. Hegarty, Manager, International Purchasing, Firestone Tire & Rubber Company, Akron, Ohio
Warren Heilbron, Alan L. Grant Rubber Division, Imperial Commodities Corporation, New York, New York

United States Delegation to the Study Group III, Working Parties 5 and 6, International Telephone and Telegraph Consultative Committee (CCITT), International Telecommunications Union (ITU)—Kobe, Japan, June 17–26, 1986

Representative

Gary M. Fereno, Telecommunication Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

Advisers

Wendell Harris, Federal Communications Commission
Norman Achilles, Office of the Legal Adviser, Department of State

Private Sector Advisers

Clark Dahlgren, Deputy Director, AT&T Communications, Morristown, New Jersey
Paul F. Konort, Senior Regulatory Analyst, GTE Sprint Communications Corp., Washington, DC
John O'Boyle, Vice President, ITT World Communications Inc., Secaucus, New Jersey
Phillip Onstad, Director of Telecomm Policy, Control Data Corporation, Washington, DC
Denis O'Shea, Telecommunications Advisor, IBM, Armonk, New York
Marcel Scheidegger, MCI International, Rye Brook, New York
Carmine Taglialatela, Director, Regulatory Affairs, RCA Global Communications, Inc., New York, New York
Deborah G. Tumey, Assistant Vice President, Citibank, N.A., New York, New York

United States Delegation to the 3rd Annual Meeting of the Council of the North Atlantic Salmon Organization (NASCO)—Edinburgh, United Kingdom, June 21–28, 1986

Commissioners

The Honorable Allen E. Peterson, Jr., Director, Northeast Fisheries Center, National Oceanic and Atmospheric Administration, Department of Commerce
The Honorable Richard Buck, Chairman, Restoration of Atlantic Salmon in America, Inc., Hancock, New Hampshire
The Honorable Frank Carlton, Vice President, National Coalition for Marine Conservation, Inc., Savannah, Georgia

Congressional Staff Adviser

John Dentler, Committee on Merchant Marine and Fisheries, United States House of Representatives

Advisers

Vaughn C. Anthony, Northeast Fisheries Center, National Oceanic and Atmospheric Administration, Department of Commerce
Barry J. Kefauver, Executive Director, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Joseph H. Kutkuhn, Associate Director for Fishery Resources, U.S. Fish and Wildlife Service, Department of the Interior
Ted I. Lillestolen, Lieutenant Commander, Office of International Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce
Daniel A. Reifsnyder, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

Robert A. Jones, Vice Chairman, Connecticut River Atlantic Salmon Commission, New Haven, Connecticut
Glenn H. Manuel, Commissioner, Department of Inland Fisheries and Wildlife, Augusta, Maine
Edward W. Spurr, Chairman, New England Fishery Management Council, Saugus, Massachusetts

United States Delegation to the Council and Committee Meetings, International Natural Rubber Organization (INRO)—Kuala Lumpur, June 24–July 2, 1986

Committee on Administration, June 24 and June 27

Representative

Cynthia Smith, Office of Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Steven Olson, United States Embassy, Kuala Lumpur
Frederic Siesseger, Director, Office of Commodities, Department of Commerce

Meeting of the INRO Council, Committee on Buffer Stock Operations, Committee on Statistics, Committee on Other Measures, June 24–July 2

Representative

Frederic Siesseger, Director, Office of Commodities, Department of Commerce

Alternate Representative

Cynthia Smith, Office of Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Adviser

Steven Olson, United States Embassy, Kuala Lumpur

Private Sector Advisers

Howard Chapel, Managing Director, Goodyear Orient Private Ltd., Singapore
C. Bradford Pettit, Firestone Rubber Company, Singapore

United States Delegation to the Seventh Meeting of the Chemicals Group and Management Committee Organization for Economic Cooperation and Development (OECD)—Paris, June 25–26, 1986

Representative

Don Clay, Director, Office of Toxic Substances, Environmental Protection Agency

Advisers

Breck Milroy, Office of Toxic Substances, Environmental Protection Agency
Thomas Wilson, Office of Environment and Health, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frances Irwin, The Conservation Foundation, Washington, DC
Donald McCollister, Dow Chemical Company, Midland, Michigan

United States Delegation to the Trade Committee, Meeting of the Participants to the Arrangement on Export Credits Organization for Economic Cooperation and Development (OECD)—Paris, June 26–27, 1986

Representative

John Lange, Director, Office of International Trade Finance, Department of the Treasury

Adviser

Daniel Grant, U.S. Mission to the OECD, Paris

Private Sector Adviser

Michael Clare, Vice President, Citibank, New York, New York

United States Delegation to the Special Meeting of Study Group 8 of the International Radio Consultative Committee (CCIR) of the International Telecommunication Union (ITU)—Geneva, June 30–July 11, 1986

Representative

John T. Gilsenan, Executive Director for Mobile Services, WARC, Bureau of International Communications and Information Policy, Department of State

Alternate Representatives

Herbert T. Blaker, Manager, Standards and Certification, Rockwell International Corporation, Arlington, Virginia
Robert C. McIntyre, Private Radio Bureau, Federal Communications Commission
Lawrence M. Palmer, Radio Conference Program Manager, National Telecommunications and Information Administration, Department of Commerce

Advisers

John Hersey, U.S. Coast Guard
Henry Holsopple, Department of the Navy
William Luther, International Advisor, Field Operations Bureau, Federal Communications Commission
Gerald Markey, Spectrum Engineering Division, Federal Aviation Administration
William Moran, National Telecommunications and Information Administration, Department of Commerce
Harry Montgomery, Telecommunications Attache, United States Mission, Geneva, Switzerland
Larry D. Reed, Private Radio Bureau, Federal Communications Commission
Frank L. Rose, Office of Science and Technology, Federal Communications Commission
Richard Swanson, U.S. Coast Guard
James T. Vorhies, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Martin W. Bercovici, Keller and Heckman, Washington, DC
William M. Borman, Vice President, Motorola, Inc., Washington, DC
Lawrence F. Chesto, Aeronautical Radio, Inc., Davidsonville, Maryland
Charles Dorian, Washington, DC
Richard G. Gould, Telecommunications Systems, Washington, DC
Kris E. Hutchinson, Aeronautical Radio, Inc., Annapolis, Maryland
Yaroslav Kaminsky, Head, Advanced Systems Group, The MITRE Corporation, McLean, Virginia
Michael D. Kennedy, Government Relations—International, Motorola, Inc., Washington, DC
Walter A. Pappas, Falls Church, Virginia
Samuel E. Probst, Senior Associate, Spectrum Engineering, Systematics General Corporation, Sterling, Virginia
Leonard R. Raish, Fletcher, Heald and Hildreth, Washington, DC
Alan G. Rinker, Systematics General Corporation, Sterling, Virginia
Hillyer S. Smith, Aerospectrum International, Davidsonville, Maryland
Gerald F. Wiggin, Sachs-Freeman and Associates, Inc., Landover, Maryland

United States Delegation to the 23rd Session of the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO)—London, United Kingdom, July 7–11, 1986

Representative

John W. Kime, Rear Admiral, Chief, Office of Merchant Marine Safety, US Coast Guard, Department of Transportation

Alternate

Thomas H. Robinson, Commander, Assistant Chief, Port and Environmental Safety Division, Office of Marine Environment and Systems, US Coast Guard, Department of Transportation

Advisers

Joseph J. Angelo, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, US Coast Guard, Department of Transportation
Robert Blumberg, Deputy Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
David B. Pascoe, Lieutenant Commander, Chief, Environmental Coordination Branch, Environmental Response Division, Office of Marine Environment and Systems, US Coast Guard, Department of Transportation
John E. Riley, Chief, Response Standards and Criteria Branch, Emergency Response Division, Environmental Protection Agency
Frits Wybenga, Marine Technical and Hazardous Materials Division, Office of Merchant Marine Safety, US Coast Guard, Department of Transportation

Private Sector Adviser

Sally Ann Lentz, Staff Attorney, Oceanic Society, Washington, DC

United States Delegation to the 11th Meeting of the All Weather Operations Panel (AWOP) of the International Civil Aviation Organization (ICAO)—Montreal, Canada, July 15–25, 1986

Panel Member

Seymour Everett, Manager, Approach and Landing Branch, Federal Aviation Administration

Advisers

Eric Cassell, Approach and Landing Branch, Federal Aviation Administration
Dennis B. Cooper, International Technical Staff, Federal Aviation Administration
Chester Longman, Flight Technical Program Branch, Federal Aviation Administration
Donald Pate, Aviation Standards National Field Office, Federal Aviation Administration

Private Sector Advisers

Richard Bowers, Air Transport Association, Washington, DC
Larry Hogle, MITRE Corporation, McLean, Virginia
Robert Kelly, Bendix Communications Division, Towson, Maryland
Michael Moore, Airline Pilots Association, International, Herndon, Virginia
Douglas Vickers, MSI, Incorporated, Washington, DC
Melvin Zeltser, Associate Department Head, MITRE Corporation, McLean, Virginia

United States Delegation to the Steel Committee Working Party, Organization for Economic Cooperation and Development (OECD)—Paris, July 22-24, 1986

Representative

Ralph F. Thompson, Jr., Director, Iron and Steel Division, Basic Industries, Department of Commerce

Advisers

Jorge Perez-Lopez, Deputy Director, Office of International Economic Affairs, Department of Labor
Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

John J. Sheehan, Assistant to the President and Director for Legislative Affairs, United Steel Workers of America, Washington, DC

United States Delegation to the 35th Session of the Group of Rapporteus Committee of Experts on the Transport of Dangerous Goods, UN Economic and Social Council (ECOSOC)—Geneva, August 5-6, 1986

Representative

Alan I. Roberts, Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation

Alternate Representative

Elaine Economides, Acting International Standards Coordinator, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation

Advisers

Larry Gibson, LCDR, Marine Technical and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Charles H. Ke, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation
Richard W. Watson, Bureau of Mines, Department of the Interior

Private Sector Advisers

Douglas E. Klapper, Lucidol Division, Pennwalt Corporation, Buffalo, New York
Chester McCloskey, NORAC Company, Inc., Azusa, California

United States Delegation to the 26th Session of the Group of Experts on Explosives, UN Economic and Social Council (ECOSOC)—Geneva, August 11-14, 1986

Representative

Alan I. Roberts, Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation

Alternate Representative

Elaine Economides, Acting International Standards Coordinator, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation

Advisers

Raymond B. Sawyer, Explosives Safety Board, Department of Defense
Charles W. Schultz, Chief, Sciences Branch, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation
Richard W. Watson, Pittsburgh Explosives Laboratory, Bureau of Mines, Department of Interior

Private Sector Advisers

Clyde W. Eilo, Institute of Makers of Explosives, New York, New York
A.B. Opperman, Institute of Makers of Explosives, New York, New York

United States Delegation to the Chernobyl Post-Accident Review, International Atomic Energy Agency (IAEA)—Vienna, August 25-29, 1986

Representative

Richard T. Kennedy, Ambassador, United States Representative to the IAEA, Department of State

Alternate Representatives

Delbert F. Bunch, Acting Deputy Assistant Secretary for Reactor Deployment, Department of Energy
The Honorable Bruce K. Chapman, Ambassador, Deputy U.S. Representative to the IAEA, Vienna
Harold H. Denton, Director, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission

Advisers

Robert W. Barber, Director, Office of Nuclear Safety, Department of Energy
Gilbert Beebe, National Cancer Institute, Public Health Service, Department of Health and Human Services
Michael B. Congdon, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Frank J. Congel, Chief, Reliability and Risk Assessment Branch, Nuclear Regulatory Commission
G. Donald McPherson, Office of Reactor Deployment, Department of Energy
Sheldon Meyers, Director, Office of Radiation Programs, Environmental Protection Agency
Ray Richardson, Nuclear Technology Specialist, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Brian W. Sheron, Deputy Director, Division of Safety Review and Oversight, Nuclear Regulatory Commission
Charles Simpson, Defense Programs, Department of Energy
Samuel W. Speck, Associate Director, State and Local Programs and Support, Federal Emergency Management Agency
Themis P. Speis, Director, Division of Safety Review and Oversight, Nuclear Regulatory Commission
David Waller, Assistant Secretary for International Affairs and Energy Emergencies, Department of Energy
Robert Young, Office of Radiation Policy, Defense Nuclear Agency

Private Sector Advisers

William J. Bair, Manager, Environment, Health and Safety Research Program, Pacific Northwest Laboratory, Richland, Washington
William Kerr, Professor, Department of Nuclear Engineering, and Director, Office of Energy Research, University of Michigan, Ann Arbor, Michigan
Theofanis Theofanous, Professor of Chemical and Nuclear Engineering, University of Callfornia, Santa Barbara, California

United States Delegation to the Group of Rapporteurs on Pollution and Energy, 14th Session, Economic Commission for Europe (ECE)—Geneva, September 2-5, 1986

Representative

Richard Wilson, Director, Office of Mobile Sources, Environmental Protection Agency

Alternate Representative

Merrill Korth, Office of Mobile Sources, Environmental Protection Agency, Ann Arbor, Michigan

Private Sector Advisers

Louis Broering, Engine Manufacturers Association, Chicago, Illinois
Harry Weaver, Motor Vehicles Manufacturers Association, Detroit, Michigan

United States Delegation to the Chemicals Information Exchange Meeting, Organization for Economic Cooperation and Development (OECD)—Paris, September 8-10, 1986

Representative

Breck Milroy, Office of Toxic Substances, Environmental Protection Agency

Advisers

Michael J. Kelly, Office of Chemicals and Allied Products, Department of Commerce
Robert Reinstein, Office of the U.S. Trade Representative, Executive Office of the President
Thomas F. Wilson, Office of Environment and Health, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

Donald D. McCollister, Director, International Affairs, Health and Environmental

Services, Dow Chemical Company, Midland, Michigan
David Wirth, Natural Resources Defense Council, Washington, DC

United States Delegation to the 53rd Session of the Maritime Safety Committee, Intergovernmental Maritime Organization (IMO)—London, September 8–17, 1986

Representative

J.W. Kime, Rear Admiral, Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Daniel F. Sheehan, Technical Adviser, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

P. Wesley Kriebel, Director, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State
Max R. Miller, Jr., Chief, Port Security Branch, United States Coast Guard, Department of Transportation
Jean Neitzke, Shipping Attache, U.S. Embassy, London
Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation

Congressional Staff Adviser

Robert K. Boyer, Senior Staff Consultant, Committee on Foreign Affairs, U.S. House of Representatives

Private Sector Adviser

Paul L. Kelly, Vice President, Rowan Companies, Inc., London, United Kingdom
William Hannan, Vice President, American Bureau of Shipping, New York, New York
Donald C. Hintze, Executive Consultant, National Ocean Industries Association, Washington, DC

United States Delegation to the Fifth Session of the Commission for the Conservation of Antarctic Marine Living Resources—Hobart, Tasmania, September 8–19, 1986

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Robert Hofman, Senior Scientific Adviser, Marine Mammal Commission

Advisers

Robin Tuttle, Office of International Fisheries Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Bernard H. Lettau, Polar Ocean Sciences Program, Division of Polar Programs, National Science Foundation

Private Sector Adviser

Bruce S. Manheim, Environmental Defense Fund, Washington, DC

United States Delegation to the 46th Session of the Committee on Housing, Building, and Planning, Economic Commission for Europe (ECE)—Geneva, September 15–19, 1986

Representative

James E. Baugh, Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

Adviser

John M. Geraghty, ECE Program Director, Office of International Affairs, Department of Housing and Urban Development

Private Sector Adviser

Mary Jo Huth, Professor of Sociology, University of Dayton, Dayton, Ohio

United States Delegation to the International Coffee Organization (ICO)—Council and Executive Board Meetings—London, September 15–26, 1986

Representative

Jon Rosenbaum, Assistant U.S. Trade Representative, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Ralph F. Ives III, Primary Commodities Division, Department of Commerce

Advisers

Martin Bailey, Economic Advisor to the Under Secretary for Economic Affairs, Department of State
James Burkart, U.S. Embassy, London
Linda M. Hochstein, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State
Bruce McMullen, U.S. Embassy, London

Private Sector Advisers

John M. Bederka, Woodhouse, Drake & Carey Trading Inc., New York, New York
George E. Boecklin, President, National Coffee Association, New York, New York
John C.K. Buckley, Vice President-Purchasing, Nestle Foods Corporation, White Plains, New York
Kenneth R. Dunnivant, Vice President, The Folger Coffee Co., Cincinnati, Ohio
John Heuman, Chairman of the Board, CEO, Dine-mor Foods, Inc., Chicago, Illinois
Howard C. Katz, Goldman, Sachs & Co., New York, New York
Paul J. Keating, Vice President, General Foods Corporation, New York, New York
Andrew A. Scholtz, President, Coffee Department, Cargill, Inc., New York, New York
Donald A. Stoulil, Secretary Coffee Service, Los Angeles, California
H. Grady Tiller, President, Coffee Unit, Coca Cola Foods, Houston, Texas

United States Delegation to the Twenty-Sixth (Ordinary) Session of the Triennial Assembly of the International Civil Aviation Organization (ICAO)—Montreal, September 23 to October 10, 1986

Chief Delegate

The Honorable Donald D. Engen, Administrator, Federal Aviation Administration

Chief Delegate Ex Officio

Edmund Stohr, U.S. Representative on the ICAO Council, Montreal, Canada

Delegates

Anthony J. Broderick, Associate Administrator for Aviation Standards, Federal Aviation Administration
Joan S. Gravatt, Office of Aviation Programs and Policy, Bureau of Economic and Business Affairs, Department of State
Irene E. Howie, Assistant Chief Counsel, International Affairs and Legal Policy Staff, Office of the Chief Counsel, Federal Aviation Administration
J. Stuart Jamison, U.S. Member of ICAO Air Navigation, Commission and Alternate Representative on the ICAO Council, Montreal, Canada
John H. Kiser, Transportation Industry Analyst, Department of Transportation
Harvey Lampert, Political Officer, Office of UN Political and Multilateral Affairs, Bureau of International Organization Affairs, Department of State
Peter H. Rosenow, Office of the Secretary, Department of Transportation
George Salvatierra, Office of UN Budget Systems, Bureau of International Organization Affairs, Department of State
David L. Schiele, U.S. Member of ICAO Finance Committee, Montreal, Canada
Erwin W. von den Steinen, Director, Office of Aviation Programs and Policy, Bureau of Economic and Business Affairs, Department of State
Agnes M. Trainor, Industry Economist, Office of Aviation Operations, Department of Transportation

Private Sector Advisers

Ralph Ditano, Vice President/Secretary/Treasurer, National Air Carriers Association, Inc., Washington, DC
Richard F. Lally, Vice President-Security, Air Transport Association of America, Washington, DC
Thomas V. Lydon, Manager, International Services, Air Transport Associaton of America, Washington, DC

United States Delegation to the International Telecommunications Union (ITU), International Telegraph and Telephone Consultative Committee (CCITT), Meeting of Study Group VII and its Working Parties—Geneva, Switzerland, September 29–October 10, 1986

Representative

Thijs de Haas, Department of Commerce, Boulder, Colorado

Advisers

Gary Fereno, Department of Commerce, Washington, DC
Neil Seitz, Department of Commerce, Boulder, Colorado

Private Sector Advisers

Paul Campbell, Jr., AT&T Communications, Bedminster, New Jersey
Edward P. Greene, National Communications System, Arlington, Virginia
William Miller, IBM Corporation, Purchase, New York

United States Delegation to the Chemical Industry Committee Meeting, 19th Session (Including the Group of Experts on Periodic Survey of the Chemical Industry, 13th Session), Economic Commission for Europe (ECE)—Geneva, October 6–10, 1986

Representative

Vincent J. Kamenicky, Director, Chemical and Rubber Division, Bureau of Industrial Economics, Department of Commerce

Private Sector Adviser

Myron Foveaux, Legislative Representative, International Trade, Chemical Manufacturers Association, Washington, DC

United States Delegation to the Ninth Session of the Commission for Atmospheric Sciences (CAS) of the World Meteorological Organization (WMO)—Sofia, October 6–17, 1986

Representative

Eugene Bierly, Director, Division of Atmospheric Sciences, National Science Foundation

Alternate Representative

Robert McClatchey, Director, Atmospheric Division, U.S. Air Force

Adviser

Eugenia Kalnay, Head of the Global Modelling and Simulation Branch, NASA/Goddard Space Flight Center
Frederick A. Koomanoff, Director, Carbon Dioxide Research Division, Office of Basic Energy Services, Department of Energy

Private Sector Adviser

John J. Cahir, College of Earth and Mineral Sciences, Pennsylvania State University

United States Delegation to the International Telecommunications Union (ITU), International Telegraph and Telephone Consultative Committee (CCITT) Meetings of Study Group III and Working Party III/2—Geneva, Switzerland, October 6–17, 1986

Representative

Earl S. Barbely, Department of State

Advisers

Gary M. Fereno, Department of Commerce
Wendell Harris, Federal Communications Commission

Private Sector Advisers

Theodore W. Boll, Comsat World Systems Division, Clarksburg, Maryland
Clarke Dahlgren, AT&T Communications, Morristown, New Jersey
Wendell Lind, At&T Communications, Bedminster, New Jersey
John O'Boyle, ITT World Communications, Secaucus, New Jersey
Marcel Scheidegger, MCI International, Rye Brook, New York
Beverly Ann Sincavage, GTE Telenet Corporation, Reston, Virginia
Deborah Tumey, Citibank, N.A., New York, New York

United States Delegation to the 74th Statutory Meeting of the International Council for the Exploration of the Seas (ICES)—Copenhagen, October 9–17, 1986

Delegates

Joseph W. Angelovic, Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service, Department of Commerce
John H. Steele, Director, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts

Advisers

Vaughn Anthony, Chief, Utilization and Conservation, National Marine Fisheries Service, Woods Hole Laboratory, Department of Commerce, Woods Hole, Massachusetts
Bradford Brown, Deputy Center Director, Southeast Fisheries Center, National Marine Fisheries Service, Department of Commerce, Miami, Florida
Steven A. Murawski, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
Robert Murchelano, Chief, Environmental Process Division, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole Laboratory, Department of Commerce, Woods Hole, Massachusetts
Joan Palmer, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
John Pearce, Deputy Director, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
Kenneth Sherman, Director, Narragansett Laboratory, National Marine Fisheries Service, Department of Commerce, Narragansett, Rhode Island
Michael P. Sissenwine, Chief, Fisheries Ecology Division, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts

Private Sector Advisers

George D. Grice, Associate Director for Scientific Operations, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts
Edward Houde, Chesapeake Biological Laboratory, University of Maryland, Solomons, Maryland
Candace C. Oviatt, Manager, Marine Ecosystems Laboratory, University of Rhode Island, Kingston, Rhode Island
W. Brechner Owens, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts
G. Carleton Ray, Department of Environmental Sciences, University of Virginia, Charlottesville, Virginia
Brian J. Rothschild, Chesapeake Biological Laboratory, University of Maryland, Solomons, Maryland

United States Delegation to the 44th Session of the Timber Committee, Economic Commission for Europe (ECE)—Geneva, October 13–17, 1986

Representative

David Darr, Group Leader for Demand, Price and Trade Analysis, Forest Resources Economics Research, Forest Service, Department of Agriculture

Private Sector Adviser

Peter Jensen, Director of Wood Products, Europe, Weyerhaeuser, S.A., Brussels

United States Delegation to the 21st Session, Intergovernmental Group on Hard Fibers, Food and Agriculture Organization (FAO)—Rome, October 13–17, 1986

Representative Ex Officio

The Honorable Millicent Fenwick, United States Representative to the United Nations Agencies for Food and Agriculture, Rome

Representative

Clinton R. Shaw, Primary Commodities Division, International Trade Administration, Department of Commerce

Alternate Representative

Daniel Weygandt, United States Mission to the United Nations, Agencies for Food and Agriculture, Rome

Private Sector Adviser

Loyal W. Leitgen, Manager, Twine Department, Universal Cooperatives, Inc., Minneapolis, Minnesota

United States Delegation to the Ministerial Meeting of the Group on Urban Affairs, Organization for Economic Cooperation and Development (OECD)—Paris, October 16–17, 1986

Representative

The Honorable Samuel R. Pierce, Secretary of Housing and Urban Development

Alternate Representative

The Honorable Theodore R. Britton, Jr., Assistant to the Secretary for International Affairs, Department of Housing and Urban Development

Advisers

The Honorable Alfred C. Moran, Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development
The Honorable Glenn R. Wilson, President, Government National Mortgage Association, Department of Housing and Urban Development
Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

Ronald F. Poe, President, Mortgage Bankers Association of America, Washington, DC

United States Delegation to the 43rd Session of the Timber Committee Economic Commission for Europe (ECE)—Geneva, October 14–18, 1985

Representative

David Darr, Group Leader for Demand, Price and Trade Analysis, Forest Resources Economics Research, Department of Agriculture

Alternate Representative

William Hoffmeier, Forest Products Staff, Foreign Agriculture Service, Department of Agriculture

Private Sector Advisers

Peter Jensen, Director of Wood Products, Weyerhaeuser Europe, Brussels
John Ward, Vice President, International Trade, National Forest Products Association, Washington, DC

United States Delegation to the Joint Working Group of the Insurance Committee and Committee on Invisibles and the Insurance Committee Organization for Economic Cooperation and Development (OECD)—Paris, October 27–31, 1986

Representative

Brant W. Free, Director, Office of Service Industries, Department of Commerce

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

Gordon J. Cloney, Executive Secretary, International Insurance Advisory Council, Washington, DC

United States Delegation to the International Institute for Cotton (IIC) and International Cotton Advisory Committee (ICAC) Meeting—Buenos Aires, October 27–November 1, 1986

Representative

William L. Davis, Assistant Administrator, Commodity and Marketing Programs, Foreign Agricultural Service, Department of Agriculture

Alternate Representative

Mollie J. Iler, Deputy Director for Marketing, Tobacco, Cotton and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Advisers

J. Dawson Ahalt, Agricultural Counselor, U.S. Embassy, Buenos Aires
Charles V. Cunningham, Deputy Director, Analysis Division, Agricultural Stabilization and Conservation Service, Department of Agriculture
Michael Mozur, Economic Officer, U.S. Embassy, Buenos Aires
Andrew R. Sens, Economic Counselor, U.S. Embassy, Buenos Aires

Private Sector Advisers

Earle N. Billings, Executive Vice President, American Cotton Shippers Association, Memphis, Tennessee
Donald B. Conlin, Chairman, Board of Managers, New York Cotton Exchange, New York, New York
George C. Cortright, Advisor to the Board, National Cotton Council, Rolling Fork, Mississippi
M. Dean Ethridge, Director, Economic Services Division, National Cotton Council of America, Cordova, Tennessee
Herman Lee Hodges, Vice Chairman, Staplcotn, Greenwood, Mississippi
Marvin A. Woolen, Jr., President, American Cotton Shippers Association, Memphis, Tennessee

United States Delegation to the Meeting on Mineral Resources Antarctica—Tokyo, October 27 to November 12, 1986

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

John Behrendt, United States Geological Survey, Denver, Colorado
Scott Hajost, Office of the Legal Adviser, Department of State
Robert Hofman, Scientific Program Director, Marine Mammal Commission
Bradley Laubach, Minerals Management Service, Department of Interior
Thomas Laughlin, National Oceanic and Atmospheric Administration, Department of Commerce
Wesley S. Scholz, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

James K. Jackson, Office of General Counsel, American Petroleum Institute, Washington, DC
Lee Kimball, International Institute for Environment and Development, Washington, DC

United States Delegation to the 5th Special Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT)—Madrid, November 2–18, 1986

Commissioners

The Honorable Carmen J. Blondin, Deputy Assistant Administrator for Fisheries Resource Management, National Oceanic and Atmospheric Administration, Department of Commerce
Michael B. Montgomery, San Marino, California
Leon J. Weddig, National Fisheries Institute, Washington, DC

Advisers

Bradford E. Brown, Southeast Fisheries Center, National Marine Fisheries Service, Department of Commerce
Brian S. Hallman, Deputy Director, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Barry Kefauver, Executive Director, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Barbara K. Rothschild, Office of International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Frank B. Carlton, National Coalition for Marine Conservation, Savannah, Georgia
August Felando, American Tunaboat Association, San Diego, California
Mary E. Hemeon, Gloucester, Massachusetts

United States Delegation to the Fifth Session of the Joint UNESCO/IOC–WMO–CPPS Working Group on the Investigations of "El Nino" UN Educational, Scientific and Cultural Organization (UNESCO)/Intergovernmental Oceanographic Commission (IOC)—Guayaquil, November 3–5, 1986

Representative

Donald V. Hansen, Director, Physical Oceanography Laboratory, Atlantic Oceanographic and Meteorological Laboratories, National Oceanic and Atmospheric Administration, Department of Commerce, Miami, Florida

Adviser

James L. Buizer, Latin American Coordinator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, Rockville, Maryland

Private Sector Advisers

Richard T. Barber, Duke University Marine Laboratory, Beaufort, North Carolina
David Enfield, College of Oceanography, Oregon State University, Corvallis, Oregon
Eugene M. Rasmussen, Department of Meteorology, University of Maryland, College Park, Maryland

United States Delegation to the Committee on Tungsten, 18th Session, UN Conference on Trade and Development (UNCTAD)—Geneva, November 3–7, 1986

Representative

Frederick W. Siesseger, Director, International Resources Division, Department of Commerce

Alternate Representative

Kenneth Davis, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Adviser

Dorothy Dwoskin, Office of the Deputy U.S. Trade Representative, Geneva

Private Sector Advisers

Donald R. Bernens, Vice President of Administration Teledyne Firth, Lavergne, Tennessee
Peter Johnson, Director, Marketing and Public Relations, Metal Powder Industries Federation, Princeton, New Jersey
Pierre Meier, General Manager, Tungsten Commercial Europe, AMAX, Greenwich, Connecticut

United States Delegation to the Meeting of the International North Pacific Fisheries Commission (INPFC)—Anchorage, November 3–7, 1986

Commissioners

The Honorable (Head of Delegation) Clement Tillion, Fisherman, Halibut Cove, Alaska

The Honorable Dayton Lee Alverson, Managing Partner, Natural Resources Consultants, Inc., Seattle, Washington
The Honorable Richard B. Lauber, Vice President and Alaska Manager, Pacific Seafood Processors Association, Juneau, Alaska
The Honorable Robert W. McVey, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Adviser

Robert J. Ford, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

David Allison, Attorney, Juneau, Alaska
Joan Bergy, Consumer Adviser, Mercer Island, Washington
John Hanson, Fisherman, Alakanuk, Alaska
Gordon Jensen, Petersburg Vessel Owners Association, Petersburg, Alaska
Walter Smith, Alaska Fisherman's Union, Everett, Washington

United States Delegation to the Committee for the Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP), 22nd Session, Economic and Social Committee for Asia and the Pacific (ESCAP)—Madang, November 3–13, 1986

Representative

George Gryc, Director's Representative—Western Region, U.S. Geological Survey, Menlo Park, California

Adviser

Otis E. Avery, Director, Geomagnetics Division, Naval Oceanographic Office, Bay St. Louis, Mississippi

Private Sector Adviser

George G. Shor, Scripps Institute of Oceanography, La Jolla, California

United States Delegation to the Third Meeting of the Future Air Navigation Systems (FANS) Committee, International Civil Aviation Organization (ICAO)—Montreal, November 3–21, 1986

Member

Siegbert B. Poritzky, Manager, Technical Liaison Staff, Federal Aviation Administration, Department of Transportation

Alternate Member

Victor Foose, Staff Engineer, Technical Liaison Staff, Federal Aviation Administration, Department of Transportation

Advisers

Phillip J. Baker, Colonel, USAF, Office of the Secretary of Defense, Department of Defense
William R. Bamberg, Air Traffic Control Specialist, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Raymond J. Hilton, Air Transport Association of America, Washington, DC

United States Delegation to the Steel Committee Working Party, Organization for Economic Cooperation and Development (OECD)—Paris, November 4–5, 1986

Representative

Ralph F. Thompson, Jr., Director, Iron and Steel Division, Office of Basic Industries, Department of Commerce

Advisers

Jorge Perez-Lopez, Acting Director, Office of International Economic Policy and Programs, Bureau of International Labor Affairs, Department of Labor
Appropriate USOECD Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Vice President for Economics and Trade, American Iron and Steel Institute, Washington, DC
Peter Mulloney, Vice President and Assistant to the Chairman, USX Corporation, Pittsburgh, Pennsylvania
John J. Sheehan, Assistant to the President and Director for Legislative Affairs, United Steel Workers of America, Pittsburgh, Pennsylvania

United States Delegation to the 8th Session of the Commission for Aeronautical Meteorology of the World Meteorological Organization (WMO)—Geneva, November 4–15, 1986

Representative

Charles H. Sprinkle, Chief, Aviation Branch, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

John R. Lincoln, Captain, USN, Chief, Environmental Services Division, Department of Defense

Adviser

William C. Bartley, Science Attache, U.S. Mission, Geneva
James P. Travers, Chief, Monitoring and Aviation Branch, National Meteorological Center, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Gordon D. Cartwright, Consultant, Geneva, Switzerland

United States Delegation to the 12th Session of the Committee on Shipping (COS), United Nations Conference on Trade and Development (UNCTAD)—Geneva, November 10–21, 1986

Representative

William H. Dameron III, Deputy Director, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Thomas M.P. Christensen, Office of International Activities, Maritime Administration, Department of Transportation

Adviser

Richard C. Jacobson, U.S. Mission, Geneva

Private Sector Advisers

Richard Daschbach, Assistant to the President for International Affairs, Seafarers International Union of North America, Washington, DC
Patrick J. King, International Organization of Marine Pilots, Boston, Massachusetts
Philip J. Loree, Attorney and Chairman, Federation of American Controlled Shipping, New York, New York
H. George Miller, Executive Director, Shippers for Competitive Ocean Transportation, Bethesda, Maryland
Donald O'Hare, Director, International Public Affairs, Sea-Land Corporation, Iselin, New Jersey
Talmage E. Simpkins, Executive Director, Maritime Committee, AFL–CIO, Washington, DC

United States Delegation to the World Intellectual Property Organization Meeting (WIPO), 3rd Session of the Committee of Experts on the International Registration of Marks—Geneva, Switzerland, November 11–14, 1986

Representative

Rosemarie G. Bowie, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Adviser

Robert M. Anderson, Deputy Assistant Commissioner for Trademarks, Department of Commerce

Private Sector Adviser

Guy M. Blynn, President, United States Trademark Association (USTA), New York, New York

United States Delegation to the Council and Committee Meetings, International Natural Rubber Organization (INRO)—Kuala Lumpur, November 12–21, 1986

Committee on Administration, November 12 and 17, 1986

Representative

Cynthia Smith, Office of Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Steven Olson, United States Embassy, Kuala Lumpur
Frederick Siesseger, Director, Office of Commodities, Department of Commerce

Meeting of the INRO Council, Committee on Buffer StocK Operations, Committee on Statistics, Committee on Other Measures, November 13–21, 1986

Representative

Frederick Siesseger, Director, Office of Commodities, Department of Commerce

Alternate Representative

Cynthia Smith, Office of Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Adviser

Steven Olson, United States Embassy, Kuala Lumpur

Private Sector Advisers

Howard Chapel, Managing Director, Goodyear Orient Private Ltd., Singapore
C. Bradford Pettit, Firestone Rubber Company, Singapore

United States Delegation to the Ninth Session of the Commission for Agricultural Meteorology World Meteorological Organization (WMO)—Madrid, November 17–28, 1986

Principal Delegate

Norton D. Strommen, World Agricultural Board, Department of Agriculture

Alternate Delegate

Paul D. Llanso, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Edward T. Kanemasu, E.T. Laboratory, Kansas State University, Manhattan, Kansas
Katharine B. Perry, School of Agriculture and Life Sciences, North Carolina State University, Raleigh, North Carolina

United States Delegation to the 18th Session of the Administrative and Legal Committee Union for the Protection of New Plant Varieties (UPOV)—Geneva, November 18–19, 1986

Representative

Stanley Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisers

Benjamin Bolusky, Administrator, National Association of Plant Patent Owners, Washington, DC
William Schapaugh, Executive Vice President, American Seed Trade Association, Washington, DC

United States Delegation to the Eighth Joint Meeting of the Chemicals Group and Management Committee and its Expanded Steering Group for HLM III Organization for Economic Cooperation and Development (OECD)—Paris, November 18–21, 1986

Representative

Breck Milroy, Office of Toxic Substances, Environmental Protection Agency

Advisers

Carl Mazza, Office of Toxic Substances, Environomental Protection Agency
Thomas Wilson, Office of Environment and Health, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frances Irwin, The Conservation Foundation, Washington, DC
Donald McCollister, Dow Chemical Company, Midland, Michigan

United States Delegation to the Thirty-Fourth Session of the Consultative Committee and the Twentieth Session of the Council, Union for the Protection of New Plant Varieties (UPOV)—Paris, December 1–3, 1986

Representative

Stanley Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Adviser

Sidney B. Williams, Patent Attorney, Upjohn Company, Kalamazoo, Michigan

United States Delegation to the Negotiating Session on the Ozone Convention and the Chlorofluorocarbon Protocol United Nations Environmental Program (UNEP)—Geneva, December 1–5, 1986

Representative

Richard E. Benedick, Deputy Assistant Secretary for Environment, Health and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Bill L. Long, Deputy Associate Administrator for International Affairs, Environmental Protection Agency

Advisers

Daniel Albritton, Director, Aeronomy Laboratory, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce
William C. Bartley, Science Attache, U.S. Mission, Geneva
Ted Harris, Deputy Executive Secretary, Domestic Policy Council, The White House
Edwin Shykind, Science Adviser to the Assistant Secretary for Trade Development, International Trade Administration, Department of Commerce
Dwain Winters, Director, Office of Program Development, Air and Radiation, Environmental Protection Agency

Private Sector Adviser

Gordon D. Cartwright, Consultant, Geneva

United States Delegation to the 32nd Session of the International Maritime Organization (IMO), Subcommittee on Radiocommunications—London, December 1–5, 1986

Representative

Dana W. Starkweather, Captain, Chief, Telecommunications Systems Division, U.S. Coast Guard, Department of Transportation

Alternate Representative

Joseph D. Hersey, Jr., Chief, Marine Radio Policy Branch, U.S. Coast Guard, Department of Transportation

Advisers

William Luther, Field Operation Bureau, Federal Communications Commission
Robert C. McIntyre, Engineer Private Radio Bureau, Federal Lommunications Commission
Richard L. Swanson, Office of International Affairs, Department of Commerce

Private Sector Advisers

Don Derryberry, Exxon Company, Houston, Texas
John Fuechsel, Maritime Services, Comsat Space Communications Division, Clarksburg, Maryland

United States Delegation to the International Telecommunication Union (ITU), International Telephone and Telegraph Consultative Committee (CCITT) Study Group VIII—Geneva, Switzerland, December 1–12, 1986

Representative

Gary Fereno, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Adviser

Dennis Bodson, National Communications System

Private Sector Advisers

Ralph E. Grant, 3M Company, St. Paul, Minnesota
Richard J. Holleman, IBM, Purchase, New York
Herman R. Silbiger, AT&T Information Systems, Morristown, New Jersey
Stephen J. Urban, Delta Information Systems, Inc., Horsham, Pennsylvania

United States Delegation to the United Nations Commission on International Trade Law (UNCITRAL) Working Group on International Contract Practices on the Liability of Operators of Transport Terminals—Vienna, Austria, December 1–12, 1986

Representative

Paul B. Larsen, Office of the General Counsel, Department of Transportation

Private Sector Advisers

Patrick J. Falvey, Assistant General Counsel, Port of New York Authority, New York, New York
Joseph C. Sweeney, Professor, School of Law, Fordham University, New York, New York

United States Delegation to the Working Group on Liens and Mortgages International Maritime Organization (IMO) / UN Conference on Trade and Development (UNCTAD)—Geneva, December 1–12, 1986

Representative

Frederick F. Burgess, Captain, Chief, Maritime and International Law Division, United States Coast Guard, Department of Transportation

Alternate Representative

Fred M. Rosa, Lieutenant Commander, Maritime and International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Adviser

Richard C. Jacobson, U.S. Mission, Geneva

Private Sector Adviser

Emery W. Harper, Maritime Law Association, New York, New York

United States Delegation to the Ad Hoc Meeting on Copper, United Nations Conference on Trade and Development (UNCTAD)—Geneva, December 8–12, 1986

Representative

Donald Phillips, Assistant U.S. Trade Representative for Trade Policy Coordination, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Antonio J. Macone, Senior Policy Advisor, Office of Metals, Minerals, and Commodities, Department of Commerce

Congressional Staff Adviser

Denise Greenlaw, Legislative Director, Office of Senator Pete Domenici, United States Senate

Advisers

Marshall Adair, Chief, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

V.A. Cammarota, Assistant Director—Minerals Information, Bureau of Mines, Department of the Interior

Dorothy Dwoskin, Commodities Officer, Office of the U.S. Trade Representative, Geneva

Private Sector Adviser

Douglas Yearley, Senior Vice President, Government Relations, Phelps Dodge Corporation, New York, New York

United States Delegation to the Second Session of the IOC Subcommission for the Caribbean and Adjacent Regions (IOCARIBE)—Havana, December 8–13, 1986

Representative

Harris B. Stewart, Jr., Director, Center for Marine Studies, Old Dominion University, Norfolk, Virginia

Alternate Representative

George A. Maul, Atlantic Oceanographic and Meteorological Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce, Miami, Florida

Private Sector Adviser

Robert R. Lankford, Department of Marine Sciences, University of Puerto Rico, Mayaguez, Puerto Rico

United States Delegation to the 12th Session of the Working Committee on International Oceanographic Data Exchange (IODE) Intergovernmental Oceanographic Commission (IOC) United Nations Educational, Scientific, and Cultural Organization (UNESCO)—Moscow, December 10–17, 1986

Representative

Gregory W. Withee, Director, National Oceanographic Data Center, National Environmental Satellite, Data, and Information Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

Joseph F. Caponio, Director, National Technical Information Service, Department of Commerce, Springfield, Virginia

Advisers

James Churgin, Director, World Data Center, National Oceanic and Atmospheric Administration, Department of Commerce

Lisa Shaffer, Deputy Director, Data Access Project Office, National Environmental Satellite, Data, and Information Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Ferris Webster, Director, Oceanography Department, College of Marine Studies, University of Delaware, Lewes, Delaware

United States Delegation to the International Telecommunication Union (ITU) International Telegraph and Telephone Consultative Committee (CCITT) 3rd Meeting of the Preparatory Committee World Administrative Telegraph and Telephone Conference, 1988 (WATTC 88)—Geneva, December 15–19, 1986

Representative

Earl S. Barbely, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Advisers

James D. Earl, Economic, Business and Communications Affairs, Office of the Legal Adviser, Department of State

Wendell Harris, Federal Communications Commission

Thomas Wasilewski, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Cecil Crump, AT&T Communications, Morristown, New Jersey

Michael Nugent, Electronic Data Systems Corporation, Washington, DC

John O'Boyle, ITT World Communications Inc., Secaucus, New Jersey

Phillip C. Onstad, Control Data Corporation, Washington, DC

Denis W. O'Shea, IBM, Armonk, New York

Beverly Ann Sincavage, GTE TELENET Communication Corporation, Reston, Virginia

Scott Kevin Socol, MCI Telecommunications Corporation, Washington, DC

Deborah Tumey, Citibank, N.A., New York, New York

[FR Doc. 87–1086 Filed 1–20–87; 8:45 am]

BILLING CODE 4710–19–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Approval of Applicant as Trustee; Hibernia National Bank

Notice is hereby given that Hibernia National Bank in New Orleans, with offices at 313 Carondelet Street, New Orleans, Louisiana, has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21 through 221.30.

Dated: January 15, 1987.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 87–1128 Filed 1–20–87; 8:45 am]

BILLING CODE 4910–81–M

Ship Values for War Risk Insurance

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Determination of Ship Values for War Risk Insurance, effective July 1, 1986.

SUMMARY: Pursuant to the procedure stated at 46 CFR 309.1, the required biannual notice is hereby given of the stated valuations of individual vessels upon which interim binders for war risk hull insurance have been issued. The valuations set forth herein constitute just compensation for the vessels to which they apply, and have been computed in accordance with sections 902(b) and 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242(b), and 1289(a)(2)). The authority to make these vessel valuations was delegated to the Maritime Administrator by the Secretary of Transportation by DOT Order 1100.60 (August 6, 1981). Such stated valuations apply to vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by 46 CFR Part 308. In accordance with Pub. L. 99–59, authority to issue such war risk insurance will expire on June 30, 1990.

The interim binders listed below shall be deemed to have been amended as of July 1, 1986, by inserting in the space provided therefore, or in substitution for any value appearing in such space, the stated valuations of the respective vessels that appear on the list. Such stated valuations shall apply with respect to insurance attached during the period July 1, 1986, to December 31, 1986 inclusive, subject to reservation by the Maritime Administration of the right to revise the values assigned herein. The assured shall have the right, within 60 days after the date of publication of this notice, or within 60 days after the attachment of the insurance under the interim binder to which a specific valuation applies, whichever date is later, to reject such valuation and proceed as authorized by 46 U.S.C. 1289(a)(2).

(Catalog of Federal Domestic Assistance Program No. 20.803 War Risk Insurance)

By Order of the Maritime Administrator.

Dated: January 15, 1987.

James E. Saari,

Secretary.

[FR Doc. 87-1092 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-81-M

Urban Mass Transportation Administration

Intent To Conduct a Scoping Meeting on Alternative Transit Improvements in San Mateo County, Region; Change of Address

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of change of address for scoping meeting to be Held on February 4, 1987.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the San Mateo County Transit District (SamTrans) announce a change of address for a scoping meeting to be held on February 4, 1987. The meeting concerns the preparation of an Alternatives Analysis/Environmental Impact Statement (AA/EIS) for alternative transit improvements in the Daly City-Colma study area in northern San Mateo County, California.

On January 5, 1987, a notice appeared in the **Federal Register** (52 FR 376) giving the time and place of the proposed scoping meeting. Since that time, however, SamTrans has decided the meeting should be closer to the actual site of the study, for the convenience of those interested in attending. Therefore, the scoping meeting will be held at the City of Colma Town Hall, 235 El Camino Real, in Colma, California on Wednesday, February 4, 1987 at 7:30 p.m.

Members of the public and interested Federal, State and local agencies are invited to comment on the proposed scope of work, impacts to be assessed and evaluation criteria to be used to arrive at a decision. Comments may be made either orally at the meeting or in writing.

FOR FURTHER INFORMATION CONTACT: Mr. Stuart Eurman. Urban Mass Transportation Administration, 211 Main Street, suite 1160, San Francisco, CA 94105; Telephone (415) 974-7543 or Mr. Larry Stueck, Project Manager, Colma BART Station AA/EIS, San Mateo County Transit District, 945 California Drive, Burlingame, CA 94010; Telephone (415) 340-6226.

Issued on: January 15, 1987.

Robert H. McManus

Associate Administrator for Grants Management.

[FR Doc. 87-1211 Filed 1-20-87; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 1-87]

Treasury Notes of January 31, 1989, Series U-1989

Washington, January 15, 1987.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $10,250,000,000 of United States securities, designated Treasury Notes of January 31, 1989, Series U-1989 (CUSIP No. 912827 UM 2), hereafter referred to as Notes. The Notes will be sold at auction, with biding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated February 2, 1987, and will accrue interest from that date, payable on a semiannual basis on July 31, 1987, and each subsequent 6 months on January 31 and July 31 through the date that the principal becomes payable. They will mature January 31, 1989, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public moneys. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States Securites, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, January 21, 1987. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 20, 1987, and received no later than Monday, February 2, 1987.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the

list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commerical banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commerical bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt for tenders, tenders will be opened, followed by public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 990.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitted noncompetitive tenders will pay the price equivalent to those weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Monday, February 2, 1987. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, January 29, 1987. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, February 2, 1987. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration on the note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issued such notices as may be necessary, to receive payment for, and to issued, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87-1369 Filed 1-16-87; 4:13 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to 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). This document contains two revisions and lists the following information: (1) The department or staff office issuing the forms, (2) the title of the forms, (3) the agency form numbers, if applicable, (4) how often the forms must be filled out, (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 fill out the forms, and (8) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Allison Herron, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: January 15, 1987.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Revisions

1. Department of Veterans Benefits
2. Offer to Purchase and Contract of Sale and Credit Statement of Prospective Purchaser
3. VA Forms 26–6705 and 26–6705b
4. On occasion
5. Individuals or households
6. 157,500 responses
7. 37,500 hours
8. Not applicable

Extension

1. Department of Veterans Benefits
2. Supplement to Insurance Medical Application
3. VA Form 29–352a
4. On occasion
5. Individuals or households
6. 4,836 responses
7. 403 hours
8. Not applicable.

[FR Doc. 87–1247 Filed 1–20–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 13
Wednesday, January 21, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 2 p.m., Thursday, January 22, 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 15, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-1265 Filed 1-15-87; 4:29 pm]

BILLING CODE 6210-01-M

NATIONAL LABOR RELATIONS BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: January 15, 1987, 52 FR 1690.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: January 22, 1987, 9:00 a.m.

CHANGE IN THE MEETING: matters to be considered at portion of Meeting open to the public, following Board case agenda are changed to: Procedures for selection of Regional Directors and officers-in-charge, and proposed revisions to Board's Rules in respect to the posting of election notices and to summary judgment procedures.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, DC 20570, Telephone: (202) 254-9430.

Dated, Washington, DC, January 15, 1987.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 87-1336 Filed 1-16-87; 12:55 pm]

BILLING CODE 7545-01-M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, February 4, 1987.

PLACE: Board Hearing Room 8th Floor, 1425 K. Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of January, 1987.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523-5920.

Date of notice: January 12, 1987.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 87-1328 Filed 1-16-87; 11:44 am]

BILLING CODE 7550-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of January 19, 26, February 2, and 9, 1987.

PLACE: Commissioner's Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of January 19

Thursday, January 22

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 26—Tentative

Wednesday, January 28

2:30 p.m.
Status Briefing on Rancho Seco (Public Meeting)

Thursday, January 29

2:00 p.m.
Periodic Briefing on Near Term Operating Licenses (NTOLs) (Open/Portion Closed—Ex. 5 & 7)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, January 30

10:00 a.m.
Briefing on Final Version of Draft NUREG—1150 (Source Term) (Public Meeting)

2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Byron-2 (Public Meeting)

Week of February 2—Tentative

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)

Thursday, 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)

Friday, February 13

10:00 a.m.
Briefing by GPUNC on Status of TMI-2 Cleanup (Public Meeting)

ADDITIONAL INFORMATION: Affirmation of "Appeal Board Partial Decision in Public Service Company of New Hampshire (ALAB-853)" and "Proposed Order Regarding Authorization for Issuance of Full Power License for Shearon Harris" (Public Meeting) were held on January 9.

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 15, 1987.

[FR Doc. 87-1368 Filed 1-16-87; 3:48 pm]
BILLING CODE 7590-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

TIME AND DATE: 1:30 p.m. (closed portion), 2:30 p.m. (open portion) Thursday, January 29, 1987.

PLACE: Offices of the Corporation, fourth floor Board Room, 1615 M Street NW., Washington, DC.

STATUS: The first part of the meeting from 1:30 p.m. to 2:30 p.m. will be closed to the public. The open portion of the meeting will start at 2:30 p.m.

MATTERS TO BE CONSIDERED: (Closed to the public 1:30 p.m. to 2:30 p.m.):

1. Finance Project in African Country.
2. Finance Project in African Country.
3. The Issuance of Business Interruption Insurance.
4. Internationally-Recognized Worker Rights Determinations.
5. Determination of Countries and Areas Qualifying as Developing Countries and Areas for OPIC Programs.
6. Privatization Status.
7. Claims Report.
8. Information Report: Finance.
9. Insurance and Finance Reports.
10. China Projects: Status Reports.

FURTHER MATTERS TO BE CONSIDERED: (Open to the public 2:30 p.m.):

1. Approval of the Minutes of the Previous Board Meetings.
2. Approval of Proposed Regular Meetings of the Board.
3. OPIC By-Laws: Amendment.
4. China Underwriting Policy: Review.
5. Treasurer's Report: Comparative Financial Statements for FY 1985 and FY 1986.
6. Information Reports: Smaller Business and Cooperative Activities, Development Effects, and Insurance.
7. Information Report: 1985 Environmental Requirements.

CONTACT PERSON FOR INFORMATION: Information with regard to the meeting may be obtained from the Secretary of the Corporation at (202) 457-7007.

Mildred A. Osowski
Corporate Secretary.
January 16, 1987.

[FR Doc. 87-1327 Filed 1-16-87; 11:44 am]
BILLING CODE 3210-01-M

SECURITIES AND EXCHANGE COMMISSION

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 the following meetings during the week of December 29, 1986:

Closed meetings were held on Tuesday, December 30, 1986, at 11:00 a.m. and Wednesday, December 31, 1986, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Scretary of the Commission, and recording secretaries attended the closed meetings. Certain staff members who were responsible for the calendared matters were also present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(I) and (10), permitted consideration of the scheduled matters at a closed meeting.

Chairman Shad and Commissioners Cox, Peters, Grundfest and Fleischman, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting held on Tuesday, December 30, 1986, at 11:00 a.m., was:

Settlement of injunctive action.

The subject matter of the closed meeting held on Wednesday, December 31, 1986, at 2:30 p.m., was:

Litigation matter.

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: Gerald Laporte at (202) 272-3085.

Shirley E. Hollis,
Assistant Secretary.
January 15, 1987.

[FR Doc. 87-1329 Filed 1-16-87; 12:53 pm]
BILLING CODE 8010-01-M

Corrections

Federal Register
Vol. 52, No. 13
Wednesday, January 21, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-030-07-4212-14;N-42719]

Realty Action, Competitive Sale; Public Lands in Storey County, NV

Correction

In notice document 86-28690 appearing on page 45957 in the issue of Tuesday, December 23, 1986, make the following corrections:

1. In the first column, under "Mt. Diablo Meridian", the second line should read "Sec. 22, S½S½".

2. In the third column, in the second line, the signer's name should read "Norman L. Murray".

Note: The document referenced in this correction is a duplicate of the document which immediately followed it.

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Bankruptcy Filing; Notification Requirements

Correction

In rule document 87-571 beginning on page 1292 in the issue of Monday, January 12, 1987, make the following corrections:

PART 50—[CORRECTED]

1. On page 1295, in the second column, in the first paragraph of the **Authority** for Part 50, in the fifth line, insert ",2239" after "2236", and in the second paragraph, in the 17th line, "188" should read "184"; and

2. On the same page, in the third column, in amendatory instruction "6", in the third line, insert ",50.33" after "50.30".

BILLING CODE 1505-01-D

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 843

Federal Employees Retirement System Death Benefits and Employee Refunds

Correction

In rule document 87-907 beginning on page 2071 in the issue of Friday, January 16, 1987, make the following correction:

§ 843.102 [Corrected]

On page 2074, in § 843.102, in the third column, in the definition of "minimum retirement age", the table should have appeared at the end of footnote 1 at the bottom of the column.

BILLING CODE 1505-01-D

federal register

Wednesday
January 21, 1987

Part II

International Development Cooperation Agency

Agency for International Development

48 CFR Ch. 7

Acquisition Regulation Concerning Direct AID Contracts With Cooperating Country Nationals and With Third Country Nationals for Personal Services Abroad; Final Rule

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Ch. 7

[AIDAR Notice 87-4]

Acquisition Regulation Concerning Direct AID Contracts With Cooperating Country Nationals and With Third Country Nationals for Personal Services Abroad

AGENCY: Agency for International Development (AID).

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended by establishing Appendix J, Direct AID Contracts With Cooperating Country Nationals (CCNs) And With Third Country Nationals (TCNs) For Personal Services Abroad.

EFFECTIVE DATE: January 21, 1987.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia L. Bullock, M/SER/PPE, Room 1600I, SA-14, Agency for International Development, Washington, DC 20523. Telephone (703) 875-1534.

SUPPLEMENTARY INFORMATION: Appendix J sets forth the authority, policy, and procedures under which AID contracts with cooperating country nationals for personal services abroad and with third country nationals for personal services abroad. The Appendix intends to provide, to the extent possible, uniform treatment (compensation, benefits, etc.), to the contractors.

This AIDAR Notice is not a major rule and is exempt from the requirements of Executive Order 12291 by OMB Bulletin 85-7. Therefore, the change is not considered significant under FAR 1.301 or FAR 1.501, and public comments have not been solicited. This Notice will not have an impact on a substantial number of small entities or require any information collection, as contemplated by the Regulatory Flexibility Act or the Paperwork Reduction Act respectively.

1. The Authority citation in Chapter 7, Appendices is unchanged and continues to read as follows:

Authority: Sec. 621, 75 Pub. L. 87-195, Stat. 445 (22 U.S.C. 2381) as amended: E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

2. Appendix J is added to read as follows:

Appendix J—Direct AID Contracts With Cooperating Country Nationals and With Third Country Nationals for Personal Services Abroad

1. General

(a) *Purpose.* This appendix sets forth the authority, policy, and procedures under which AID contracts with cooperating country nationals and third country nationals for personal services abroad.

(b) *Definitions.* For the purpose of this appendix:

(1) "Personal services contract (PSC)" means a contract which establishes an employer-employee relationship for the performance of services personally by the contractor The services may include general continuing services as well as specifically identifiable tasks.

(2) "Employer-employee relationship" means an employment relationship in which the employer supervises, or has the power to supervise, the performance of the work including, for example, the manner in which the work is to be performed, the days of the week and hours of the day in which it is to be performed, and where the work is to be performed. Another indication of this relationship is the provision by the employer of workspace and basic tools and materials for use in accomplishing the work.

(3) "Non-personal services contract" means a contract which directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task and which establishes an independent contractor relationship between the contractor and the activity contracting for the services.

(4) "Independent contractor relationship" means a contract relationship in which the contractor is not subject to the supervision and control prevailing in relationships between the Government and its employees. Under these relationships, the Government does not normally supervise the performance of the work, the manner in which it is to be performed, the days of the week or hours of the day in which it is to be performed, or the location of performance.

(5) "Contractor" means a cooperating country national or third country national who has entered into a contract pursuant to this Appendix.

(6) "Cooperating country" means the country in which the employing AID mission is located.

(7) "Cooperating country national (CCN)" means an individual who is a cooperating country citizen or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country.

(8) "Third Country national (TCN)" means an individual (a) who is neither a citizen nor a permanent legal resident alien of the United States nor of the country to which assigned for duty, and (b) who is eligible for return to his/her home country or country of recruitment at U.S. Government expense.

(9) "Resident Alien" means a non-U.S. citizen lawfully admitted for permanent residence in the United States.

2. Legal Basis

(a) Section 635(b) of the Foreign Assistance Act of 1961, as amended, hereinafter referred to as the "FAA", provides the Agency's contracting authority for nonpersonal services.

(b) Section 636(a)(3) of the FAA authorizes the Agency to enter into personal services contracts with individuals for personal services abroad and provides further that such individuals ". . . shall not be regarded as employees of the U.S. Government for the purpose of any law administered by the Civil Service Commission." [1]

3. Applicability

(a) This appendix applies only to personal services contracts with CCNs or TCNs to provide assistance abroad under section 636(a)(3) of the FAA.

(b) This appendix does not apply to:

(1) Contracts for non-personal services with TCNs or CCNs; such contracts are covered by the basic text of the FAR and the AIDAR.

(2) Personal services contracts with U.S. citizens or U.S. resident aliens for personal services abroad; such contracts are covered by Appendix D of this Chapter.

(3) Appointments of experts and consultants as AID direct-hire employees, covered by AID Handbook 25, Employment and Promotion.

4. Policy

(a) *General.* AID may finance, with either program or operating expense funds, the cost of personal services as part of the Agency's program of foreign assistance by entering into a direct contract with a CCN or a TCN for personal services abroad.

(1) *Program Funds.* Program funds may be obligated for periods up to five years where necessary and appropriate to the accomplishment of the tasks involved.

(2) *Operating Expense Funds.* Operating funds may be obligated for periods not to exceed twenty-four months where necessary and appropriate to the accomplishment of the tasks involved.

(b) *Limitations on personal services contracts.*

(1) Personal services contracts may only be used when adequate supervision is available.

(2) Personal services contracts may be used for commercial activities. Commercial activities provide a product or service which could be obtained from a commercial source. See Attachment A of OMB Circular A-76 for a representative list of such activities.

(3) Personal services contracts may be used for Governmental functions (defined by OMB Circular A-76 as functions so intimately related to the public interest as to mandate performance by Government employees) *except:*

(i) Negotiating on behalf of the United States with foreign governments and public international organizations.

(ii) Entering into any agreement (e.g., loan, grant, contract) on behalf of the United States.

(iii) Making decisions involving governmental functions such as planning, budget, programming and personnel

[1] The Civil Service Commission is now the Federal Office of Personnel Management.

selection. Services will be limited to making recommendations with final decision-making authority reserved for authorized AID direct-hire employees.

(iv) Supervision of AID direct-hire U.S. citizen employees.

(v) Services which involve security classified material.

(c) *Conditions of Employment.*

(1) *General.*

AID PSC contractors are not to be regarded as employees of the U.S. Government for the purpose of any law administered by the U.S. Office of Personnel Management, are not included under any retirement or pension program of the U.S. Government, and are not eligible for the Incentive Awards Program covered by Uniform State/AID/USIA regulations. (A USAID may institute its own incentive awards program for PSCs, although such a program may not authorize meritorious step increases in salary.) Other than these exceptions, CCNs and TCNs who are hired for work in a cooperating country under PSCs generally will be extended the same benefits and be subject to the same restrictions as Foreign Service Nationals (FSNs) employed as direct hires by the AID Mission.

(2) *Compensation.*

(i) It is AID's general policy (see AIDAR 722.170) that PSC compensation may not, without the approval of the Mission Director or Assistant Administrator, exceed the prevailing compensation paid to personnel performing comparable work in the cooperating country. Compensation for TCN or CCN personal service contractors set in accordance with the provisions in 4c(2)(b) below satisfies this requirement.

(ii) In accordance with section 408(a)(1) of the Foreign Service Act of 1980, a local compensation plan forms the basis for all compensation payments to FSNs which includes CCNs and TCNs. The plan is each post's official system of position classification and pay, consisting of (a) the local salary schedule which includes salary rates, statements authorizing fringe benefit payments, and other pertinent facets of compensation for TCNs and CCNs; and (b) the local position classification system as reflected in the Local Employee Position Classification Handbook (LEPCH) or equivalent in effect at the Mission. Compensation for PSCs will be in accordance with the local compensation plan, to the extent that it covers employees of the type or category being employed, unless the Mission Director determines otherwise. If the Mission Director determines that compensation in accordance with the local plan would be inappropriate in a particular instance, then compensation will be set in accordance with (in order of preference):

(A) Any other Mission policies on foreign national employee compensation; or

(B) Paragraph 4 (c) (d) (e) and (f) of AIDAR Appendix D.

(iii) The earning of leave (annual and sick), allowances and differential (if applicable), salaries and all other related benefits can not be enumerated in this Appendix as they vary from Mission to Mission and are based upon the compensation plan for each.

(iv) Unless otherwise authorized, the currency in which compensation is paid to contractors shall be in accordance with the prevailing local compensation practice of the post.

(v) CCN and TCN contractors are eligible for allowances and differentials on the same basis as direct-hire FSN employees, under the post compensation plan.

(vi) An AID PSC who is a spouse of a current or retired U.S. Civil Service, U.S. Foreign Service, or U.S. military service member, and who is covered by their spouse's government health or life insurance policy, is ineligible for a contribution toward the costs of annual health or life insurance.

(vii) Retired CCNs or TCNs may be awarded personal services contracts without any reduction in or offset against their Government Annuity.

5. Soliciting for Personal Services Contracts

Reserved.

6. Negotiating a Personal Services Contract

Reserved.

7. Executing a Personal Services Contract

Contracting activities may execute personal services contracts, provided that the amount of the contract does not exceed the amount of contracting authority which has been redelegated to them under Delegation 1103 (formerly Redelegation 148), "To the Assistant to the Administrator for Management, Concerning Acquisition Functions" (50 FR 23842), as amended. In executing a contract, the Contracting Officer shall insure that:

(a) The following clearances, approvals and forms have been obtained and placed in the contract file before the contract is signed by both parties:

(1) Security clearance, to the extent required by AID Handbook 6, Security;

(2) If a TCN is recruited, cooperating country clearance;

(3) Medical clearance(s) based on a full medical examination(s) and certification of same by a licensed physician. If a TCN is recruited, medical clearance requirements apply to the contractor and to each dependent who is authorized to accompany the contractor;

(4) The approval for any salary in excess of FS-1, in accordance with Appendix G of this Chapter;

(5) Appropriate explanation and support required by AIDAR 706.302-70, if applicable;

(6) Any deviation to the policy or procedures of this appendix, processed and approved under AIDAR 701.470;

(7) The memorandum of negotiation;

(8) The Contract Negotiator's Checklist;

(b) The position description is classified in accordance with the LEPCH, and the proposed salary is consistent with the local compensation plan or the alternate procedures established in 4(c)(2)(ii) above;

(c) In consultation with legal counsel and/or the regional contracting officer, the contract is modified by deleting from the General Provisions (Sections 10, 11, and 12 of this Appendix) the inapplicable clause(s) by a listing in the Schedule;

(d) The facesheet of the contract format is completed, and, if applicable, the block entitled, "Project No.," is filled in by inserting the four-segment project number as prescribed in AID Handbook 18, *Information Services;*

(e) Necessary deviations from the prescribed contract format are properly documented and approved by the head of the contracting activity, a record of the nature of each deviation, the justification for it, and the specific approvals are included in the contract file, and a copy is forwarded to the Office of Planning, Policy, and Evaluation Staff (M/SER/PPE), AID/W, which is responsible for maintaining a central record of all approved deviations;

(f) Funds for the contract are properly obligated to preclude violation of the Anti-Deficiency Act, 31 U.S.C. 1512, and the contracting officer assures that the contract has been properly recorded by the appropriate accounting office and is stamped or cleared regarding the reservation of funds prior to its release for signature by the selected contractor;

(g) The contractor receives and understands Attachment Chapter 2C of Chapter 2, AID Handbook 24, *General Personnel Policy,* entitled "Employee Responsibilities and Conduct", and a copy is attached to each contract, as provided for in paragraph 2(b) of the General Provisions (Sections 10 and 11);

(h) Agency conflict of interest requirements as set out in Sections 2E and 2F of Chapter 2, AID Handbook 24, are met by the contractor prior to his/her reporting for duty.

8. Contract Provisions

(a) The Contract Document.

The prescribed contract Cover Page, Contract Schedule, General Provisions and Additional General Provisions for personal service contracts for TCNs and CCNs covered by this Appendix are included as follows:

9. "Cover Page" for a Contract with a Cooperating Country National or with a Third Country National.

10. "Schedule for Contract With a Cooperating Country National."

11. "General Provisions for Contract With a Cooperating Country National."

12. "Schedule for Contract With a Third Country National".

13. "General Provisions for Contract with a Third Country National."

14. "Additional Provisions for Contract With a Third Country National."

15. FAR Clauses to be incorporated by reference in personal services contracts.

BILLING CODE 6116-01-M

Section 9

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

CONTRACT WITH A COOPERATING COUNTRY NATIONAL FOR PERSONAL SERVICES ABROAD[ ]
CONTRACT WITH A THIRD COUNTRY NATIONAL FOR PERSONAL SERVICES ABROAD[ ]

Negotiated Pursuant to the Foreign Assistance Act of 1961, as Amended, and Executive Order 11223	Contract Number
Country of Performance	Amount Obligated
	Total Estimated Contract Cost
Contract For	
	Project Number
Contracting Office (name and address	Contractor (name, street, city, state, postal zone)
Administered By (if other than Contracting Office)	Effective Date / Estimated completion Date
Cognizant Scientific/Technical Office (name, office symbol, address)	
Supervising Officer:	Accounting and Appropriation Data PIO/T Number _____
This is a Consulting Services Contract (AIDAR 737.272) [ ] YES [ ] NO	Appropriation No. _____ Budget Plan Code _____
Payment Will Be Made By	Type of Advance ("X" appropriate box) [ ] INITIAL [ ] NONE AUTHORIZED

The United States of America, hereinafter called the Government, represented by the Contracting Office executing this contract, and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule, for the consideration stated therein. The rights and obligations of the parties to this contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this contract, by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

(Fill in appropriate spaces)

This Contract consists of this Cover Page, the Schedule of ..... pages, including the Table of Contents, the General Provisions for a CCN (Section 11 dated _____), or the General Provisions for a TCN (Section 13 dated _____), the Additional General Provisions for a TCN (Section 14 dated _____), and Section 15 FAR Clauses dated _____.

	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
Signature of Contractor	By (signature of Contracting Officer)
Typed or Printed Name	Typed or Printed Name
Date	Date

BILLING CODE 6116-01-C

Section 10

Cooperating Country National PSC Contract No. _____

Table of Contents

The Schedule consists of this Table of Contents and the following Articles:

Article I—Statement of Duties
Article II—Period of Service
Article III—Contractor's Compensation and Reimbursement
Article IV—Costs Reimbursable and Logistic Support
Article V—Precontract Expenses
Article VI—Additional Clauses

General Provisions

The following provisions, numbered as shown below, omitting number(s) _____, are the General Provisions (GPs) of this Contract:

1. Definitions.
2. Compliance with Applicable Laws and Regulations.
3. Physical Fitness.
4. Security Clearance.
5. Workweek.
6. Leave and Holidays.
7. Social Security and Cooperating Country Taxes.
8. Worker's Compensation.
9. Travel and Transportation Expenses.
10. Payment.
11. No Access to Classified Information.
12. Contractor-Mission Relationships.
13. Termination.
14. Disputes.
15. Release of Information.
16. Officials Not To Benefit.
17. Covenant Against Contingent Fees.
18. Notices.

Schedule

Note.—Use of the following Schedule articles is not mandatory. They are intended to serve as guidelines and as a checklist for contracting offices in drafting contract schedules. Article language shall be changed to suit the needs of the particular contract. Special attention should be given to the financial planning sections where unnecessary line items should be eliminated.

Article I—Statement of Duties

[The statement of duties shall include:

A. General statement of the purpose of the contract.

B. Statement of duties to be performed.

C. Orientation or training to be provided by USAID.]

Article II—Period of Service

Within ____ days after written notice from the Contracting Officer that all clearances, including the doctor's certificate required under General Provisions Clause 3, have been received or unless another date is specified by the Contracting Officer in writing, the contractor shall proceed to _____ and shall promptly commence performance of the duties specified above. The contractor's period of service shall be approximately ____ in _____. (Specify time of duties in each location.)

Article III—Contractor's Compensation and Reimbursement

A. Except as reimbursement may be specifically authorized by the Mission Director or Contracting Officer, AID shall pay the contractor compensation after it has accrued and make reimbursements, if any are due, in currency of the cooperating country (LC) in accordance with the prevailing practice of the post or for necessary and reasonable costs actually incurred in the performance of this contract within the categories listed in paragraph D, below, and subject to the conditions and limitations applicable thereto as set out herein and in the attached General Provisions (GP).

B. The amount budgeted and available as personal compensation to the contractor is calculated to cover a calendar period of approximately ____ (days) (weeks) (months) (years) (which is to include (1) vacation and sick leave which may be earned during the contractor's tour of duty (GP Clause No. 6), (2) ____ days for authorized travel (GP Clause 9), and (3) ____ days for orientation and consultation if required by the Statement of Duties.

C. The contractor shall earn vacation leave at the rate of ____ days per year under the contract (provided the contract is in force for at least 90 days) and shall earn sick leave at the rate of ____ days per year under the contract.

D. Allowable Costs:

1. Compensation at the rate of LC____ per (year) (month) (week) (day), equivalent to Grade FSN-____/____, in accordance with the Mission's Local Compensation Plan. If during the effective period of this contract the Local Compensation Plan is revised, contractor's compensation will be revised accordingly and contractor will be notified in writing by the Contracting Officer. Adjustments in compensation for periods when the contractor is not in compensable pay status shall be calculated as follows: Rate of LC____ per (day) (hour).

LC____

2. Overtime (Unless specifically authorized in the Schedule of this contract, no overtime hours shall be allowed hereunder.)

LC____

3. Travel and Transportation (Ref. GP Clause 9). (Includes the value of GTRs furnished by the Government, not payable to Contractor).

a. United States	$____	
b. International	$____	
c. Cooperating and Third Country	$____	LC____
Subtotals Item 3	$____	LC____

4. Subsistence or Per Diem (Ref. GP Clause 9.)

a. United States	$____	
b. International	$	
c. Cooperating and Third Country	$____	LC____
Subtotals Item 4	$____	LC____

5. Other Direct Costs.

a. Physical Examination (Ref. GP Clause 3)		LC____
b. Miscellaneous		LC____
Subtotal Item 5		LC____
Total Estimated Costs (Lines 1 thru 5)	$____	LC____

E. Maximum U.S. Dollar and Local Currency Obligation:

In no event shall the maximum U.S. dollar obligation under this contract exceed $_____ nor shall the maximum local currency obligation exceed LC_____. Contractor shall keep a close account of all obligations incurred and accrued hereunder and promptly notify the Contracting Officer whenever it appears that the said maximum is not sufficient to cover all compensation and costs reimbursable which are anticipated under the contract.

Article IV—Costs Reimbursable and Logistic Support

A. General

The contractor shall be provided with or reimbursed in local currency (_____) for the following:

[Complete]

B. Method of Payment of Local Currency Costs

Those contract costs which are specified as local currency costs in paragraph A, above, if not furnished in kind by the cooperating government or the Mission, shall be paid to the contractor in a manner adapted to the local situation, based on vouchers submitted in accordance with General Provisions Clause 10. The documentation for such costs shall be on such forms and in such manner as the Mission Director shall prescribe.

C. Cooperating or U.S. Government Furnished Equipment and Facilities

[List any logistical support, equipment, and facilities to be provided by the cooperating government or the U.S. Government at no cost to this contract; e.g., office space, supplies, equipment, secretarial support, etc., and the conditions, if any, for use of such equipment.]

Article V—Precontract Expenses

No expense incurred before signing of this contract will be reimbursed unless such expense was incurred after receipt and acceptance of a precontract expense letter issued to the contractor by the Contracting Officer, and then only in accordance with the provisions and limitations contained in such letter. The rights and obligations created by such letter shall be considered as merged into this contract.

Article VI—Additional Clauses

[Additional Schedule clauses may be added, such as the implementation of General Provisions.]

Section 11

General Provisions—Contract With a Cooperating Country National for Personal Services

To be used to contract with cooperating country nationals for personal services to be performed in the cooperating country.

Index of Clauses

1. Definitions (Dec 1986).
2. Compliance with Applicable Laws and Regulations (Dec 1986).
3. Physical Fitness (Dec 1986).
4. Security Clearances (Dec 1986).
5. Workweek (Dec 1986).
6. Leave and Holidays (Dec 1986).
7. Social Security and Cooperating Country Taxes (Dec 1986).
8. Worker's Compensation (Dec 1986).
9. Travel and Transportation (Dec 1986).
10. Payment (Dec 1986).
11. No Access To Classified Information (Dec 1986).
12. Contractor-Mission Relationships (Dec 1986).
13. Termination (FAR 52.249-12) (APR 1984).
14. Disputes (APR 1984) [(FAR 52.233-1)(Alternate I)].
15. Release of Information (Dec 1986).
16. Officials Not to Benefit [(APR 1984) (FAR 52.203-5)].
17. Convenant Against Contingent Fees (Dec 1986).
18. Notices (Dec 1986).

1. Definitions (Dec 1986)

(a) "Administrator" shall mean the Administrator or the Deputy Administrator of the Agency for International Development.

(b) "AID" shall mean the Agency for International Development.

(c) "Contracting Officer" shall mean a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the Contracting Officer acting within the limits of their authority as delegated by the Contracting Officer.

(d) "Contractor" shall mean the individual engaged to serve in the cooperating country under this Contract.

(e) "Cooperating Country" shall mean the foreign country in or for which services are to be rendered hereunder.

(f) "Cooperating Government" shall mean the government of the cooperating country.

(g) "Government" shall mean the United States Government.

(h) "Local currency" shall mean the currency of the cooperating country.

(i) "Mission" shall mean the United States AID Mission to, or principal AID office in, the Cooperating Country.

(j) "Mission Director" shall mean the principal officer in the Mission in the cooperating country, or his/her designated representative.

(k) "Tour of duty" shall mean the Contractor's period of service under this Contract and shall include authorized leave.

2. Compliance With Applicable Laws and Regulations (Dec 1986)

(a) Conformity to Laws and Regulations of the Cooperating Country. Contractor agrees, during the tour of duty under this contract, to abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) Code of Conduct.

The Contractor shall, during the tour of duty under this Contract, be considered an "employee" (or if his/her tour of duty is for less than 130 days, a "special Government employee") for the purposes of, and shall be subject to, the provisions of 22 CFR Part 10, "Employee Responsibilities and Conduct" Attachment 2C to Chapter 2 of AID Handbook 24. By accepting this Contract, the Contractor acknowledges receipt of a copy of said provisions.

3. Physical Fitness (Dec 1986)

The Contractor shall be examined by a licensed doctor of medicine, and the Contractor shall obtain from the doctor a certificate that, in the doctor's opinion, the Contractor is physically qualified to engage in the type of activity for which he/she is to be employed under the Contract. A copy of the certificate shall be provided to the Contracting Officer before the Contractor starts work under the Contract. The Contractor shall be reimbursed not to exceed $100 for the cost of the physical examination.

4. Security Clearance (Dec 1986)

The Contractor recognizes that a security check including any record with police authorities, has been performed before the signing of this contract. The Contractor is obligated to notify immediately the Contracting Officer if the Contractor is arrested or charged with any offense during the term of this contract.

5. Workweek (Dec 1986)

The Contractor's workweek shall not be less than 40 hours, unless otherwise provided in the Schedule, and shall coincide with the workweek for those employees of the Mission or the cooperating country agency most closely associated with the work of this Contract. If the Contract is for less than full time (40 hours weekly), annual and sick leave earned shall be prorated (see the General Provisions of this Contract entitled Leave and Holidays).

6. Leave and Holidays (Dec 1986)

(a) Vacation Leave.

(1) The Contractor shall earn vacation leave at the rate stated in the Schedule. However, no vacation shall be earned if the tour of duty is less than 90 days, either by the terms of the contract or by reason of termination of the contract before 90 days from its effective date.

(2) All vacation leave earned by the Contractor will be used during the Contractor's tour of duty. Unless approved by the Contracting Officer or Mission Director, the maximum amount of vacation leave which the Contractor may take or be compensated for following the completion of his/her services shall be limited to vacation leave earned by the Contractor during a 6-month period.

(b) Sick Leave.

Sick leave is earned at the rate stated in the Schedule. Unused sick leave may be carried over under an extension of this Contract but the Contractor will not be compensated for unused sick leave at the completion of this Contract.

(c) Leave Without Pay.

Leave without pay may be granted only with the written approval of the Contracting Officer or Mission Director.

(d) Holidays.

The Contractor shall be entitled to all holidays granted by the Mission to direct-hire cooperating country national employees who are on comparable assignments.

(e) The Contractor shall maintain current leave records for himself/herself and make them available as requested by the Mission Director or the Contracting Officer.

7. Social Security and Cooperating Country Taxes (Dec 1986)

Funds for Social Security, retirement, pension, vacation or other cooperating country programs as required by local law may be deducted and withheld in accordance with laws and regulations and rulings of the cooperating country or any agreement concerning such withholding entered into between the cooperating government and the United States Government.

8. Worker's Compensation Benefits (Dec 1986)

The Contractor shall be provided worker's compensation benefits in accordance with the Federal Employees' Compensation Act.

9. Travel and Transportation (Dec 1986)

(a) The Contractor shall be reimbursed in currency consistent with the prevailing practice at post and at the rates established by the Mission Director for authorized travel in the cooperating country in connection with duties directly referable to work under this Contract. In the absence of such established rates, the Contractor shall be reimbursed for actual costs of authorized travel in the cooperating country if not provided by the cooperating government or the Mission in connection with duties directly referable to work hereunder, including travel allowances at rates prescribed by AID Handbook 22, as from time to time amended.

(b) Special International Travel and Third-Country Travel.

For special travel which (1) advances the purpose of the Contract, (2) is not otherwise provided by the cooperating government, and (3) has the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall travel under Government Travel Requests, or if appropriate, be reimbursed for (i) the costs of international transportation and for local transportation within other countries, and (ii) travel allowances while in official travel status and while performing services under the Contract in such other countries at rates prescribed by AID Handbook 22, as from time to time amended.

(c) Preference for U.S.-Flag Air Carriers (April 1984).

(1) "International air transportation," as used in this clause, means transportation by air between a place in the United States and a place outside the United States or between two places both of which are outside the United States.

"United States," as used in this clause, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and possessions of the United States.

"U.S.-flag air carrier," as used in this clause, means an air carrier holding a certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371).

(2) Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U S.C. 1517) (Fly America Act) requires all Federal agencies and Government contractors and subcontractors use U.S.-flag carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if a U.S.-flag air carrier is available to provide such services.

(3) The Contractor agrees, in performing work under this contract, to use U.S.-flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent that service by those carriers is available.

(4) In the event that the Contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the Contractor shall include a certification on vouchers involving such transportation essentially as follows:

Certification of the Unavailability of U.S.-Flag Air Carriers

I hereby certify that international air transportation of persons (and their personal effects) or property by U.S.-flag air carrier was not available or it was necessary to use foreign-flag air carrier service for the following reasons (see section 47.403 of the Federal Acquisition Regulation): [State reasons]:

_____

(End of Certification)

(d) Indirect Travel for Personal Convenience.

(1) When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route between the authorized points of departure and destination.

(2) If such costs include fares for air or ocean transportation by foreign-flag carriers, approval for indirect travel by such foreign-flag carrier must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by U.S.-flag carriers will be reimbursable within the above limitation of allowable costs.

(e) Delays En Route.

The Contractor may be granted reasonable delays en route, provided that such delays are caused by events beyond the control of the Contractor and are not due to circuitous routing. It is understood that if the delay is caused by physical incapacitation the Contractor shall be eligible for sick leave, as provided for under the General Provision of this Contract entitled Leave and Holidays.

(f) Privately Owned Vehicle (POV).

If travel by POV is authorized in the Contract Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his/her privately owned vehicle in accordance with Mission practice and regulations.

10. Payment (Dec 1986)

(a) Once each month (or at more frequent intervals, if approved by the paying office indicated on the Cover Page), the Contractor may submit to such office form SF 1034 Public Voucher for Purchases and Services Other Than Personal (original) and SF 1034-A (three copies), each voucher identified by the AID contract number, properly executed in the amount claimed during the period covered. The voucher forms shall be supported by:

(1) The Contractor's detailed invoice, in original and two copies indicating, for each amount claimed, the paragraph of the Contract under which payment is to be made, supported when applicable as follows:

(i) For compensation—a statement showing period covered, days worked, and days when Contractor was in authorized travel, leave, or stopover status for which compensation is claimed. All claims for compensation will be accompanied by, or will incorporate, a certification signed by the Supervising Officer covering days or hours worked, or authorized travel or leave time for which compensation is claimed.

(ii) For travel and transportation—a statement of itinerary with attached carrier's receipt and/or passenger's coupons, as appropriate.

(iii) For reimbursable expenses—an itemized statement supported by original receipts.

(2) The first voucher submitted shall include such documentation as may be required to be filed under cooperating country regulations or laws to permit withholding by AID of funds, if required, as described in the Clause of these General Provisions entitled Social Security and Cooperating Country Taxes. The first voucher shall also account for, and liquidate the unexpended balance of, any funds theretofore advanced to the Contractor.

(b) A final voucher shall be submitted by the Contractor promptly following completion of the duties under this Contract but in no event later than 120 days (or such longer period as the Contracting Officer may in his/her discretion approve in writing), from the date of such completion. The Contractor's claim, which includes his/her final settlement of compensation, shall not be paid until after the performance of the duties required under the terms of this Contract has been approved by AID. On receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on form SF 1034 (original) and SF 1034-A (three copies), together with a refund check for the balance remaining on hand of any funds which may have been advanced to the Contractor, the Government shall pay any amounts due and owing the Contractor.

11. No Access to Classified Information (Dec 1986)

(a) The Contractor shall not have access to classified or administratively controlled information and shall take conscious steps to avoid receiving or learning of such information.

(b) The Contractor agrees to submit immediately to the Mission Director or Contracting Officer a complete detailed report, marked "Privileged Information", of any information which the Contractor may have concerning existing or threatened espionage, sabotage, or subversive activity against the United States of America or the USAID Mission or the Cooperating Country Government.

12. Contractor-Mission Relationships (Dec 1986)

(a) The Contractor acknowledges that this Contract is an important part of the U.S. Foreign Assistance Program and agrees that his/her duties will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails. Favorable relations between the Mission and the Cooperating Government as well as with the people of the cooperating country require that the Contractor shall show respect for the conventions, customs, and institutions of the cooperating country and not become involved in any illegal political activities.

(b) If the Contractor's conduct is not in accordance with paragraph (a), the Contract may be terminated pursuant to the General Provision of this contract, entitled "Termination."

(c) The Mission Director is the chief representative of AID in the cooperating country. In this capacity, he/she is responsible for the total AID Program in the cooperating country including certain administrative responsibilities set forth in this Contract and for advising AID regarding the performance of the work under the Contract and its effect on the U.S. Foreign Assistance Program. The Contractor will be responsible for performing his/her duties in accordance with the statement of duties called for by the Contract. However, he/she shall be under the general policy guidance of the Mission Director and shall keep the Mission Director or his/her designated representative currently informed of the progress of the work under this Contract.

13. Termination (Apr 1984) [FAR 52.249-12]

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer.

14. Disputes (Apr 1984) [FAR 52.233-1 (Alternate I)]

(This clause is drawn directly from the FAR. We recognize that paragraphs (3)(ii) (A) and (B) are not applicable to personal services contracts.)

(a) This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. 601-613) (the Act).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to his/her contract. A claim arising under a contract, unlike a claim relating to that contract, is a claim that can be resolved under a contract clause that provides for the relief sought by the claimant. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding $50,000 is not a claim under the Act until certified as required by subparagraph (d)(2) below. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d)(1) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2) For Contractor claims exceeding $50,000, the Contractor shall submit with the claim a certification that:

(i) The claim is made in good faith;

(ii) Supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and

(iii) The amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable.

(3)(i) If the Contractor is an individual, the certification shall be executed by that individual.

(ii) If the Contractor is not an individual, the certification shall be executed by:

(A) A senior company official in charge at the Contractor's plant or location involved; or

(B) An officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over $50,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The Government shall pay interest on the amount found due and unpaid from (1) the date the Contracting Officer receives the claim (properly certified if required), or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

(h) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or relating to the Contract, and comply with any decision of the Contracting Officer.

15. Release of Information (Dec 1986)

All rights in data and reports shall become the property of the U.S. Government. All information gathered under this Contract by the Contractor and all reports and recommendations hereunder shall be treated as privileged information by the Contractor and shall not, without the prior written approval of the Contracting Officer, be made available to any person, party, or government, other than AID, except as otherwise expressly provided in this Contract.

16. Officials Not to Benefit (Dec 1986)

No member of or delegate to the Congress of the United States or United States resident commissioner shall be admitted to any share or part of this Contract or to any benefit that may arise therefrom.

17. Covenant Against Contingent Fees (Apr 1984) [FAR 52.203-5]

The Contractor warrants that no person or selling agency has been employed or retained to solicit or obtain this Contract upon an agreement or understanding for a contingent fee, except a bona fide employee/agency. For breach or violation of this warranty, AID shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

"Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds out as being able to obtain any Government contract or contracts through improper influence.

"Contingent fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.

18. Notices (Dec 1986)

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To AID: To the Mission Director of the mission in the Cooperating Country with a copy to the appropriate Contracting Officer.

To the Contractor:

At his/her post of duty while in the Cooperating Country and at the Contractor's address shown on the Cover Page of this Contract or to such other address as either of such parties shall designate by notice given as herein required.

Notices hereunder shall be effective when delivered in accordance with this clause or on the effective date of the notice, whichever is later.

Section 12

Third Country National PSC
Contract No. _____

Table of Contents

The Schedule consists of this Table of Contents and the following Articles:

Article I—Statement of Duties
Article II—Period of Service
Article III—Contractor's Compensation and Reimbursement
Article IV—Costs Reimbursable and Logistic Support
Article V—Precontract Expenses
Article VI—Additional Clauses

General Provisions

The following provisions, numbered as shown below, omitting number(s) _____, are the General Provisions (GPs) of this Contract:

1. Definitions.
2. Compliance with Applicable Laws and Regulations.
3. Physical Fitness.
4. Security Clearance.
5. Workweek.
6. Leave and Holidays.
7. Allowances.
8. Social Security and Cooperating Country Taxes.
9. Advance of Dollar Funds.
10. Insurance.
11. Travel and Transportation Expenses.
12. Payment.
13. Conversion of U.S. Dollars to Local Currency.
14. Post of Assignment Privileges.
15. No Access to Classified Information.
16. Contractor-Mission Relationships.
17. Termination.
18. Disputes.
19. Release of Information.
20. Officials Not to Benefit.
21. Covenant Against Contingent Fees.
22. Notices.

Schedule

[Note.—Use of the following Schedule articles is not mandatory. They are intended to serve as *guidelines and as a checklist* for contracting offices in drafting contract schedules. Article language shall be changed to suit the needs of the particular contract. Special attention should be give to the financial planning sections where unnecessary line items should be eliminated.]

Article I—Statement of Duties

[The statement of duties shall include:

A. General statement of the purpose of the contract.

B. Statement of duties to be performed.

C. Identification of the Supervising Officer (by name or title).

D. Orientation or training to be provided by USAID.]

Article II—Period of Service

Within _____ days after written notice from the Contracting Officer that all clearances, including the doctor's certificate required under General Provisions Clause 3, have been received or unless another date is specified by the Contracting Officer in writing, the contractor shall proceed to _____ where he/she shall promptly commence performance of the duties specified above. The contractor's period of service shall be approximately _____ in _____. (Specify time of duties in each location.]

Article III—Contractor's Compensation and Reimbursement

A. Except as U.S. Dollar reimbursement may be specifically authorized by the General Provisions or by the Mission Director or Contracting Officer, AID shall pay the contractor compensation after it has accrued and reimburse him/her in currency consistent with the prevailing practice at post for necessary and reasonable costs actually incurred by him/her in the performance of this contract within the categories listed in paragraph C, below, and subject to the conditions and limitations applicable thereto as set out herein and in the attached General Provisions (GP) (or Additional General Provisions (AGP) if applicable).

B. The amount budgeted and available as personal compensation to the contractor is calculated to cover a calendar period of approximately _____ (days) (weeks) (months) (years) (which is to include (1) vacation and sick leave which may be earned during the contractor's tour of duty (GP Clause No. 6, AGP Clause No. 4), (2) _____ days for authorized travel (GP Clause 11(b), AGP Clause No. 6), and (3) _____ days for orientation and consultation if required by the Statement of Duties.

C. The contractor shall earn vacation leave at the rate of _____ per year under the contract (provided the contract is in force for at least 90 days) and shall earn sick leave at the rate of _____ per year under the contract.

D. Allowable Costs:

1. Compensation at the rate of LC _____ per (year) (month) (week) (day), equivalent to grade FSN-____/____, in accordance with the Mission's Local Compensation Plan. If during the effective period of this contract the Local Compensation Plan is revised, contractor's compensation will be revised accordingly and contractor will be notified in writing by the Contracting Officer. Adjustments in compensation for periods when the contractor is not in compensable pay status shall be calculated as follows: Rate of LC _____ per (day) (hour).

LC _____

2. Overtime (Unless specifically authorized in the Schedule of this contract, no overtime hours shall be allowed hereunder.)

LC _____

3. Allowances in Cooperating Country (Ref. GP Clause 7 and AGP Clause 5.)

LC _____

4. Travel and Transportation (Ref. GP Clause 11 and AGP Clause 6.) (Includes the value of GTRs furnished by the Government, not payable to Contractor).

a. United States	$____	
b. International	$____	
c. Cooperating and Third Country	$____	LC____
Subtotal Item 4	$____	LC____

5. Subsistence or Per Diem (Ref. GP Clause 11 and AGP Clause 6.)

a. United States	$____	
b. International	$____	
c. Cooperating and Third Country	$____	LC____
Subtotal Item 5	$____	LC____

6. Other Direct Costs.

a. Precontract Costs, passport, visa, inoculations, etc. (Ref. GP Clause 3 and AGP Clause 3)	$____	
b. Physical Examination (Ref. GP Clause 3 and AGP Clause 3.)	$____	
c. Communications, Miscellaneous	$____	
Subtotal Item 6	$____	
Total Estimated Costs (Lines 1 thru 6)	$____	LC____

E. Maximum U.S. Dollar and Local Currency Obligation:

In no event shall the maximum U.S. dollar obligation under this contract exceed $_____ nor shall the maximum local currency obligation exceed LC_____. Contractor shall keep a close account of all obligations he/she incurs and accrues hereunder and promptly notify the Contracting Officer whenever in his/her opinion the said maximum is not sufficient to cover all compensation and costs reimbursable which he/she anticipates under the contract.

Article IV—Costs Reimbursable and Logistic Support

A. General:

The contractor shall be provided with or reimbursed in local currency (_____) for the following:

[Complete]

B. Method of Payment of Local Currency Costs:

Those contract costs which are specified as local currency costs in paragraph A, above, if not furnished in kind by the cooperating government or the Mission, shall be paid to the contractor in a manner adapted to the local situation, based on vouchers submitted in accordance with General Provisions Clause 10. The documentation for such costs shall be on such forms and in such manner as the Mission Director shall prescribe.

C. Cooperating or U.S. Government Furnished Equipment and Facilities.

[List any logistical support, equipment, and facilities to be provided by the cooperating government or the U.S. Government at no cost to this contract; e.g., office space, supplies, equipment, secretarial support, etc., and the conditions, if any, for use of such equipment.]

Article V—Precontract Expenses

No expense incurred before execution of this contract will be reimbursed unless such expense was incurred after receipt and acceptance of a precontract expense letter issued to the contractor by the Contracting Officer, and then only in accordance with the provisions and limitations contained in such letter. The rights and obligations created by such letter shall be considered as merged into this contract.

Article VI—Additional Clauses

[Additional Schedule clauses may be added, such as the implementation of General Provisions or Additional General Provisions clauses.]

Section 13

General Provisions—Contract With Third Country National for Personal Services

To be used on tours of duty of less than 1 year. For tours of duty of 1 year or more these "General Provisions" will be supplemented by "Additional General Provisions" (see Section 14).

Index of Clauses

1. Definitions.
2. Compliance with Applicable Laws and Regulations.
3. Physical Fitness.
4. Security Clearance.
5. Workweek.
6. Leave and Holidays.
7. Allowances.
8. Social Security and Cooperating Country Taxes.
9. Advance of Dollar Funds.
10. Insurance.
11. Travel and Transportation Expenses.
12. Payment.
13. Conversion of U.S. Dollars to Local Currency.
14. Post of Assignment Privileges.
15. No Access to Classified Information.
16. Contractor-Mission Relationships.
17. Termination.
18. Disputes.
19. Release of Information.
20. Officials Not to Benefit.
21. Covenant Against Contingent Fees.

22. Notices.

1. Definitions (Dec 1986)

(a) "Administrator" means the Administrator or the Deputy Administrator of the Agency for International Development.

(b) "AID" means the Agency for International Development.

(c) "Contracting Officer" means the person executing this Contract on behalf of the U.S. Government, or a properly designated successor to the Contracting Officer; and the term includes, except as otherwise provided in this Contract, the authorized representative of a Contracting Officer acting within authorized limits.

(d) "Contractor" means the individual engaged to serve in the cooperating country under this Contract.

(e) "Cooperating country" means the foreign country in or for which services are to be rendered hereunder.

(f) "Cooperating government" means the government of the cooperating country.

(g) "Economy class" air travel (also known as jet-economy, air coach, tourist-class, etc.) means a class of air travel which is less than business or first class.

(h) "Government" means the United States Government.

(i) "Local currency" means the currency of the cooperating country.

(j) "Mission" means the United States AID Mission to, or principal AID office in, the cooperating country.

(k) "Mission Director" means the principal officer in the Mission in the cooperating country or that person's officially-designated deputy.

(l) "Tour of duty" means the Contractor's period of service under this Contract and shall include authorized leave and international travel.

(m) "Traveler" means the Contractor in authorized travel status.

(n) "Supervising Officer" means the AID official to whom the Contractor reports, and who is responsible for monitoring the Contractor's performance.

2. Compliance With Applicable Laws and Regulations (Dec 1986)

(a) Conformity to Laws and Regulations of the Cooperating Country.

Contractor agrees, during the tour of duty under this contract, to abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) Purchase or Sale of Personal Property or Automobiles.

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles in the cooperating country by the Contractor shall be subject to the same limitations and prohibitions which apply to Mission U.S.-citizen direct-hire employees.

(c) Code of Conduct.

The Contractor shall, during the tour of duty under this Contract, be considered an "employee" (or if the tour of duty is for less than 130 days, a "special Government employee") for the purposes of, and shall be subject to, the provisions of AID Handbook 24, Chapter 2. By accepting this contract, the Contractor acknowledges receipt of a copy of said provisions.

3. Physical Fitness (Dec 1986)

The Contractor shall be examined by a licensed physician and the Contractor shall obtain from the physician a certificate that, in the physician's opinion, the Contractor is physically qualified to engage in the type of activity for which the Contractor is to be employed under the Contract and is physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the Contractor's departure for the cooperating country or if this Contract is entered into in the cooperating country, the Contractor shall provide the certificate before commencing work under the Contract. The Contractor shall be reimbursed not to exceed $100 for the cost of the physical examination, plus reimbursement of charges for immunizations.

4. Security Clearance (Dec 1986)

The Contractor recognizes that a security check including any record with police authorities has been performed before the signing of this contract. The Contractor is obligated to notify immediately the contracting office if the Contractor is arrested or charged with any offense during the term of this contract.

5. Workweek (Dec 1986)

The Contractor's workweek shall not be less than 40 hours, unless otherwise provided in the Schedule, and shall coincide with the workweek for those employees of the Mission or the cooperating country agency most closely associated with the work of this Contract. If the Contract is for less than full time (40 hours weekly), the leave earned shall be prorated.

6. Leave and Holidays (Dec 1986)

(a) Vacation Leave.

(1) The Contractor shall earn vacation leave at the rate stated in the Schedule. However, no vacation shall be earned if the tour of duty is less than 90 days either by the terms of the contract or by reason of termination of the contract before 90 days from its effective date.

(2) It is understood that vacation leave is provided under this Contract primarily for the purposes of affording necessary rest and recreation during the tour of duty in the cooperating country. All vacation leave earned by the Contractor will be used during the Contractor's tour of duty. Unless approved by the Contracting Officer or Mission Director, the maximum amount of vacation leave which the Contractor may take or be compensated for following the completion of services shall be limited to vacation leave earned by the Contractor during a 6-month period.

(3) Travel for purposes of taking leave is not provided by the Government unless provided under the local compensation plan.

(b) Sick Leave.

Sick leave is earned at the rate stated in the Schedule. Unused sick leave may be carried over under an extension of this Contract but the Contractor will not be compensated for unused sick leave at the completion of this Contract.

(c) Leave Without Pay.

Leave without pay may be granted only with the written approval of the Contracting Officer or Mission Director.

(d) Holidays.

The Contractor, while serving in the cooperating country, shall be entitled to all holidays granted by the Mission to direct-hire cooperating country national employees who are on comparable assignments.

7. Allowances (Dec 1986)

Allowances will be granted to the Contractor on the same basis as to direct-hire TCN employees at the post under the Post Compensation Plan. The allowances provided shall be paid to the Contractor in the currency of the cooperating country or in accordance with the practice prevailing at the Mission.

8. Social Security and Cooperating Country Taxes (Dec 1986)

Funds for Social Security, retirement, pension, vacation or other cooperating country programs as required by local law may be deducted and withheld in accordance with laws and regulations of the cooperating country or any agreement concerning such withholding entered into between the cooperating government and the United States government.

9. Advance of Dollar Funds (Dec 1986)

If requested by the Contractor and authorized in writing by the Contracting Officer, AID will arrange for an advance of funds to defray the initial cost of travel, travel allowances, authorized precontract expenses, and shipment of personal property. The advance shall be granted on the same basis as to an AID U.S.-citizen direct-hire employee in accordance with AID Handbook 22, Chapter 4.

10. Insurance (Dec 1986)

(a) Worker's Compensation Benefits.

The Contractor shall be provided worker's compensation benefits under the Federal Employees Compensation Act.

(b) Health and Life Insurance.

The Contractor shall be provided personal health and life insurance benefits on the same basis as they are granted to direct-hire TCN employees at the post under the Post Compensation Plan.

(c) Insurance on Private Automobiles—Contractor Responsibility.

If the Contractor or dependents transport, or cause to be transported, any privately owned automobile(s) to the cooperating country, or any of them purchase an automobile within the cooperating country, the Contractor agrees to insure that all such automobile(s) during such ownership within the cooperating country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director, payable in U.S. dollars or its equivalent in the currency of the cooperating country: injury to persons, $10,000/ $20,000; property damage, $5,000. The Contractor further agrees to deliver, or cause to be delivered to the Mission Director, the insurance policies required by this clause or satisfactory proof

of the existence thereof, before such automobile(s) is operated within the cooperating country. The premium costs for such insurance shall not be a reimbursable cost under this Contract.

(d) Claims for Private Personal Property Losses. The Contractor shall be reimbursed for private personal property losses in accordance with AID Handbook 23, "Overseas Support", Chapter 10.

11. Travel and Transportation Expenses (Dec 1986)

(a) General.

The executive or administrative officer at the Mission may furnish Transportation Requests (TR's) for transportation authorized by this contract which is payable in local currency or is to originate outside the United States. When transportation is not provided by Government issued TR, the Contractor shall procure the transportation and the costs will be reimbursed in accordance with the following:

(b) Travel and Transportation.

(1) Notwithstanding other provisions of this Clause 11, a TCN must return to the country of recruitment or to the TCN's home country within 30 days after termination or completion of employment or will forfeit all right to reimbursement for repatriation travel.

(2) Country of Recruitment Travel and Transportation.

The Contractor shall be reimbursed for actual transportation costs and travel allowances in the country of recruitment as authorized in the Schedule or approved in advance by the Contracting Officer or the Mission Director. Transportation costs and travel allowances shall not be reimbursed in any amount greater than the cost of, and time required for, economy-class commercial-scheduled air travel by the most expeditious route except as otherwise provided in paragraph (b)(6) below, unless economy air travel is not available and the Contractor certifies to this in the voucher or other documents submitted for reimbursement.

(3) International Travel.

(i) The Contractor shall be reimbursed for actual transportation costs and travel allowances from place of residence in the country of recruitment (or other location, provided that the cost of such travel does not exceed the cost of travel from the place of residence), to post of duty in the cooperating country and return to place of residence in the country of recruitment (or other location, provided that the cost of such travel does not exceed the cost of travel from the post of duty to the place of residence) upon completion of the contract. Such transportation costs shall not be reimbursed in an amount greater than economy-class commercial-scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (b)(6) below and unless economy air travel is not available and the Contractor certifies to the facts in the voucher or other documents submitted for reimbursement. When travel to or from the cooperating country is by economy-class accommodations, the Contractor will be reimbursed for the costs of transporting up to 22 pounds gross weight of accompanied personal baggage in addition to that regularly allowed with the economy ticket, provided that the total number of pounds of baggage does not exceed that regularly allowed for first-class travelers. Travel allowances shall be at the rate of $6 per day for not more than the travel time required by scheduled economy-class commercial air carrier using the most expeditious route and computed in accordance with AID Handbook 22, as from time to time amended. One stopover of 24 hours is allowable when the Contractor uses economy-class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route for the convenience of the Contractor. Per diem during authorized stopover shall be paid in accordance with AID Handbook 22, as from time to time amended.

(ii) Unaccompanied Baggage.

Except as provided in the Schedule or approved by the Contracting Officer, the Contractor who is on a tour of duty of 90 days or more under this Contract shall be reimbursed for the cost of unaccoompanied personal effects not to exceed 400 pounds gross weight, 100 pounds gross weight of which may be shipped via airfreight and the balance by surface carrier from place of residence in the country of recruitment (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the place of residence) to post of duty in the cooperating country and return to place of residence in the country of recruitment (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the post of duty to the place of residence) upon completion of the contract.

(iii) Local Travel.

The Contractor shall be reimbursed at the rates established by the Mission Director for authorized travel in the cooperating country in connection with duties directly referable to work under this Contract. In the absence of such established rates, the Contractor shall be reimbursed in currency consistent with the prevailing practice at post for actual costs of authorized travel in the cooperating country if not provided by the cooperating government or the Mission in connection with duties directly referable to work hereunder, including travel allowances at rates prescribed by AID Handbook 22, as from time to time amended.

(iv) Special International Travel and Third-Country Travel.

For special travel which (1) advances the purpose of the Contract, (2) is not otherwise provided by the cooperating government, and (3) has the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall travel under Government Travel Requests, or, if appropriate, be reimbursed for (i) the costs of international transportation and for local transportation within other countries, and (ii) travel allowances while in official travel status and while performing services under the Contract in such other countries at rates prescribed by AID Handbook 22, as from time to time amended.

(v) Indirect Travel for Personal Convenience.

(1) When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route between the authorized points of departure and destination.

(2) If such costs include fares for air or ocean transportation by foreign-flag carriers, approval for indirect travel by such foreign flag carrier pursuant to paragraph (ix)(1) below must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by U.S.-flag carriers will be reimbursable within the above limitation of allowable costs.

(vi) Delays En Route.

The Contractor may be granted reasonable delays en route in travel status, not circuitous in nature, which are caused by events beyond the control of the Contractor. It is understood that if the delay is caused by physical incapacitation the Contractor shall be eligible for such sick leave as is provided under GP Clause No. 6(b) of this Contract.

(vii) Privately Owned Vehicles (POV).

(1) If travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel by privately owned vehicle at the rate per mile equal to the rate authorized a U.S. Government direct hire employee in equivalent circumstances, plus authorized per diem, if the vehicle is being driven in connection with (A) authorized duties under this Contract, or (B) en route to or from the cooperating country provided that the total cost of the mileage and the per diem to the Contractor shall not exceed the total constructive cost of fare and normal per diem by (1) surface common carrier or (2) less than first-class air, whichever is the lesser.

(2) Costs of the shipment of vehicle for Contract tours of duty of less than 1 year are not reimbursable under this Contract.

(viii) Emergency and Irregular Travel and Transportation.

Actual transportation costs and travel allowances while en route, as provided in this section, shall be reimbursed under the following conditions:

(1) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to another approved location for the Contractor when, because of reasons or conditions beyond the Contractor's control, the Contractor has not completed the required service in the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor.

(2) It is agreed that paragraph (viii)(1) above includes, but is not necessarily limited to, the following:

1. Need for medical care beyond that available within the areas to which the Contractor is assigned.

2. Serious effect on physical or mental health if residence is continued at assigned post of duty.

3. Serious illness, injury, or death of a member of the Contractor's immediate family.

4. Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the

cooperating country. Allowances at safe haven when authorized by the Mission Director shall be payable in accordance with established Government Regulations.

5. Preparation and return of the remains of a deceased Contractor.

(ix) Preference for U.S.-Flag Air Carriers (April 1984).

(1) "International air transportation," as used in this clause, means transportation by air between a place in the United States and a place outside the United States or between two places both of which are outside the United States.

"United States," as used in this clause, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and possessions of the United States.

"U.S.-flag air carrier," as used in this clause, means an air carrier holding a certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371).

(2) Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517)(Fly America Act) requires all Federal agencies and Government contractors and subcontractors use U.S.-flag carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if a U.S.-flag air carrier is available to provide such services.

(3) The contractor agrees, in performing work under this contract, to use U.S.-flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent that service by those carriers is available.

(4) In the event that the Contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the Contractor shall include a certification on vouchers involving such transportation essentially as follows:

Certification of the Unavailability of U.S.-Flag Air Carriers

I hereby certify that international air transportation of persons (and their personal effects) or property by U.S.-flag air carrier was not available or it was necessary to use foreign-flag air carrier service for the following reasons (see section 47.403 of the Federal Acquisition Regulation):

[State reasons]———————————

(End of certification)

12. Payment (Dec 1986)

(a) Once each month (or at more frequent intervals, if approved by the paying office indicated on the Cover Page), the Contractor may submit to such office form SF 1034 Public Voucher (original) and SF 1034–A (three copies), each voucher identified by the AID contract number, properly executed in the amount of the currency of payment claimed during the period covered. The voucher forms shall be supported by:

(1) The Contractor's detailed invoice, in original and two copies indicating, for each amount claimed, the paragraph of the Contract under which payment is to be made, supported when applicable as follows:

(i) For compensation—a statement showing period covered, days worked, and days when Contractor was in authorized travel, leave, or stopover status for which compensation is claimed. All claims for compensation will be accompanied by, or will incorporate, a certification signed by the supervising officer or Project Officer covering days or hours worked, or authorized travel or leave time for which compensation is claimed.

(ii) For travel and transportation—a statement of itinerary with attached carrier's receipt and/or passenger's coupons, as appropriate.

(iii) For reimbursable expenses—an itemized statement supported by original receipts.

(2) The first voucher submitted shall include such documentation as may be required to be filed under cooperating country regulations or laws to permit required withholding by AID of funds as described in Clause 8 of these General Provisions. The first voucher shall also account for, and liquidate the unexpended balance of, any funds theretofore advanced to the Contractor.

(b) A final voucher shall be submitted by the Contractor promptly following completion of the duties under this Contract but in no event later than 120 days (or such longer period as the Contracting Officer may in his/her discretion approve in writing), from the date of such completion. The Contractor's claim, which includes the final settlement of compensation, shall not be paid until after the performance of the duties required under the terms of this Contract has been approved by AID. On receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on form SF 1034 (original) and SF 1034–A (three copies), together with a refund check for the balance remaining on hand of any funds which may have been advanced to the Contractor, the Government shall pay any amounts due and owing the Contractor.

13. Conversion of Currency (Dec 1986)

Upon arrival in the cooperating country, and from time to time as appropriate, the Contractor shall consult with the Mission Director or his/her authorized representative who shall provide, in writing, the policy the Contractor shall follow in the conversion of one currency to another currency. This may include, but not be limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer, or Mission Controller, as appropriate.

14. Post of Assignment Privileges (Dec 1986)

Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually limited to U.S. citizen members of the official U.S. mission including the Embassy, USAID, Peace Corps, U.S. Information Service and the Military. Normally, the agreements do not permit these facilities to be made available to non-U.S. citizens if they are under contract to the United States Government. However, in those cases where the facilities are open to TCN contractor personnel, they may be used.

15. No Access to Classified Information (Dec 1986)

(a) The Contractor shall not have access to classified or administratively controlled information and shall take conscious steps to avoid receiving or learning of such information.

(b) The Contractor agrees to submit immediately to the Mission Director or Contracting Officer a complete detailed report, marked "Privileged Information", of any information which the Contractor may have concerning existing or threatened espionage, sabotage, or subversive activity against the United States of America or the USAID Mission or the Cooperating Country Government.

16. Contractor-Mission Relationships (Dec 1986)

(a) The Contractor acknowledges that this Contract is an important part of the U.S. Foreign Assistance Program and agrees that all duties will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails.

(b) While in the cooperating country, the Contractor is expected to show respect for the conventions, customs, and institutions of the cooperating country and not interfere in its political affairs.

(c) If the Contractor's conduct is not in accordance with paragraph (b), the Contract may be terminated pursuant to the General Provision of this contract, entitled "Termination." The Contractor recognizes the right of the U.S. Ambassador to direct the contractor's immediate removal from any country when, in the discretion of the Ambassador, the interests of the United States so require. The contractor's failure to comply will result in forfeiture of the right of reimbursement for return travel.

(d) The Mission Director is the chief representative of AID in the cooperating country. In that capacity, the Director is responsible for the total AID Program in the cooperating country including certain administrative responsibilities set forth in this Contract and for advising AID regarding the performance of the work under the Contract and its effect on the U.S. Foreign Assistance Program. The Contractor will be responsible for performing all duties in accordance with the statement of duties called for by the Contract. However, the Contractor shall be under the general policy guidance of the Mission Director and shall keep the Mission Director currently informed of the progress of the work under the Contract.

17. Termination (Apr 1984) [FAR 52.249–12]

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15

days' written notice to the Contracting Officer.

18. Disputes (Apr 1984) [FAR 52.233-1 (Alternate I)]

(This clause is drawn directly from the FAR. We recognize that paragraphs (3)(ii) (A) and (B) are not applicable to personal services contracts.)

(a) This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. 601-613) (the Act).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to his/her contract. A claim arising under a contract, unlike a claim relating to that contract, is a claim that can be resolved under a contract clause that provides for the relief sought by the claimant. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding $50,000 is not a claim under the Act until certified as required by subparagraph (d)(2) below. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d)(1) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2) For Contractor claims exceeding $50,000, the Contractor shall submit with the claim a certification that:

(i) The claim is made in good faith;

(ii) Supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and

(iii) The amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable.

(3)(i) If the Contractor is an individual, the certification shall be executed by that individual.

(ii) If the Contractor is not an individual, the certification shall be executed by:

(A) A senior company official in charge at the Contractor's plant or location involved; or

(B) An officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over $50,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The Government shall pay interest on the amount found due and unpaid from (1) the date the Contracting Officer receives the claim (properly certified if required), or (2) the date payment otherwise would be due, if that date is later, until the date of payment. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

(h) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or relating to the Contract, and comply with any decision of the Contracting Officer.

19. Release of Information (Dec 1986)

All rights in data and reports shall become the property of the U.S. Government. All information gathered under this Contract by the Contractor and all reports and recommendations hereunder shall be treated as privileged information by the Contractor and shall not, without the prior written approval of the Contracting Officer, be made available to any person, party, or government, other than AID, except as otherwise expressly provided in this Contract.

20. Officials Not To Benefit (Dec 1986)

No member of or delegate to the Congress of the United States or United States resident commissioner shall be admitted to any share or part of this Contract or to any benefit that may arise therefrom.

21. Covenant Against Contingent Fees (Apr 1984) [FAR 52.203-5]

The Contractor warrants that no person or selling agency has been employed or retained to solicit or obtain this Contract upon an agreement or understanding for a contingent fee, except a bona fide employee/agency. For breach or violation of this warranty, AID shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

"Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds out as being able to obtain any Government contract or contracts through improper influence.

"Contingent fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.

22. Notices (Dec 1986)

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

(a) Notice to AID:

To the Mission Director of the mission in the cooperating country with a copy to the appropriate Contracting Officer.

(b) Notice to the Contractor:

At his post of duty while in the cooperating country and at the Contractor's address shown on the Cover Page of this Contract.

Notice may also be given to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice, whichever is later.

Section 14

Additional General Provisions—Contract With a Third Country National for Personal Services

(To be used with Section 13—General Provisions when the tour of duty will be 1 year or more.)

Table of Contents

1. Definitions (long tour).
2. Compliance with Applicable Laws and Regulations (dependents).
3. Physical Fitness (long tour).
4. Vacation Leave (long tour).
5. Allowances (long tour).
6. Travel and Transportation Expenses (long tour).

1. Definitions (Long Tour) (Dec 1986)

(a) "Dependents" means:

(1) *Spouse*

(2) *Children* (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support.

(b) "Traveler" also means dependents of the Contractor who are in authorized travel status.

2. Compliance With Applicable Laws and Regulations (Long Tour) (Dec 1986) (Dependents)

(a) *Conformity to Laws and Regulations of the Cooperating Country.*

While in the cooperating country, the Contractor agrees to make every effort to assure that authorized dependents shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) *Purchase, Sale, Import, or Export of Personal Property or Automobiles.*

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles by the Contractor's authorized dependents in the cooperating country shall also be subject to the limitations and prohibitions which apply to U.S. national direct-hire employee dependents.

3. Physical Fitness (Long Tour) (Dec 1986)

(a) *Predeparture.*

The Contractor's authorized dependents shall also be required to be examined by a licensed physician. The Contractor shall require the physician to certify that, in the physician's opinion, the Contractor's authorized dependents are physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the dependent's departure for the cooperating country.

(b) *End of tour.*

The Contractor and authorized dependents are authorized physical examinations within 60 days after completion of the Contractor's tour of duty.

(c) *Reimbursement.*

The Contractor shall be reimbursed not to exceed $100 each for the cost of the physical examinations mentioned in paragraphs (a) and (b) above. The Contractor shall also be reimbursed for the cost of immunizations.

4. Vacation Leave (Long Tour) (Dec 1986)

With the approval of the Mission Director, and if the circumstances warrant, a Contractor may be granted advance vacation leave in excess of that earned but in no case shall a Contractor be granted advance vacation leave in excess of that which will be earned over the life of the Contract. The Contractor agrees to reimburse AID for leave used in excess of the amount earned during the Contractor's assignment under the Contract.

5. Allowances (Long Tour) (Dec 1986)

Allowances shall be granted to the Contractor and authorized dependents to the same extent, and on the same basis as, they are granted to direct-hire TCN employees and their dependents at the post under the Post Compensation Plan.

The allowances provided shall be paid to the Contractor in the currency of the cooperating country or in accordance with the practice prevailing at the Mission.

6. Travel and Transportation Expenses (Long Tour) (Dec 1986)

(a) *General.*

Pursuant to paragraph (a) of Clause 11 of the General Provisions, when transportation is not provided by Government-issued TR for the items listed below, the Contractor shall procure the transportation and the cost will be reimbursed in accordance with the following:

(1) *International Travel.*

(i) International travel costs and allowances and stopovers for authorized dependents shall be reimbursed on the same basis as for the Contractor under General Provision Clause No. 11(b)(2)(i) of this Contract except that travel allowances for such dependents shall be at the rate of $6 per day for persons 11 years of age or over and $3 per day for persons under 11 years of age payable for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with AID Handbook 22, as from time to time amended.

(ii) 1. All international ocean transportation of things which is to be reimbursed in U.S. dollars as authorized under this Contract shall be by U.S.-flag vessels to the extent they are available. When U.S.-flag vessels are not available, or their use would result in a significant delay, the Contractor may request a release from this requirement from the M/SER/OP/TRANS, Transportation Support Division, Agency for International Development, Washington, DC 20523, giving the basis for the request.

2. All international air transportation of dependents shall be in accordance with paragraph (b)(ix) of Clause 11 of the General Provisions, entitled "Preference for U.S. Flag Air Carriers."

(b) *Limitation on Travel by Dependents.*

Travel costs and allowances will be allowed for authorized dependents of the Contractor and such costs shall be reimbursed for travel from place of abode in the country of recruitment to the assigned station in the cooperating country and return, only if the dependent remains in the cooperating country for at least 9 months or one-half of the required tour of duty of the Contractor, whichever is greater, except as otherwise authorized hereunder for education, medical, or emergency visitation travel.

Dependents of the Contractor must return to the country of recruitment or home country within thirty days of the termination or completion of the Contractor's employment, otherwise such travel will not be reimbursed under this contract.

(c) *Delays En Route.*

Dependents may be granted reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such dependents.

(d) *Travel by Privately Owned Vehicle (POV).* Notwithstanding the provisions of paragraph (b)(vii) of Clause 11 of the General Provisions, if travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel by privately owned vehicle at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem for the Contractor and for each of the authorized dependents traveling in the vehicle if the vehicle is being driven in connection with (1) authorized duties under this Contract or (2) en route to or from the cooperating country as authorized in the Schedule; provided that the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travelers by (i) surface common carrier or (ii) less-than-first-class air, whichever is the lesser.

(e) *Emergency and Irregular Travel and Transportation.*

Notwithstanding the provisions of paragraph (b)(8) of Clause 11 of the General Provisions, actual transportation costs and travel allowances while en route, as provided in this section, will also be reimbursed under the following conditions:

(1) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to another approved location for the Contractor and authorized dependents, when because of reasons or conditions beyond his/her control, the Contractor has not completed the required service in the cooperating country or the dependent must leave the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor and/or authorized dependents.

(2) It is agreed that paragraph (e)(1) above, includes but is not necessarily limited to the following:

(i) Need for medical care beyond that available within the area to which Contractor is assigned.

(ii) Serious effect on physical or mental health if residence is continued at assigned post of duty.

(iii) Serious illness, injury, or death of a member of a Contractor's immediate family or the immediate family of a dependent.

(iv) Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Transportation and travel allowances at safe haven and the transportation of household effects and automobile or storage thereof when authorized by the Mission Director shall be payable in accordance with established Government regulations.

(v) Preparation and return of the remains of a deceased Contractor or dependents.

(f) *Transportation of Personal Effects (excluding Automobiles) and Household Goods.*

(1) *General.*

Transportation, including packing and crating costs, will be paid for shipment from Contractor's residence in the country of recruitment or other location (provided that the cost of transportation does not exceed the cost from the Contractor's residence) to post of duty in the cooperating country and return to the country of recruitment or other location (provided that the cost of transportation does not exceed the cost to the Contractor's residence), (i) of personal effects of the Contractor, and (ii) of household goods of Contractor not to exceed the following limitations.

	Basic household furniture not supplied (pounds net weight)	Basic household furniture supplied (pounds net weight)
Contractor with dependents in cooperating country	18,000	7,200
Contractor without dependents in cooperating country	18,000	7,200

Note.—For the purpose of this Clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of Section 162.1 of the Uniform State/AID/USIA Foreign Service Travel Regulations.

The cost of transporting household goods shall not exceed the cost of packing, crating, and transportation by surface common carrier.

(2) *Unaccompanied Baggage.*

The contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance above for household effects) not to exceed the following:

	Gross weight (pounds)
Employee	250
First dependent traveling	200
Second dependent traveling	150
Each additional dependent traveling	100

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination.

If the Contractor ships no household effects, the Contractor may ship not in excess of 400 pounds (gross weight) of personal effects for self and 300 pounds (gross weight) for each dependent. One hundred pounds (gross weight) of each traveler's allowance may be transported by airfreight; the balance is transported by surface carrier, if the cost is less than air shipment.

(3) *Reduced Rates on U.S.-Flag Carriers.*

Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID Contractors between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the Bill of Lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

(g) *Storage of Household Effects.*

The cost of storage charges (including packing, crating, and drayage costs) in the country of recruitment of household goods of Contractor will be permitted, in lieu of transportation of all or any part of such goods to the cooperating country under paragraph (f) above, provided that (1) the total amount of household goods shipped to the cooperating country and stored in the country of recruitment shall not exceed 18,000 pounds net for each Contractor employee regardless of family status, and (2) at least 200 pounds net of household effects will be stored; quantities of less than 200 pounds net stored will not be reimbursed.

(h) *Rest and Recuperation Travel.*

If approved in writing by the Mission Director, the Contractor and dependents shall be allowed rest and recuperation travel on the same basis as direct-hire TCN employees and their dependents at the post under the Local Compensation Plan.

Section 15

FAR Clauses

The following FAR clauses are to be used along with the General Provisions (Paragraph 11), and when appropriate, the Additional General Provisions (Paragraph 14), and shall be incorporated in each personal service contract by reference.

1. Inspection 52.246–5.
2. Examination of Records by Comptroller General 52.215–1.
3. Audit-Negotiation 52.215–2.
4. Privacy Act Notification 52.224–1.
5. Privacy Act 52.224–2.
6. Taxes-Foreign Cost Reimbursement Contracts 52.229–8.
7. Interest 52.232–17.
8. Assignment of Claims 52.232–23.
9. Protection of Government Buildings, Equipment, and Vegetation 52.237–2.
10. Notice of Intent to Disallow Costs 52.242–1.
11. Limitation of Cost 52.232–20.
12. Limitation of Funds 52.232–22.
13. Limitation of Liability-Services 52.246–25.

Dated: January 8, 1987.

John F. Owens,

Procurement Executive.

[FR Doc. 87–961 Filed 1–20–87; 8:45 am]

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federal register

Wednesday
January 21, 1987

Part III

Environmental Protection Agency

40 CFR Part 425

Leather Tanning and Finishing Industry Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 425

[FRL 3098-4]

Leather Tanning and Finishing Industry Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to amend 40 CFR Part 425 which limits effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works by existing and new sources engaged in leather tanning and finishing. EPA agreed to propose these amendments in a settlement agreement with the Tanners' Council of America, Inc. The agreement settles a dispute between the Council and EPA that was the subject of a petition for judicial review of the final leather tanning and finishing regulation promulgated by EPA on November 23, 1982 (47 FR 52848).

The proposed amendments include: (1) A new analytical method for the determination of the presence of sulfide in wastewaters for use in the Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish Subcategory (Subpart C); (2) clarification of procedural requirements for publicly owned treatment works (POTW) to follow in determining whether sulfide pretreatment standards are applicable; (3) revisions to certain of the effluent limitations for "best practicable control technology currently available" (BPT) and new source performance standards (NSPS); (4) a change in the pH pretreatment standard for tanneries falling under the provisions of Subpart C; and (5) clarification of the production levels below which the chromium pretreatment standards for existing sources (PSES) do not apply. In addition, in the preamble of this notice, EPA clarifies its statements on median water use ratios, changes in subcategorization, tanneries with mixed subcategory operations, and composite samples of effluent discharges from multiple outfalls.

After addressing comments received in response to this proposal, EPA intends to promulgate a final rule.

DATE: Comments on these proposed amendments must be submitted on or before February 20, 1987.

ADDRESS: Send comments to Rexford R. Gile, Jr., Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear), EPA Library, 401 M Street, SW., Washington, DC. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying. Copies of technical documents may be obtained from the Industrial Technology Division Distribution Officer at the above address or by calling (202)382-7115.

FOR FURTHER INFORMATION CONTACT: Technical information on this proposal may be obtained from Rexford R. Gile, Jr. [(202)382-7146] or from Donald F. Anderson [(202)382-7189] at the address listed above for the Industrial Technology Division.

SUPPLEMENTARY INFORMATION: Organization of this Notice:

I. Legal Authority
II. Background
A. Prior Regulations
B. Challenge to the 1982 Regulation by the Tanners' Council of America, Inc.
C. Settlement Agreement
III. Proposed Amendments to the Leather Tanning and Finishing Point Source Category Regulation
A. Proposed Alternative Sulfide Analytical Method
1. TCA Concerns and EPA Response
2. Amendment to § 425.02 General Definitions
3. Amendment to § 425.03 Sulfide Analytical Methods
B. Applicability of Sulfide Pretreatment Standard
1. TCA Concern and EPA Response
2. Amendment to § 425.04 Applicability of Sulfide Pretreatment Standard
C. Proposed Changes to Effluent Limitations Guidelines and Standards Based on Revised Water Use Ratios, pH Pretreatment Standard, and Changes to the Small Tannery Exemption
1. Changes to Effluent Limitations Guidelines and Standards
2. PSES for pH
3. Small Tannery Exemption
IV. Clarifications
A. Changes in Subcategorization
B. Tanneries with Mixed Subcategory Operations
C. Multiple Outfalls
V. Environmental Impact of the Proposed Amendments
VI. Economic Impact of the Proposed Amendments
VII. Solicitation of Comments and Public Docket
VIII. Executive Order 12291
IX. Regulatory Flexibility Analysis
X. OMB Review
XI. List of Subjects in 40 CFR Part 425

I. Legal Authority

The amendments to 40 CFR Part 425 described in this notice are proposed under authority of sections 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), 308 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), 1318, and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217. The amendments to the regulation are also proposed in response to the Settlement Agreement in *Tanners' Council of America, Inc.* v. *U.S. Environmental Protection Agency*, No. 83-1191, (4th Cir., 1984).

II. Background

A. Prior Regulations

EPA promulgated a regulation on April 9, 1974, establishing effluent limitations guidelines and standards for the leather tanning and finishing point source category based on the best practicable control technology currently available ("BPT"), the best available technology economically achievable ("BAT"), new source performance standards ("NSPS") for new direct dischargers, and pretreatment standards for new indirect dischargers ("PSNS") (39 FR 12958; 40 CFR Part 425, Subparts A through F). The Tanners' Council of America, Inc., (TCA), challenged this regulation, and the U.S. Court of Appeals for the Fourth Circuit left BAT and PSNS undisturbed, but remanded the BPT and NSPS limitations and standards for several reasons [see *Tanners' Council of America, Inc.* v. *Train*, 540 F.2d 1188 (4th Cir. 1976)].

On March 23, 1977 (42 FR 15696), EPA promulgated pretreatment standards for existing sources ("PSES") for the leather tanning and finishing industry. This regulation established specific pH standards and other pretreatment standards for existing indirect dischargers to avoid interference with POTWs. This rule was not challenged.

EPA proposed a new regulation (44 FR 38746, July 2, 1979) establishing effluent limitations guidelines and standards for the leather tanning and finishing point source category based on revised BPT and NSPS to replace the remanded BPT and NSPS limitations and standards, new best conventional pollutant control technology ("BCT") limitations, and revised BAT, PSES, and PSNS limitations and standards. EPA accepted comments on the proposed regulation until April 10, 1980. The leather tanning and finishing industry commented that

the data and supporting record material relied upon by EPA in proposing the regulation contained a large number of errors. The Agency responded by completely reviewing the entire data base and all documentation supporting the rulemaking, and by acquiring supplemental data during and after the comment period.

On June 2, 1982 (47 FR 23958), EPA made available for public review and comment supplementary technical and economic data and related documentation received after proposal of the regulation. The Agency also summarized the preliminary findings on how the supplementary record materials might influence the final rulemaking.

The final regulation for the leather tanning and finishing industry point source category was promulgated on November 23, 1982 (47 FR 52848) and established effluent limitations guidelines and standards to control specific toxic, nonconventional, and conventional pollutants for nine subcategories in the Leather Tanning and Finishing Category.

- Subpart A—Hair Pulp, Chrome Tan, Retan-Wet Finish Subcategory (Subcategory 1)
- Subpart B—Hair Save, Chrome Tan, Retan-Wet Finish Subcategory (Subcategory 2)
- Subpart C—Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish Subcategory (Subcategory 3)
- Subpart D—Retan-Wet Finish-Sides Subcategory (Subcategory 4)
- Subpart E—No Beamhouse Subcategory (Subcategory 5)
- Subpart F—Through-the-Blue Subcategory (Subcategory 6)
- Subpart G—Shearling Subcategory (Subcategory 7)
- Subpart H—Pigskin Subcategory (Subcategory 8)
- Subpart I—Retan-Wet Finish-Splits Subcategory (Subcategory 9)

BPT effluent limitations guidelines were established for all subcategories based on high solids extended aeration activated sludge biological treatment. They included production-based effluent limitations (kg/kkg or lb/1,000 lb of raw material) for one toxic pollutant (total chromium), three conventional pollutants (BOD5, TSS, oil and grease), and established an acceptable pH range. BPT production-based effluent limitations were derived using subcategory median water use ratios, attainable effluent concentrations, and variability factors.

BAT and BCT effluent limitations guidelines were also established for all nine subcategories in the leather tanning and finishing point source category. The technology basis and production-based effluent limitations for BAT and BCT were the same as those for the promulgated BPT effluent limitations guidelines. The BCT effluent limitations guidelines control three conventional pollutants (BOD5, TSS, oil and grease), and established an acceptable pH range. The BAT effluent limitations guidelines controlled one toxic pollutant (total chromium).

The production-based NSPS for all nine subcategories limited one toxic pollutant (total chromium) and three conventional pollutants (BOD5, TSS, oil and grease), and established an acceptable pH range. NSPS were based on the same technology, effluent concentrations, and variability factors as BAT, but the production-based limitations for NSPS were different from those for BAT because the NSPS limitations were based on reduced water use ratios.

The final regulation established concentration-based categorical pretreatment standards for existing and new source indirect dischargers for one toxic pollutant (total chromium) for all nine subcategories except for existing small indirect dischargers in subcategories in Subparts A, C, and I.

Concentration-based categorical pretreatment standards were also established for the control of sulfides in subcategories in Subparts A, B, C, F, and H where unhairing operations are included. However, the regulation included a provision which allows a POTW to certify to the Regional Water Management Division Director of EPA, in the appropriate Regional Office, in accordance with § 425.04 that the discharge of sulfide from a particular facility does not interfere with its treatment works. If this certification is made, and EPA determines that the submission is adequate, EPA will publish a notice in the **Federal Register** identifying the facility where the sulfide pretreatment standard would not apply.

The cost of pretreatment technology can be minimized by reducing to the maximum extent feasible the volume of wastewater treated. Therefore, the Agency used reduced water use ratios to calculate the costs of PSES/PSNS technology for indirect dischargers instead of median water use ratios for existing sources.

B. Challenge to the 1982 Regulation by the Tanners' Council of America, Inc.

The Tanners' Council of America, Inc. (TCA), filed a petition for judicial review of several aspects of the final regulation in the U.S. Circuit Court of Appeals for the Fourth Circuit on March 2, 1983 (*Tanners' Council of America, Inc.* v. *U.S. Environmental Protection Agency*, No. 83-1191), and followed this by filing with EPA an administrative *Petition for Reconsideration* on May 9, 1983. The Agency responded by completely reviewing the entire data base and all documentation supporting the rulemaking, and by acquiring supplemental data. After extensive discussions, TCA and EPA resolved the issues raised by the Council through a settlement agreement.

C. Settlement Agreement

On December 11, 1984, TCA and EPA entered into a comprehensive settlement agreement which resolved all issues raised by TCA in its petitions. EPA agreed to propose amendments to the leather tanning and finishing regulation and solicit comments regarding these proposed amendments. EPA also agreed to propose specific preamble language. Copies of the settlement agreement were promptly sent to EPA Regional Offices and State NPDES permit-issuing authorities on December 21, 1984.

TCA will move to dismiss its petition for judicial review and voluntarily withdraw the "Petition for Reconsideration" if each provision of the final leather tanning and finishing industry regulation and each preamble statement is substantially the same as that called for by the settlement agreement.

As part of the settlement agreement, TCA and EPA jointly requested the U.S. Court of Appeals for the Fourth Circuit in *Tanners' Council of America, Inc.* v. *EPA* to stay the effectiveness of the sections of 40 CFR Part 425 which EPA had agreed to propose to amend, pending final action by EPA on each proposed amendment. On February 22, 1985, the Court entered an Order staying the following sections of the regulation promulgated on November 23, 1982: Section 425.02(a); § 425.03; § 425.11, except for the pH limitations; § 425.15(b); § 425.31, except for the pH limitation; the pH limitation in § 425.35(a); § 425.35(b); § 425.41, except for the pH limitation; § 425.44, except for the pH limitation; § 425.51, except for the pH limitation; § 425.61, except for the pH limitation; § 425.64, except for the pH limitation; § 425.91, except for the pH limitation; and § 425.95(b). EPA is today proposing to amend these sections in accord with the settlement agreement.

All effluent limitations guidelines and standards contained in the final leather tanning and finishing industry regulation promulgated on November 23, 1982, which are not specifically listed in today's proposed amendments to the regulation, are not stayed by the Order entered by the Court. In addition, EPA is not proposing in today's notice to delete or modify any of the effluent limitations

guidelines and standards not affected by the settlement agreement or Order.

III. Proposed Amendments to the Leather Tanning and Finishing Point Source Category Regulation

In the settlement agreement, EPA agreed to propose changes to Part 425 to (1) allow use of a new alternative sulfide analytical method, (2) clarify the procedures to be followed by a POTW when changed circumstances justify application of sulfide pretreatment standards where previously waived, or a certification by a POTW that the discharge of sulfide will not interfere with the operation of the POTW, (3) revise BPT effluent limitations guidelines and NSPS standards based on corrected and more complete information, and (4) allow the small tannery exemption without restriction as to the number of working days per week. These proposals are discussed in this section.

A. Proposed Alternative Sulfide Analytical Method

1. TCA Concerns and EPA Response

EPA had promulgated a categorical sulfide pretreatment standard and required all facilities to use the Society of Leather Trades' Chemists' "Method for Sulfide Analysis SLM 4/2" in which the sulfide solution is titrated with standard potassium ferricyanide solution in the presence of a ferrous dimethylglyoxime ammonia complex (§ 425.03). TCA and some industry members conducted testing to determine the validity of this analytical method. These test results revealed the following problems with the SLM 4/2 method.

a. The method described in existing § 425.03(c)(1) provides for the removal of the suspended matter by rapid filtration through *either* glass wool *or* coarse filter paper. The lack of standardization of glass wool causes inconsistent analytical results.

b. The titrant equivalence statement as set forth in § 425.03(c)(4) will lead to confusion in the reporting of analytical results because it expresses the results in terms of sodium sulfide instead of sulfide upon which the pretreatment standards are based.

c. Colored tannery wastewater, especially vegetable tanners' wastewater, makes it difficult to detect the destruction of the pink color at the end point. Additionally, certain simple phenolic substances (pyrogallol and pyrocatechol), which are model substances for the nontannins of vegetable tanning materials, consume the ferricyanide titrant under the prescribed SLM 4/2 conditions. These interfering substances may yield false results.

In response to the first problem, EPA is proposing to amend the existing approved method to delete glass wool as an alternative rapid filtration medium. EPA is also proposing to amend the previously approved method to specify a coarse filter paper which yields more consistent and accurate results. In response to the second problem, EPA is proposing to amend the method to express the results of the titrant equivalence statement in terms of mg./per liter of sulfide which is the basis for the pretreatment standards.

In response to the third problem, EPA and TCA conducted a cooperative sampling and analytical methods development program for vegetable tanning wastewaters using both the promulgated SLM 4/2 method and a method suggested by TCA, the modified Monier-Williams method. Raw and pretreated wastewaters were collected at seven tanneries, including two vegetable tanning tanneries, for analysis by EPA and TCA. The analytical data showed that the modified Monier-Williams method was able to measure sulfide in vegetable tannery wastewater when wastewater color prevented detection of the end point color change using the SLM 4/2 procedure. The data also showed that the method produced considerably better spike recoveries than the SLM 4/2 procedure. These data and EPA's summary of the results are part of the record of this rulemaking. The modified Monier-Williams method, thus, is an acceptable procedure for pretreatment standard compliance monitoring in the leather tanning and finishing industry. EPA is proposing today to include the modified Monier-Williams method for facilities with vegetable tanning wastewaters and as an alternative sulfide analytical procedure for other tanneries.

2. Amendment to § 425.02 General Definitions

EPA is making two minor changes to the general definitions sections to address analytical methods issues. EPA proposes today to define "sulfide" in § 425.02(a) as total sulfide as measured by either the potassium ferricyanide titration procedure ("Method for Sulfide Analysis SLM 4/2") in Appendix A to Part 425 or the modified Monier-Williams procedure described in Appendix B to Part 425. This is a technical change required to allow use of the new procedures. These two analytical procedures are being moved to appendices to the regulation for the convenience of the user.

Under the settlement agreement, the EPA agreed to propose that Minimum Reportable Concentration (MRC) should be determined periodically in each of the two sulfide analytical procedures by each participating laboratory in accordance with the procedures specified in "Methods for Chemical Analysis of Municipal and Industrial Wastewater," EPA-600/4-82-057, July 1982, EMSL, Cincinnati, OH 45268. The term MRC is not explicitly defined in the settlement agreement or in the 1982 "Methods" document cited. Rather, the 1982 "Methods" document describes a procedure known as the Method Detection Limit (MDL) which is now also described in Appendix B to 40 CFR Part 136. EPA interprets MRC to be equivalent to the MDL described in Appendix A to the 1982 "Methods" document and Appendix B to 40 CFR Part 136. The Agency is proposing that the MDL procedure be used as the MRC method. For the convenience of the user, the definition and procedure for the determination of the Method Detection Limit is proposed as Appendix C to Part 425. Public comments are invited on the use of the Method Detection Limit for the MRC method.

3. Amendment to § 425.03 Sulfide Analytical Methods

Existing § 425.03 describes the potassium ferricyanide titration (SLM 4/2) method in detail. As explained above, this method and the modified Monier-Williams method are to be described in new appendices to Part 425. Existing § 425.03 is amended to provide that the potassium ferricyanide method is approved for analysis of sulfide except for those tanneries covered by Subpart C (Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish Subcategory). For these tanneries, the modified Monier-Williams method is the approved method; tanneries in other subcategories may also use the modified Monier-Williams method to detect sulfide.

B. Applicability of Sulfide Pretreatment Standard

1. TCA Concern and EPA Response

Section 425.04 currently provides that POTWs may take steps to certify that sulfide pretreatment standards do not apply only until October 13, 1983 [40 CFR 425.04(c)]. The existing regulation does not provide a procedure by which POTWs can revoke a previously issued certification of inapplicability. TCA criticized the provision of § 425.04 under which, after October 13, 1983, a POTW is precluded from certifying that the sulfide pretreatment standards should

not apply to a particular facility. TCA noted that there may be changed circumstances after that deadline under which it may still be appropriate for a POTW to allow such a certification. EPA agrees that there may be changed circumstances after the October 13, 1983 deadline which would justify both the issuance and revocation of a certification as to the applicability or inapplicability of the sulfide pretreatment standards, and agreed to propose to amend § 425.04 to permit a POTW to initiate proceedings, revoke, or issue certification on the inapplicability of the sulfide pretreatment standards subsequent to the October 13, 1983 deadline.

2. Amendment to § 425.04 Applicability of Sulfide Pretreatment Standard

EPA is proposing to amend § 425.04 by adding paragraphs (d)(1), (d)(2), and (e) to § 425.04. The proposed § 425.04(d) (1) and (2) provide a procedure for POTWs to revoke a previously issued certification of inapplicability of the sulfide pretreatment standard. If, as a result of this revocation, the sulfide pretreatment standards are to be applicable to an indirect discharger, the discharger would be required to comply with these standards no later than 18 months from the publication date of the **Federal Register** notice announcing the revocation.

EPA is today proposing § 425.04(e) which authorizes POTWs to initiate proceedings to certify that sulfide pretreatment standards should not apply to specified facilities after October 13, 1983. Under this subsection, a POTW may determine that circumstances have arisen since that date that justify a determination that the sulfide pretreatment requirements should not apply. The POTW may propose to certify that the pretreatment standard does not apply and may initiate proceedings to this end. This certification would be governed by the existing certification procedures and time intervals in § 425.04 (b) and (c).

C. Proposed Changes to Effluent Limitations Guidelines and Standards Based on Revised Water Use Ratios, pH Pretreatment Standard, and Changes to the Small Tannery Exemption

1. Changes to Effluent Limitations Guidelines and Standards.

TCA criticized EPA's median flow ratios for three subcategories (Subparts D, F, and I) alleging that the flow ratios developed by EPA were erroneously based on new water use data submitted by TCA. EPA had developed median flow ratios for each subcategory to derive production-based effluent limitations for direct discharging facilities.

After reviewing the revised data base for the subcategory median and new source water use ratios, EPA determined that changes should be made in the median water use ratios for a number of subcategories. Table 1 reflects the revisions in median water use ratios as well as changes in the number of plants in the subcategory data bases and the number of plants achieving median water use ratios. Table 2 reflects the revisions in the new source water use ratios and in the number of plants achieving these water use ratios.

TABLE 1

Subcategory	Median water use ratio (gals/lb)	Plants in data base	
		Number of plants in subcategory data base	Number of plants in data achieving water use ratios
1	6.6	34	17
2	5.8	4	3
3	4.8	11	6
4	6.3	7	4
5	5.7	10	5
6	2.3	3	2
7	10.7	2	1
8	5.0	2	1
9	4.1	6	3

TABLE 2

Subcategory	New source water use ratio (gals/lb)	Number of plants in data base achieving water use ratio
1	4.3	6
2	4.9	1
3	4.2	4
4	4.6	2
5	3.8	3
6	2.1	1
7	9.4	1
8	4.1	1
9	2.5	2

As a result of the review of EPA's data base, supplemented by information supplied by TCA, and corrections to identified errors in the interpretation of existing water use data, the subcategory median and new source water use ratios used to establish BPT and NSPS limitations and standards were recalculated. The proposed amendments will result in BPT effluent limitations guidelines for Subparts A, D, F, G, and I that are less stringent than those in the final regulation (47 FR 52848, November 23, 1982), while the BPT limitations for Subparts C and E will be more stringent than those in the final regulation. NSPS for Subparts D and F will be less stringent than those in the final regulation. The "Supplemental Development Document for Proposed Effluent Limitations Guidelines and Standards for the Leather Tanning and Finishing Industry Point Source Category" documents the basis for the proposed changes to effluent limitations guidelines and standards based on revised water use ratios.

2. PSES for pH

EPA established a pH range of 7.0 to 10.0 for leather tanneries with alkaline wastestreams in the 1982 final regulation. EPA established 10 as the uppermost level of the pH range because of the solubility of chromium at pH levels in excess of 10. TCA argued that EPA should establish a waiver procedure to allow relief for tanneries with a pH in excess of 10 in certain circumstances.

After careful consideration, EPA concluded that a waiver from the higher standard would be unduly complicated. In response to TCA's request, EPA did agree to propose to delete the higher (alkaline) pH standard for vegetable tanneries in Subpart C only [§ 425.35(a)]. EPA is less concerned about the chromium solubility for vegetable tanneries since these tanneries typically discharge low levels of chromium. The higher pH pretreatment standards for the other subcategories will remain as promulgated because it will reduce the probability of chromium solubility. The low (acid) pH standard has been retained to ensure that the formation of hydrogen sulfide gas is minimized.

3. Small Tannery Exemption

The pretreatment standards for the leather tanning and finishing industry provide that chromium standards are now inapplicable to small plants in Subparts A, C, or I which discharge to publicly owned treatment works if these plants produce less than a specified number of hides/splits per day and a specified weight of hides/splits per year in their respective subcategories. In a correction notice dated June 30, 1983 the Agency specified the annual weight basis as well as the number of working days per year underlying the specified hide and split limits (48 FR 30115). Subsequent to discussing this matter with TCA, the Agency has reconsidered this issue. The Agency plans to delete all references to the annual weight basis and the number of working days per year underlying the specified hide and split limits. Accordingly, tanneries with a seven-day workweek could qualify for the exemption.

Therefore, EPA proposes today to amend Subpart A [§ 425.15(b)], Subpart C [§ 425.35(b)], and Subpart I [§ 425.95(b)] by deleting references to the annual weight basis and the number

of working days per year that were specified in the correction notice (48 FR 30115, June 30, 1983) to the final regulation for the small tannery exemption from pretreatment standards for chromium. The Agency has not, however, made any changes to the underlying exemption based on numbers of hides or splits per day.

IV. Clarifications

In addition to the proposals discussed in Section III, EPA is clarifying several issues: Changes in subcategorization, classification of tanneries with mixed subcategory operations, and multiple outfalls. These issues are addressed below.

A. Changes in Subcategorization

Under 40 CFR 403.6(a) of the general pretreatment regulations, an existing industrial user or a POTW may seek written certification from the Approval Authority as to whether the industrial user falls within a particular subcategory of a promulgated categorical pretreatment standard. Existing users must make the request within 60 days after the effective date of a pretreatment standard for a subcategory under which the user may be included or within 60 days after the **Federal Register** notice announcing the availability of the technical document for the subcategory. New sources must request this certification prior to commencing discharge.

Persons have inquired as to the procedures that existing leather tanning facilities should use to seek an Agency determination if the facility decides to change its subcategorization subsequent to the expiration of the 60-day deadline under 40 CFR 403.6(a). In fact, 40 CFR 403.6(a) does not preclude leather tanning and finishing facilities from changing operations which would in turn automatically change their subcategorization status. Facilities that are planning to change their subcategorization status and are unsure which subcategory they will fall into should request written certification from the Agency as to whether the facility falls within a particular subcategory prior to commencing discharges which would fall within that subcategory.

B. Tanneries With Mixed Subcategory Operations

The pretreatment standards for chromium are not applicable to plants with mixed subcategory operations if the greatest part of the plant's production is in either subcategory 1, 3, or 9 and if the total plant production is less than the specified number of hides or splits per day for the particular subcategory. The intent of this exemption is to exclude small plants from the chromium pretreatment standards, not to exclude processing operations at medium or large plants.

C. Multiple Outfalls

Most indirect discharging plants combine their process wastewaters and discharge them all through one outfall. The Agency has costed this approach by including costs for internal plant piping for wastewater collection as well as contingency costs to account for any unforeseen site specific costs.

If, however, an indirect discharging plant does not choose to combine its process wastewaters for treatment and to discharge them through one outfall, a composite sampling of the multiple outfalls could be acceptable. A single composite sample for multiple outfalls must be comprised of representative process wastewaters from each outfall. A composite sample must be combined in proportions determined by the ratio of process wastewater flow in each outfall to the total flow of process wastewaters discharged through all outfalls. If nonprocess wastewater is combined with process wastewater or if a plant has operations in more than one subcategory, the plant would have to use the "combined wastestream formula" [40 CFR 403.6(e)] to make this calculation. Flow measurements for each outfall must be representative of the plant's operation. An analysis of the total sample would then be compared to the applicable categorical standard to determine compliance.

V. Environmental Impact of the Proposed Amendments

EPA estimates that the industry-wide direct BPT discharge of conventional and toxic pollutants under the final leather tanning and finishing regulation as amended by today's proposed amendments will increase less than four percent by weight as reflected in Table 3.

TABLE 3. COMPARISON OF INDUSTRY-WIDE DIRECT BPT DISCHARGES OF CONVENTIONAL AND TOXIC POLLUTANTS UNDER FINAL AND PROPOSED REGULATIONS FOR LEATHER TANNING AND FINISHING

Pollutant	Discharge (lbs/yr)			
	Final [1] regulation	Proposed regulation	Increase	Percent increase
BOD_5	913,000	949,000	36,000	3.9
TSS	1,330,000	1,380,000	50,000	3.8
Oil and grease	381,000	392,000	11,000	2.9
Total chromium	19,300	19,900	600	3.1

[1] Final regulation, 47 FR 52848, Nov. 23, 1982.

VI. Economic Impact of the Proposed Amendments

The amendments will not alter the recommended technologies for complying with the leather tanning and finishing regulation. The Agency considered the economic impact of the regulation when the final regulation was promulgated (see 47 FR 52848). These amendments will not alter the determinations with respect to the economic impact to leather tanning and finishing facilities.

VII. Solicitation of Comments and Public Docket

EPA invites public participation in this rulemaking and requests comments on this proposal. The Agency requests that any comments on deficiencies be specific and that suggested revisions or corrections be supported with data.

EPA has a support document available for public inspection which details the Agency's data revisions on which the proposed changes to the effluent limitations and standards are based.

VIII. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses on major regulations. Major rules are defined as those which result in an annual cost of $100 million or more, or meet other economic impact criteria, such as cause major increases in costs and/or prices, or significant adverse effects on the ability of domestic producers to compete with foreign enterprises, or on competition, investment, productivity, or innovations. The final regulation for the leather tanning and finishing industry was not a major rule according to these definitions, and, therefore, did not require a formal regulatory impact analysis. This rulemaking also satisfies the requirements of the Executive Order for a non-major rule.

IX. Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. In the preamble to the final rule, EPA concluded that significant impacts on small entities had been eliminated by exempting small tanners from chromium PSES. That conclusion is equally applicable to these proposed amendments. The Agency is not, therefore, preparing a formal analysis for these proposed amendments.

X. OMB Review

This proposed regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room 2404, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding Federal holidays.

List of Subjects in 40 CFR Part 425

Leather, Leather tanning and finishing, Water pollution control, Wastewater treatment and disposal.

Dated: December 31, 1986.

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble, EPA is proposing to amend Part 425, Subchapter N, Chapter I, of Title 40, Code of Federal Regulations, as follows:

PART 425—[AMENDED]

1. The authority citation for Part 425 is revised to read as follows:

Authority: Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), 308 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), 1318, and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

General Provisions

2. Section 425.02 is amended by revising paragraph (a) to read as follows:

§ 425.02 General definitions.

* * * * *

(a) "Sulfide" shall mean total sulfide as measured by the potassium ferricyanide titration method described in Appendix A or the modified Monier-Williams method described in Appendix B.

* * * * *

3. Section 425.03 is revised to read as follows:

§ 425.03 Sulfide analytical methods and applicability.

(a) The potassium ferricyanide titration method described in Appendix A to Part 425 shall be used whenever practicable for the determination of sulfide in wastewaters discharged by plants operating in all subcategories except the hair save or pulp, non-chrome tan, retan-wet finish subcategory (Subpart C, see § 425.30). In all other cases, the modified Monier-Williams method as described in Appendix B to Part 425 shall be used as an alternative to the potassium ferricyanide titration method for the determination of sulfide in wastewaters discharged by plants operating in all subcategories except Subpart C.

(b) The modified Monier-Williams method as described in Appendix B to Part 425 shall be used for the determination of sulfide in wastewaters discharged by plants operating in the hair save or pulp, non-chrome tan, retan-wet finish subcategory (Subpart C, *see* § 425.30).

4. Section 425.04 is amended by adding paragraphs (d) and (e) to read as follows:

§ 425.04 Applicability of sulfide pretreatment standards.

* * * * *

(d)(1) If, after EPA and the POTW have determined in accordance with this section that the sulfide pretreatment standards of this Part are not applicable to specified facilities, a POTW then determines that there have been changed circumstances [including but not limited to changes in the factors specified in paragraph (b) of this section] which justify application of the sulfide pretreatment standards, the POTW shall revoke the certification submitted under paragraph (c) of this section. The POTW and EPA shall then adhere to the general procedures and time intervals contained in paragraph (c) in order to determine whether the sulfide pretreatment standards contained in this Part are applicable.

(2) If pursuant to paragraph (d)(1) of this section, the sulfide pretreatment standards of this part are applicable to a specified facility, the indirect discharger shall comply with the sulfide pretreatment standards no later than 18 months from the date of publication of the **Federal Register** notice identifying the facility.

(e) At any time after October 13, 1983, if a POTW determines that there have been changed circumstances [including but not limited to changes in the factors specified in paragraph (b) of this section], it may initiate proceedings contained in paragraph (c) of this section to determine that the sulfide pretreatment standards of this part shall not be applicable. The POTW and EPA shall follow the procedures and time intervals contained in paragraph (c) of this section to make this determination. A final determination that the sulfide pretreatment standards are not applicable must be made prior to the discharge of sulfide not in accordance with the standards set forth in this part.

Subpart A—Hair Pulp, Chrome Tan, Retan-Wet Finish Subcategory

5. Section 425.11 is amended by revising the table of BPT limitations to read as follows:

§ 425.11 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

Pollutant or pollutant property	BPT limitations	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	9.3	4.2
TSS	13.4	6.1
Oil and grease	3.9	1.7
Total chromium	0.24	0.09
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

6. Section 425.15 is amended by revising paragraph (b) to read as follows:

§ 425.15 Pretreatment standards for existing sources (PSES).

* * * * *

(b) Any existing source subject to this subpart which processes less than 275 hides/day shall comply with § 425.15(a), except that the total chromium limitations contained in § 425.15(a) do not apply.

Subpart C—Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish Subcategory

7. Section 425.31 is amended by revising the table of BPT limitations to read as follows:

§ 425.31 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

Pollutant or pollutant property	BPT limitations	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	6.7	3.0
TSS	9.7	4.4
Oil and grease	2.8	1.3
Total chromium	0.17	0.06
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

8. Section 425.35 is amended by revising footnote 1 on pH limitations at the bottom of the table of PSES standards in paragraph (a) and revising paragraph (b) to read as set forth below. The table of PSES standards is reprinted.

§ 425.35 Pretreatment standards for existing sources (PSES).

(a) * * *

Pollutant or pollutant property	PSES limitations	
	Maximum for any 1 day	Maximum for monthly average
	Milligrams per liter (mg/l)	
Sulfide	24	—
Total Chromium	12	8
pH	(1)	(1)

1 Not less than 7.0.

(b) Any existing source subject to this subpart which processes less than 350 hides/day shall comply with § 425.35(a), except that the Total Chromium limitations contained in § 425.35(a) do not apply.

Subpart D—Retan-Wet Finish-Sides Subcategory

9. Section 425.41 is amended by revising the section heading and revising the table of BPT limitations to read as follows:

§ 425.41 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

Pollutant or pollutant property	BPT limitations	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	8.9	4.0
TSS	12.8	5.8
Oil and grease	3.7	1.7
Total chromium	0.23	0.08
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

10. Section 425.44 is amended by revising the table of NSPS to read as follows:

§ 425.44 New source performance standards (NSPS).

* * * * *

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	6.5	2.9
TSS	9.3	4.3
Oil and grease	2.7	1.2
Total chromium	0.17	0.06
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

Subpart E—No Beamhouse Subcategory

11. Section 425.51 is amended by revising the table of BPT limitations to read as follows:

§ 425.51 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

Pollutant or pollutant property	BPT limitations	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	8.0	3.6
TSS	11.6	5.3
Oil and grease	3.4	1.5
Total chromium	0.21	0.08
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

Subpart F—Through-the-Blue Subcategory

12. Section 425.61 is amended by revising the table of BPT limitations to read as follows:

§ 425.61 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

Pollutant or pollutant property	BPT limitations	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	3.2	1.5
TSS	4.7	2.1
Oil and grease	1.4	0.61
Total chromium	0.08	0.03
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

13. Section 425.64 is amended by revising the table of NSPS to read as follows:

§ 425.64 New source performance standards (NSPS).

* * * * *

Pollutant or pollutant property	NSPS	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	3.0	1.3
TSS	4.3	1.9
Oil and grease	1.2	0.55
Total chromium	0.08	0.03
pH	(1)	(1)

1 Within the range of 6.0 to 9.0.

Subpart G—Shearling Subcategory

14. Section 425.71 is amended by revising the table of BPT limitations to read as follows:

§ 425.71 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

Pollutant or pollutant property	BPT limitations	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	15.0	6.8
TSS	21.7	9.9
Oil and grease	6.3	2.8
Total chromium	0.39	0.14
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

Subpart I—Retan-Wet Finish-Splits Subcategory

15. Section 425.91 is amended by revising the table of BPT limitations to read as follows:

§ 425.91 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

* * * * *

Pollutant or pollutant property	BPT limitations	
	Maximum for any 1 day	Maximum for monthly average
	kg/kkg (or pounds per 1,000 lb) of raw material	
BOD5	5.8	2.6
TSS	8.3	3.8
Oil and grease	2.4	1.1
Total chromium	0.15	0.05
pH	(1)	(1)

[1] Within the range of 6.0 to 9.0.

16. Section 425.95 is amended by revising paragraph (b) to read as follows:

§ 425.95 Pretreatment standards for existing sources (PSES).

* * * * *

(b) Any existing source subject to this subpart which processes less than 3,600 splits/day shall comply with § 425.95(a), except that the total chromium limitations contained in § 425.95(a) do not apply.

17. Part 425 is amended by adding Appendix A to read as follows:

Appendix A to Part 425—Potassium Ferricyanide Titration Method

Source

The potassium ferricyanide titration method is based on method SLM 4/2 described in "Official Method of Analysis," Society of Leather Trades' Chemists, Fourth Revised Edition, Redbourn, Herts., England, 1965.

Outline of Method

The buffered sulfide solution is titrated with standard potassium ferricyanide solution in the presence of a ferrous dimethylglyoxime ammonia complex. The sulfide is oxidized to sulfur. Sulfite interferes and must be precipitated with barium chloride. Thiosulfate is not titrated under the conditions of the determination (Charlot, "Ann. chim, anal.", 1945, 27, 153; Booth; "J. Soc. Leather Trades' Chemists," 1956, 40, 238).

Apparatus

Burrette, 10 ml.

Reagents

1. Preparation of 0.02N potassium ferricyanide: Weigh to the nearest tenth of a gram 6.6 g. of analytical reagent grade potassium ferricyanide and dissolve in 1 liter distilled water. Store in an amber bottle in the dark. Prepare fresh each week.

2. Standardization of ferricyanide solution: Transfer 50 ml. of solution to a 250 ml. Erlenmeyer flask. Add several crystals of potassium iodide (about 1 g.), mix gently to dissolve, add 1 ml. of 6N hydrochloric acid, stopper the flask, and swirl gently. Let stand for two minutes, add 10 ml. of a 30 percent zinc sulfate solution, and titrate the mixture containing the gelatinous precipitate with standardized sodium thiosulfate or phenylarsine oxide titrant in the range of 0.025–0.050N. Add 1 ml. of starch indicator solution after the color has faded to a pale yellow, and continue the titration to the disappearance of the blue color. Calculate the normality of the ferricyanide solution using the equation:

Normality of Potassium Ferricyanide $[K_3Fe(CN)_6]$ equals (ml of thiosulfate added) (normality of thiosulfate) divided by ml of $K_3Fe(CN)_6$

3. Preparation of 6M ammonium chloride buffer, pH 9.3: Dissolve 200 g. ammonium chloride in approximately 500 ml. distilled water, add 200 ml. 14M reagent grade ammonium hydroxide and make up to 1 liter with distilled water. The buffer should be prepared in a hood. Store in a tightly stoppered container.

4. Preparation of 0.05M barrium chloride solution: Dissolve 12–13 g. barium chloride dihydrate in 1 liter of distilled water.

5. Preparation of ferrous dimethylglyoxime indicator solution: Mix 10 ml. 0.6 percent ferrous sulfate, 50 ml. 1 percent dimethylglyoxime in ethanol, and 0.5 ml. concentrated sulfuric acid.

6. Preparation of stock sulfide standard, 1000 ppm: Dissolve 2.4 g. reagent grade sodium sulfide in 1 liter of distilled water. Store in a tightly stoppered container. Diluted working standards must be prepared fresh daily and their concentrations determined by EPA test procedure 376.1 [see 40 CFR 136.3, Table IB, parameter 66] immediately prior to use.

7. Preparation of 10N NaOH: Dissolve 400 g. of analytical reagent grade NaOH in 1 liter distilled water.

Sample Preservation and Storage

Samples are to be field filtered (gravity or pressure) with coarse filter paper (Whatman 4 or equivalent) immediately after collection. Filtered samples must be preserved by adjustment to pH >12 with 10N NaOH. Sample containers must be covered tightly and stored at 4 °C. until analysis. Samples must be analyzed within 48 hours of collection. If these procedures cannot be achieved, it is the laboratory's responsibility to institute quality control procedures that will provide documentation of sample integrity.

Procedure

1. Transfer 100 ml. of sample to be analyzed, or a suitable portion containing not more than 15 mg. sulfide supplemented to 100 ml. with distilled water, to a 250 ml. Erlenmeyer flask.

2. Adjust the sample to pH 8.5–9.5 with 6N HCl.

3. Add 20 ml. of 6M ammonium chloride buffer (pH 9.3), 1 ml. of ferrous dimethylglyoxime indicator, and 25 ml. of 0.05M barium chloride. Mix gently, stopper, and let stand for 10 minutes.

4. After 10 minutes titrate with standardized potassium ferricyanide to disappearance of pink color. The endpoint is reached when there is no reappearance of the pink color after 30 seconds.

Calculation and Reporting of Results

1. mg./l. sulfide equals A times B times 16,000 divided by vol. in ml. of sample titrated where A equals volume in ml. of potassium ferricyanide solution used, and B equals normality of potassium ferricyanide solution.

2. Report results to two significant figures.

Quality Control

1. Each laboratory that uses this method is required to operate a formal quality control program. The minimum requirements of this program consist of an initial demonstration of laboratory capability and the analysis of replicate and spiked samples as a continuing check on performance. The laboratory is required to maintain performance records to define the quality of data that is generated. Ongoing performance checks must be compared with established performance criteria to determine if the results of analyses are within precision and accuracy limits expected of the method.

2. Before performing any analyses, the analyst must demonstrate the ability to generate acceptable precision and accuracy with this method by performing the following operations.

(a) Perform four replicate analyses of a 20 mg./l. sulfide standard prepared in distilled water (see paragraph 6 under "Reagents" above).

(b)(1) Calculate clean water precision and accuracy in accordance with standard statistical procedures. Clean water acceptance limits are presented in paragraph 2(b)(2) below. These criteria must be met or exceeded before sample analyses can be initiated. A clean water standard must be analyzed with each sample set and the established criteria met for the analysis to be considered under control.

(2) Clean water precision and accuracy acceptance limits: For distilled water samples

containing from 5 mg./l. to 50 mg./l. sulfide, the mean concentration from four replicate analyses must be within the range of 50 to 110 percent of the true value.

3. The Method Detection Limit (MDL) should be determined periodically by each participating laboratory in accordance with the procedures specified in "Methods for Organic Chemical Analysis of Municipal and Industrial Wastewater," EPA—660/4–82–057, July 1982, EMSL, Cincinnati, OH 45268. For the convenience of the user, these procedures are contained in Appendix C to Part 425.

4. A minimum of one spiked and one duplicate sample must be performed for each analytical event, or five percent spikes and five percent duplicates when the number of samples per event exceeds twenty. Spike levels are to be at the MDL (see paragraph 3 above for MDL samples) and at x where x is the concentration found if in excess of the MDL. Spike recovery must be 40 to 120 percent for the analysis of a particular matrix type to be considered valid. If a sample or matrix type provides performance outside these acceptance limits, the analyses must be repeated using the modified Monier-Williams procedure described in Appendix B to this part.

5. Report results in mg./liter. When duplicate and spiked samples are analyzed, report all data with the sample results.

18. Part 425 is amended by adding Appendix B to read as follows:

Appendix B—Modified Monier-Williams Method

Outline of Method

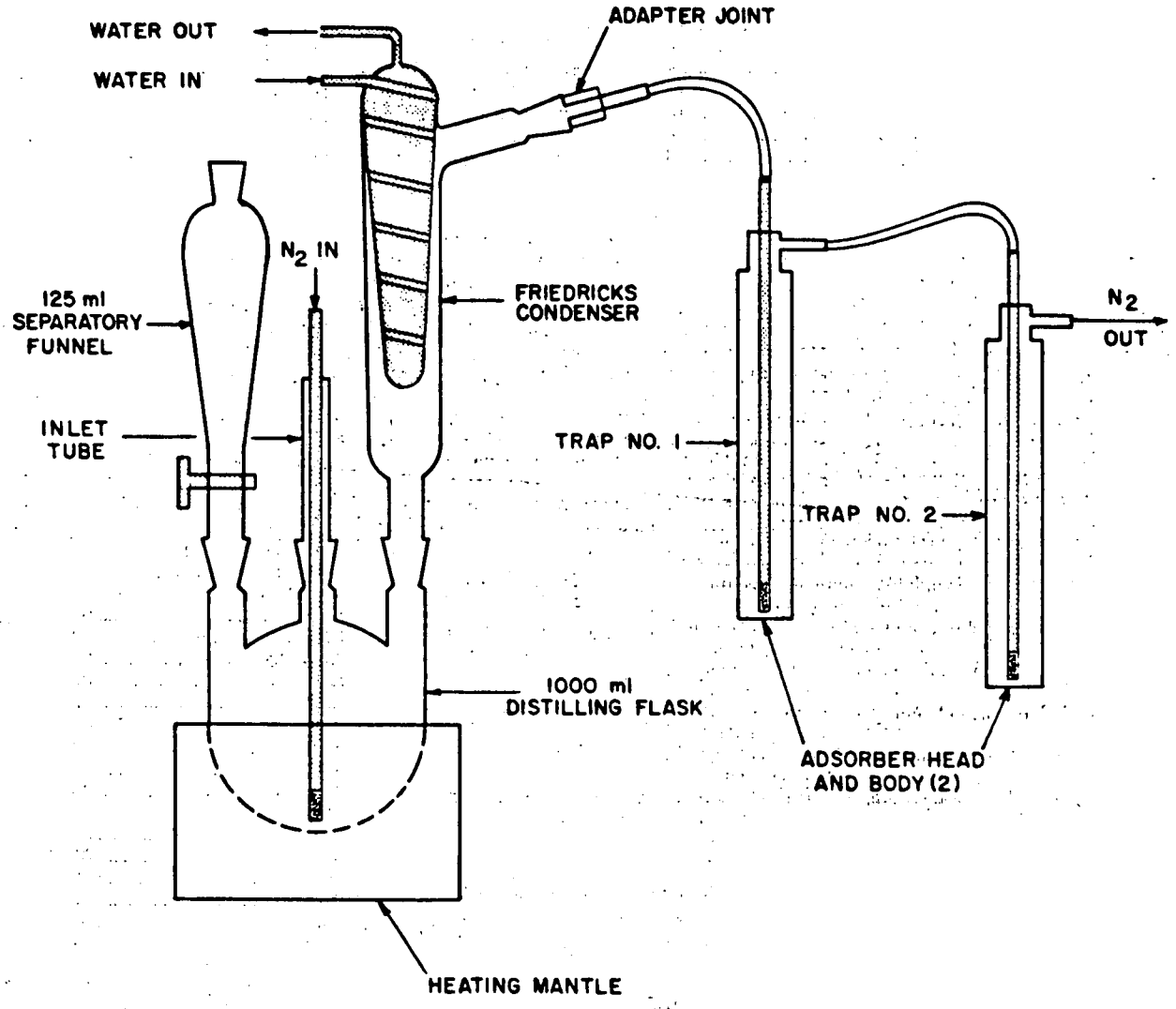
Hydrogen sulfide is liberated from an acidified sample by distillation and purging with nitrogen gas (N_2). Sulfur dioxide interference is removed by scrubbing the nitrogen gas stream in a pH 7 buffer solution. The sulfide gas is collected by passage through an alkaline hydrogen peroxide scrubbing solution in which it is oxidized to sulfate. Sulfate concentration in the scrubbing solution is determined by either EPA gravimetric test procedure 375.3 or EPA turbidimetric test procedure 375.4 [see 40 CFR 136.3, Table IB, parameter 65].

Apparatus [1]

(See Figure 1.)[1] Catalogue numbers are given only to provide a more complete description of the equipment necessary, and do not constitute a manufacturer or vendor endorsement.

Heating mantle and control (VWR Cat. No. 33752–464)

FIGURE 1
EQUIPMENT ASSEMBLY



1000 ml. distilling flask with three 24/40 joints (VWR Cat. No. 29280-215)
Friedricks condenser with two 24/40 joints (VWR Cat. No. 23161-009)
125 ml. separatory funnel with 24/40 joint (VWR Cat. No. 30357-102)
Inlet tube with 24/40 joint (VWR Cat. No. 33057-105)
Adapter joint 24/40 to 19/38 (VWR Cat. No. 62905-26)
Adsorber head (2 required) (Thomas Cat. No. 9849-R29)
Adsorber body (2 required) (Thomas Cat. No. 9849-R32)
Laboratory vacuum pump or water aspirator

Reagents

1. Potassium hydroxide, 6N: Dissolve 340 g. of analytical reagent grade KOH in 1 liter distilled water.

2. Sodium hydroxide, 6N: Dissolve 240 g. of analytical reagent grade NaOH in 1 liter distilled water.

3. Sodium hydroxide, 0.03N: dilute 5.0 ml. of 6N NaOH to 1 liter with distilled water.

4. Hydrochloric acid, 6N: Dilute 500 ml. of concentrated HCl to 1 liter with distilled water.

5. Potassium phosphate stock buffer, 0.5M: Dissolve 70 g. of monobasic potassium phosphate in approximately 800 ml. distilled water. Adjust pH to 7.0 ±0.1 with 6N potassium hydroxide and dilute to 1 liter with distilled water. Stock solution is stable for several months at 4 °C.

6. Potassium phosphate buffer, 0.05M: Dilute 1 volume of 0.5M potassium phosphate stock buffer with 9 volumes of distilled water. Solution is stable for one month at 4 °C.

7. Alkaline 3% hydrogen peroxide: Dilute 1 volume of 30 percent hydrogen peroxide with 9 volumes of 0.03N NaOH. Prepare this solution fresh each day of use.

8. Preparation of stock sulfide standard, 1000 ppm.: Dissolve 2.4 g. reagent grade

sodium sulfide in 1 liter of distilled water. Store in a tightly stoppered container. Diluted working standards must be prepared fresh daily and their concentrations determined by EPA test procedure 376.1 immediately prior to use [see 40 CFR 136.3, Table IB, parameter 66].

Sample Preservation and Storage

Preserve unfiltered wastewater samples immediately after collection by adjustment to pH > 9 with 6N NaOH and addition of 2 ml. of 2N zinc acetate per liter. This amount of zinc acetate is adequate to preserve 64 mg./l. sulfide under ideal conditions. Sample containers must be covered tightly and stored at 4 °C until analysis. Samples must be analyzed within seven days of collection. If these procedures cannot be achieved, it is the laboratory's responsibility to institute quality control procedures that will provide documentation of sample integrity.

Procedure (See Figure 1 for apparatus layout.)

1. Place 50 ml. of 0.05M pH 7.0 potassium phosphate buffer in Trap No. 1.
2. Place 50 ml. of alkaline 3 percent hydrogen peroxide in Trap No. 2.
3. Sample introduction and N_2 prepurge: Gently mix sample to be analyzed to resuspend settled material, taking care not to aerate the sample. Transfer 400 ml. of sample, or a suitable portion containing not more than 20 mg. sulfide diluted to 400 ml. with distilled water, to the distillation flask. Adjust the N_2 flow so that the impingers are frothing vigorously, but not overflowing. Vacuum may be applied at the outlet of Trap No. 2 to assist in smooth purging. The N_2 inlet tube of the distillation flask must be submerged deeply in the sample to ensure efficient agitation. Purge the sample for 30 minutes without applying heat. Test the apparatus for leaks during the prepurge cycle (Snoop or soap water solution).
4. Volatilization of H_2S: Interrupt the N_2 flow (and vacuum) and introduce 100 ml. of 6N HCl to the sample using the separatory funnel. Immediately resume the gas flow (and vacuum). Apply maximum heat with the heating mantle until the sample begins to boil, then reduce heat and maintain gentle boiling and N_2 flow for 30 minutes. Terminate the distillation cycle by turning off the heating mantle and maintaining N_2 flow through the system for 5 to 10 minutes. Then turn off the N_2 flow (and release vacuum) and *cautiously* vent the system by placing 50 to 100 ml. of distilled water in the separatory funnel and opening the stopcock carefully. When the bubbling stops and the system is equalized to atmospheric pressure, remove the separatory funnel. Extreme care must be exercised in terminating the distillation cycle to avoid flash-over, draw-back, or violent steam release.
5. Analysis: Analyze the contents of Trap No. 2 for sulfate according to either EPA gravimetric test procedure 375.3 or EPA turbidimetric test procedure 375.4 [see 40 CFR 136.3, Table IB, parameter 65]. Use the result to calculate mg./l. of sulfide in wastewater sample.

Calculations and Reporting of Results

1. Gravimetric procedure:

$$\text{mg sulfide/l.} = \frac{(\text{mg. } BaSO_4 \text{ collected in Trap No. 2}) \times (137)}{\text{volume in ml. of waste sample distilled}}$$

2. Turbidimetric procedure:

$$\text{mg. sulfide/l.} = \frac{A \times B \times 333}{C}$$

where A = mg./l. of sulfate in Trap No. 2
B = liquid volume in liters in Trap No. 2
and C = volume in ml. of waste sample distilled

3. Report results to two significant figures.

Quality Control

1. Each laboratory that uses this method is required to operate a formal quality control program. The minimum requirements of this program consist of an initial demonstration of laboratory capability and the analysis of replicate and spiked samples as a continuing check on performance. The laboratory is required to maintain performance records to define the quality of data that is generated. Ongoing performance checks must be compared with established performance criteria to determine if the results of analyses are within precision and accuracy limits expected of the method.
2. Before performing any analyses, the analyst must demonstrate the ability to generate acceptable accuracy and precision by performing the following operations.
(a) Perform four replicate analyses of a 20 mg./l. sulfide standard prepared in distilled water (see paragraph 8 under "Reagents" above).
(b)(1) Calculate clean water precision and accuracy in accordance with standard statistical procedures. Clean water acceptance limits are presented in paragraph 2(b)(2) below. These criteria must be met or exceeded before sample analyses can be initiated. A clean water standard must be analyzed with each sample set and the established criteria met for the analyses to be considered under control.
(2) Clean water precision and accuracy acceptance limits: For distilled water samples containing from 5 mg./l. to 50 mg./l. sulfide, the mean concentration from four replicate analyses must be within the range of 72 to 114 percent of the true value.
3. The Method Detection Limit (MDL) should be determined periodically by each participating laboratory in accordance with the procedures specified in "Analysis of Municipal and Industrial Wastewater," EPA-600/4-82-057, July 1982, EMSL, Cincinnati, OH 45268. For the convenience of the user, these procedures are contained in Appendix C to Part 425.
4. A minimum of one spiked and one duplicate sample must be run for each analytical event, or five percent spikes and five percent duplicates when the number of samples per event exceeds twenty. Spike levels are to be at the MDL (see paragraph 3 above for MDL samples) and at x when x is the concentration found if in excess of the MRC. Spike recovery must be 60 to 120 percent for the analysis of a particular matrix type to be considered valid.
5. Report all results in mg./liter. When duplicate and spiked samples are analyzed, report all data with the sample results.

19. Part 425 is amended by adding Appendix C to read as follows:

Appendix C—Definition and Procedure for the Determination of the Method Detection Limit [1]

The method detection limit (MDL) is defined as the minimum concentration of a substance that can be identified, measured and reported with 99 percent confidence that the analyte concentration is greater than zero and determined from analysis of a sample in a given matrix containing analyte.

Scope and Application

This procedure is designed for applicability to a wide variety of sample types ranging from reagent (blank) water containing analyte to wastewater containing analyte. The MDL for an analytical procedure may vary as a function of sample type. The procedure requires a complete, specific and well defined analytical method. It is essential that all sample processing steps of the analytical method be included in the determination of the method detection limit.

The MDL obtained by this procedure is used to judge the significance of a single measurement of a future sample.

The MDL procedure was designed for applicability to a broad variety of physical and chemical methods. To accomplish this, the procedure was made device- or instrument-independent.

Procedure

1. Make an estimate of the detection limit using one of the following:
(a) The concentration value that corresponds to an instrument signal/noise ratio in the range of 2.5 to 5. If the criteria for qualitative identification of the analyte is based upon pattern recognition techniques, the least abundant signal necessary to achieve identification must be considered in making the estimate.
(b) The concentration value that corresponds to three times the standard deviation of replicate instrumental measurements for the analyte in reagent water.
(c) The concentration value that corresponds to the region of the standard curve where there is a significant change in sensitivity at low analyte concentrations, i.e., a break in the slope of the standard curve.
(d) The concentration value that corresponds to known instrumental limitations.

[1] Source: "Methods for Chemical Analysis of Municipal and Industrial Wastewater," EPA-600/4-82-057, July 1982, EMSL, Cincinnati, OH 45268.

It is recognized that the experience of the analyst is important to this process. However, the analyst must include the above considerations in the estimate of the detection limit.

2. Prepare reagent (blank) water that is as free of analyte as possible. Reagent or interference free water is defined as a water sample in which analyte and interferent concentrations are not detected at the method detection limit of each analyte of interest. Interferences are defined as systematic errors in the measured analytical signal of an established procedure caused by the presence of interfering species (interferent). The interferent concentration is presupposed to be normally distributed in representative samples of a given matrix.

3. (a) If the MDL is to be determined in reagent water (blank), prepare a laboratory standard (analyte in reagent water) at a concentration which is at least equal to or in the same concentration range as the estimated MDL. (Recommend between 1 and 5 times the estimated MDL.) Proceed to Step 4.

(b) If the MDL is to be determined in another sample matrix, analyze the sample. If the measured level of the analyte is in the recommended range of one to five times the estimated MDL, proceed to Step 4.

If the measured concentration of analyte is less than the estimated MDL, add a known amount of analyte to bring the concentration of analyte to between one and five times the MDL. In the case where an interference is coanalyzed with the analyte:

If the measured level of analyte is greater than five times the estimated MDL, there are two options:

(1) Obtain another sample of lower level of analyte in same matrix if possible.

(2) The sample may be used as is for determining the MDL if the analyte level does not exceed 10 times the MDL of the analyte in reagent water. The variance of the analytical method changes as the analyte concentration increases from the MDL, hence the MDL determined under these circumstances may not truly reflect method variance at lower analyte concentrations.

4. (a) Take a minimum of seven aliquots of the sample to be used to calculate the MDL and process each through the entire analytical method. Make all computations according to the defined method with final results in the method reporting units. If blank measurements are required to calculate the measured level of analyte, obtain separate blank measurements for each sample aliquot analyzed. The average blank measurement is subtracted from the respective sample measurements.

(b) It may be economically and technically desirable to evaluate the estimated MDL before proceeding with 4a. This will: (1) Prevent repeating this entire procedure when the costs of analyses are high and (2) insure that the procedure is being conducted at the correct concentration. It is quite possible that an incorrect MDL can be calculated from data obtained at many times the real MDL even though the background concentration of analyte is less than five times the calculated MDL. To insure that the estimate of the MDL is a good estimate, it is necessary to determine that a lower concentration of analyte will not result in a significantly lower MDL. Take two aliquots of the sample to be used to calculate the MDL and process each through the entire method, including blank measurements as described above in 4a. Evaluate these data:

(1) If these measurements indicate the sample is in the desirable range for determining the MDL, take five additional aliquots and proceed. Use all seven measurements to calculate the MDL.

(2) If these measurements indicate the sample is not in the correct range, reestimate the MDL, obtain new sample as in 3 and repeat either 4a or 4b.

5. Calculate the variance (S^2) and standard deviation (S) of the replicate measurements, as follows:

$$S^2 = \frac{1}{n-1}\left[\sum_{i=1}^{n} X_i^2 - \left(\sum_{i=1}^{n} X_i\right)^2 / n\right]$$

$$S = (S^2)^{0.5}$$

where: the x_i, i = 1 to n are the analytical results in the final method reporting units obtained from the n sample aliquots and $\sum_{i=1}^{n} X_i^2$ refers to the sum of the X values from i=1 to n.

6. (a) Compute the MDL as follows:

$MDL = t_{(n-1,\ 1-\alpha=.99)}(S)$

where:

MDL = the method detection

$t_{(n-1,\ 1-\alpha=.99)}$ = the students' t value appropriate for a 99 percent confidence level and a standard deviation estimate with n-1 degrees of freedom. See Table.

S = standard deviation of the replicate analyses.

(b) The 95 percent confidence limits for the MDL derived in 6a are computed according to the following equations derived from percentiles of the chi square over degrees of freedom distribution ($X2/^{df}$) and calculated as follows:

$MDL_{LCL} = 0.69\ MDL$

$MDL_{UCL} = 1.92\ MDL$

where MDL_{LCL} and MDL_{UCL} are the lower and upper 95 percent confidence limits respectively based on seven aliquots.

7. Optional iterative procedure to verify the reasonableness of the estimated MDL and calculated MDL of subsequent MDL determinations.

(a) If this is the initial attempt to compute MDL based on the estimated MDL in Step 1, take the MDL as calculated in Step 6, spike in the matrix at the calculated MDL and proceed through the procedure starting with Step 4.

(b) If the current MDL determination is an iteration of the MDL procedure for which the spiking level does not permit qualitative identification, report the MDL as that concentration between the current spike level and the previous spike level which allows qualitative identification.

(c) If the current MDL determination is an iteration of the MDL procedure and the spiking level allows qualitative identification, use S^2 from the current MDL calculation and S^2 from the previous MDL calculation to compute the F ratio.

If

$$\frac{S^2_A}{S^2_B} < 3.05$$

then compute the pooled standard deviation by the following equation:

$$S_{pooled} = \left[\frac{6S_A^2 + 6S_B^2}{12}\right]^{0.5}$$

if $\frac{S_A^2}{S_B^2} > 3.05$, respike at the last calculated MDL and process the samples through the procedure starting with Step 4.

(d) Use the S_{pooled} as calculated in 7b to compute the final MDL according to the following equation:

MDL=2.681 (Spooled) where 2.681 is equal to $t_{(12,\ 1-\alpha=.99)}$

(e) The 95 percent confidence limits for MDL derived in 7c are computed according to the following equations derived from percentiles of the chi squared over degrees of freedom distribution.

MDL_{LCL}=0.72 MDL

MDL_{UCL}=1.65 MDL

where LCL and UCL are the lower and upper 95 percent confidence limits respectively based on 14 aliquots.

Reporting

The analytical method used must be specifically identified by number or title and the MDL for each analyte expressed in the appropriate method reporting units. If the analytical method permits options which affect the method detection limit, these conditions must be specified with the MDL value. The sample matrix used to determine the MDL must also be identified with the MDL value. Report the mean analyte level with the MDL. If a laboratory standard or a sample that contained a known amount analyte was used for this determination, report the mean recovery, and indicate if the MDL determination was iterated.

If the level of the analyte in the sample matrix exceeds 10 times the MDL of the analyte in reagent water, do not report a value for the MDL.

Reference

Glaser, J.A., Foerst, D.L., McKee, G.D., Quave, S.A., and Budde, W.L., "Trace Analysis for Wastewaters," Environmental Science and Technology, 15, 1426 (1981).

TABLE OF STUDENTS' t VALUES AT THE 99 PERCENT CONFIDENCE LEVEL

Number of replicates	Degrees of freedom (n-1)	$t_{(n-1,\ 1-\alpha=.99)}$
7	6	3.143
8	7	2.998
9	8	2.896
10	9	2.821
11	10	2.764
16	15	2.602
21	20	2.528
26	25	2.485
31	30	2.457
61	60	2.390
		2.326

[FR Doc. 87-345 Filed 1-20-87; 8:45 am]
BILLING CODE 6560-56-M

federal register

Wednesday
January 21, 1987

Part IV

Commission on the Bicentennial of the United States Constitution

45 CFR Part 2001

Project Recognition and Use of Logo; Interim Rule

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

45 CFR Part 2001

Project Recognition and Use of Logo

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends 45 CFR Part 2001 by revising Subpart B—National Bicentennial Logo, revising Appendix A to Part 2001—National Bicentennial Logo, and adding Appendix D to Part 2001—Application for Logo License. This action is necessary because of the enactment of Pub. L. 99-549, 100 Stat. 3063, signed by the President on October 27, 1986. This new statute amended the basic law creating the Commission, Pub. L. 98-101, and substituted entirely new statutory provisions governing the Commission's authority over the use of the National Bicentennial Logo. The intended effect of this interim rule is to implement the actions of Congress and conform the Commission's regulations to the new authority granted by Congress.

DATES: This interim rule is effective January 1, 1987; comments must be received on or before March 31, 1987.

ADDRESS: Comments may be mailed or delivered to the Office of General Counsel, Commission on the Bicentennial of the United States Constitution, 736 Jackson Place NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kemp R. Harshman, Office of General Counsel, Tel. (202) 653-5249.

SUPPLEMENTARY INFORMATION:

Background

Subpart B of 42 CFR Part 2001, the regulations governing use of the Commission's Logo, was published as a part of a final rule on October 15, 1986 (51 FR 36787-88). On October 27, 1986, Pub. L. 99-549, 100 Stat. 3063, was enacted entirely revising the statutory provisions of section 5(j) of Pub. L. 98-101, 97 Stat. 719, upon which Subpart B is based.

The Commission reviewed and approved a revised Subpart B at its meeting on November 21, 1986 and ordered that it be published as an interim rule for public comment. All previous regulatory provisions of Subpart B are repealed upon the effective date of this interim rule. The provisions which appear under § 2001.28 of this interim rule governing informational use of the Logo are identical to the provisions on the same subject under § 2001.23 of the previous Subpart B.

Amendments

The purpose of this interim rule is to implement the actions of Congress and the new provisions of section 5(j) of Pub. L. 99-549. These new amended provisions are as follows:

a. The Commission is empowered, for the first time, to authorize the manufacture, reproduction, use, sale and distribution of the National Bicentennial Logo on commercial goods and services. This was prohibited under previous law.

b. The Commission must exercise its discretionary authority on use of the Logo subject to new statutory safeguards against any exploitation of the United States Constitution or the Bill of Rights. All projects, goods and services as to which use of the Logo is authorized must be educational or commemorative and relate to the bicentennial of the Constitution.

c. The Commission is empowered for the first time to charge fees for any authorized use of the Logo, and such authorization cannot be reassigned or transferred without Commission approval. The Commission is empowered to revoke or terminate any authorization granted under these new provisions.

d. Specific criminal penalties are established by Pub. L. 99-549 for unauthorized use of the Logo, including a fine of not more than $250 or imprisonment for six months, or both. In addition, the new statute subjects unauthorized use of the Logo to a civil penalty in an amount equal to the fee which otherwise would have been payable to the Commission.

e. The life of the Commission was extended two years, from 1989 to 1991, and this is reflected in a design change in the Logo (Appendix A).

Paperwork Reduction Act

The information collection requirements have been approved by the Office of Management and Budget, and have been assigned OMB control number 3312-0014.

List of Subjects in 45 CFR Part 2001

Seals and insignia.

Issued in Washington, DC on January 12, 1987.

Mark W. Cannon,
Staff Director.

PART 2001—[AMENDED]

1. The authority citation for Part 2001 is revised to read as follows:

Authority: Pub. L. 98-101, 97 Stat. 719; as amended by Pub. L. 99-549, 100 Stat. 3063; 5 U.S.C. 552.

2. Part 2001 is amended by revising Subpart B, consisting of §§ 2001.20 through 2001.29, to read as follows:

Subpart B—National Bicentennial Logo

Sec.
2001.20 Design and adoption.
2001.21 Authorized use of logo.
2001.22 Use of logo on goods and services.
2001.23 Criteria for logo use.
2001.24 Fees, rights and limits.
2001.25 Applications for logo use.
2001.26 State bicentennial commissions.
2001.27 Designated bicentennial communities.
2001.28 Informational use of logo.
2001.29 Penalties for unauthorized use.

Subpart B—National Bicentennial Logo

§ 2001.20 Design and adoption.

(a) Under the authority granted by section 5(j) of Pub. L. 98-101, as amended by Pub. L. 99-549, the Commission has designed, adopted and designated a National Bicentennial Logo for use as the official emblem of the bicentennial of the Constitution and the Bill of Rights. This design is depicted and described in Appendix A to this part of the Commission's regulations.

(b) Publication of this regulation and of Appendix A in the **Federal Register** shall constitute notice of designation of the Bicentennial Logo as required by Pub. L. 99-549. It is hereby designated the official symbol, mark and emblem of the bicentennial and this designation shall include any likeness of this Logo which, in whole or in part, is used in such manner as to suggest this Logo. Its authorized use shall be governed by these regulations.

§ 2001.21 Authorized use of logo.

(a) Authorization for use of the National Bicentennial Logo shall be granted at the sole discretion of the Commission and in accord with these regulations. Reproduction of the Logo is permitted only after written authorization of the Commission. Authorized users may not delegate or assign use of the Logo to others unless authorized to do so in writing by the Commission or by these regulations. The Commission may use the Logo in whatever manner it deems suitable and appropriate for the Commission in carrying out its duties and purposes under Pub. L. 98-101, as amended.

(b) Unless otherwise authorized in writing, the Logo shall be reproduced in its entirety as adopted by the Commission and depicted in Appendix A. It shall not be altered nor may it be overprinted with any legend, symbol or other marking. All uses of the Logo should incorporate high standards of design, dignity and taste. When used by officially recognized State Bicentennial Commissions, Bicentennial Communities, nonprofit organizations and officially recognized project sponsors or cosponsors, the Logo shall bear a legend beneath it that reflects authorization for use in accordance with these regulations.

§ 2001.22 Use of logo on goods and services.

(a) The Commission is authorized in its sole discretion to permit the manufacture, reproduction, use, sale, and distribution of the National Bicentennial Logo for its own purposes, by public entities, and by both profit motivated and nonprofit organizations, in accordance with these regulations and such other rules as it may adopt.

(b) Use of the Bicentennial Logo shall be authorized by the Commission only for programs, projects, goods and services which are educational or commemorative in nature and which relate to the bicentennial of the United States Constitution, the establishment of the Federal Government, or the Bill of Rights. The Commission shall be the sole judge of whether a proposed use of the Logo qualifies as educational or commemorative.

(c) None of the programs, projects, goods or services as to which use of the Logo is authorized shall exploit the United States Constitution or the Bill of Rights. No use of the Logo shall be authorized which is unrelated to the purpose and goals of the Commission.

(d) The purpose of the Commission in authorizing use of the Logo shall not be primarily or exclusively to raise funds. The principal purpose shall be to recognize and encourage worthy projects, goods and services which enhance the bicentennial commemoration and advance the goals of the Commission.

§ 2001.23 Criteria for logo use.

(a) Products, goods or services as to which the National Bicentennial Logo is authorized for use shall meet or conform to the following guidelines:

(1) They shall be in good taste as perceived by the Commission.

(2) They shall be of good quality or of unique craftsmanship, as determined by the Commission.

(3) They shall meet applicable industry standards and safety requirements.

(4) They shall be manufactured, produced, used, sold or distributed by an established company or organization.

(5) They shall be made in the United States or its territories and possessions, with any exceptions requiring approval of the Commission.

(b) They shall in no way reflect negatively upon the Government, the bicentennial commemoration, the Constitution or the Commission's activities.

§ 2001.24 Fees, rights and limits.

(a) The use of the Bicentennial Logo on or in connection with projects, goods or services to be manufactured, produced, sold or distributed by private persons, corporations or other business organizations, shall be authorized solely under such a license, sale, sponsorship or other agreement between the user and the Commission as shall be satisfactory to the Commission.

(b) The Commission may charge such fees, royalties, commissions or other fixed money return as it may deem appropriate for each authorized use of the Bicentennial Logo. It may waive all or part of such a fee when it determines, in its sole discretion, that the purposes of the bicentennial justify such a waiver. Nonprofit educational organizations involved with activities or programs dealing with the bicentennial shall not be charged a fee for any use of the Logo approved or authorized by the Commission.

(c) The Commission may authorize and limit use of the Logo in exchange for donations to the Commission, or contributions in support of the bicentennial, or both, in accordance with guidelines to be established by the Commission.

(d) An authorization granted for use of the Logo may be revoked or otherwise terminated by the Commission.

§ 2001.25 Applications for logo use.

(a) Applications for authorized uses of the National Bicentennial Logo shall be submitted in writing to: Commission on the Bicentennial of the United States Constitution, 736 Jackson Place NW., Washington, DC 20503; Attention: Marketing Department.

(b) Such applications should set forth clearly (1) the name, address and telephone number of the sponsor; (2) a brief description of the proposed use of the Logo; (3) the proposed terms of any royalties or other fees to be paid to the Commission; (4) the intended use, sale, distribution or market of the good or service involved; and (5) pertinent information on the business experience or established record of the sponsor.

(c) An application shall also state the name of the person with authority to negotiate and enter into a binding contract with the Commission and it shall contain a statement as to anticipated commemoration benefits from use of the Logo.

(d) An application for use of the Logo on commercial goods and services from a profit-motivated applicant shall be submitted on a form, or shall contain all of the information requested on the form which is supplied by the Commission and is entitled, "Commercial Logo License Application." A copy of this Application is reproduced and made a part of these regulations as Appendix D to this part.

(e) All applications shall be reviewed by Commission committees or staff, or both, and those deemed meritorious shall be submitted to the Commission for final approval. In the review process, the Commission reserves the right to request further information on proposals and sponsors.

(f) The terms of all license, sponsorship, waiver, or other agreements for use of the Logo shall be negotiated between proposal sponsors and the Commission prior to any final grant of authority for use of the Logo.

(g) The Commission reserves the right to grant an exclusive use of the Logo in those circumstances where such use is deemed to be warranted within the terms of Pub. L. 98—101, as amended, and the purposes of the Commission.

§ 2001.26 State bicentennial commissions.

(a) An officially recognized state bicentennial commission, without charge, may authorize the manufacture and reproduction of the National Bicentennial Logo solely for its own use, sale and distribution. No authority is delegated to a state bicentennial commission to license or sell the Logo to a profit-motivated person, corporation, business organization or similar entity. Under § 2001.36 of these regulations, a state bicentennial commission may grant use of the Bicentennial Logo to nonprofit organizations.

(b) Nothing in these regulations is intended to preempt any state bicentennial commission from celebrating the bicentennial of the Constitution in any manner it may determine, and nothing herein shall prevent a state bicentennial commission from establishing its own logo, symbol or mark in connection with its activities.

A state bicentennial commission is fully authorized, within the limits of state and local law, to manufacture, reproduce, use, sell, license, and distribute its own logo.

§ 2001.27 Designated bicentennial communities.

(a) An officially recognized and designated bicentennial community, without charge, may authorize the manufacture and reproduction of the National Bicentennial Logo solely for its own use, sale and distribution. No authority is delegated to a designated bicentennial community to license or sell the Logo to a profit-motivated person, corporation, business organization or similar entity. Under § 2001.37, a designated bicentennial community may grant use of the Logo to nonprofit organizations. A designated bicentennial community may adopt its own logo, symbol or mark and is fully authorized, within the limits of State and local law, to determine the use of its logo.

§ 2001.28 Informational use of logo.

(a) *Federal agencies.* The Commission has authorized use of the National Bicentennial Logo by Federal agencies and departments on their stationery and publications to the extent that such use is otherwise permitted by law. This designation of Federal agencies and departments is defined to include all organizations of the U.S. Government, including those of the executive, the legislative and the judicial branches. Use of the Logo is authorized only under the following conditions:

(1) Each agency, department, Congressional office or judicial organization wishing to use the Logo shall submit a written request approved or signed by the head of the agency, department, Congressional office or judicial organization involved.

(2) If the Logo is desired for use on Government publications, a list of the names and types of publications should be supplied to the Commission. If possible, sample copies should be sent to the Commission.

(3) Written requests, lists of publications and sample copies should be sent to: Staff Director, Commission on the Bicentennial of the United States Constitution, 736 Jackson Place NW., Washington, DC 20503; Attention: Federal Programs Division.

(4) Approval of each request for Logo use shall be made by the Commission Staff director or his designee following review of staff analysis and recommendations. A written response to each request shall be provided by the Staff Director together with copies of the Logo and directions for its use.

(5) Each agency, department, Congressional office or judicial organization shall be informed of the correct design uses of the Logo and of prohibitions on its use. Permission to use the Logo does not authorize an agency to grant use of the Logo to any other Government or private organization by any form of subsequent agreement, lease of contract.

(b) *General media use.* The National Bicentennial Logo is available on request to the general media in connection with news stories, informational articles and public awareness uses. Copies of the Logo and guidelines for its use shall be available on request to all print and electronic news services, publications, or representatives thereof, solely for the purpose of informing the general public about the Commission and its activities or the commemoration of the Constitution and its bicentennial.

§ 2001.29 Penalties for unauthorized use.

(a) Under section 5(j)(3) of Pub. L. 98-101 as amended, whoever manufactures, reproduces, uses, sells, or distributes the National Bicentennial Logo without authorization in writing granted in accordance with these regulations,

(1) Shall be fined not more than $250 or imprisoned not more than 6 months, or both; and

(2) Shall be subject to a civil penalty in an amount equal to the amount of the fee which would have been payable by that person or organization under § 2001.24.

(b) The Commission has registered the National Bicentennial Logo as a trademark with the United States Patent and Trademark Office. This registration is a recognition and notice of the Commission's ownership thereof, and evidence of the Commission's exclusive right to use the Logo in commerce. No person or organization has the right to use a mark in commerce which is in identical form or in such near resemblance to the Logo as may be likely to cause confusion or mistake, or to deceive the public.

(c) The penalties applicable under this section are cumulative and in addition to other remedies available to the Commission under contract, statute, common law or otherwise.

(d) No suit, action, or other proceeding lawfully commenced under the Commission's regulations at 45 CFR 2001.24, before January 1, 1987, shall abate by reason of the change in law. Determination of law with respect to any such suit, action, or other proceeding shall be made as if no change in law had occurred.

3. Appendix A to Part 2001—National Bicentennial Logo is revised to read as follows:

Appendix A—National Bicentennial Logo

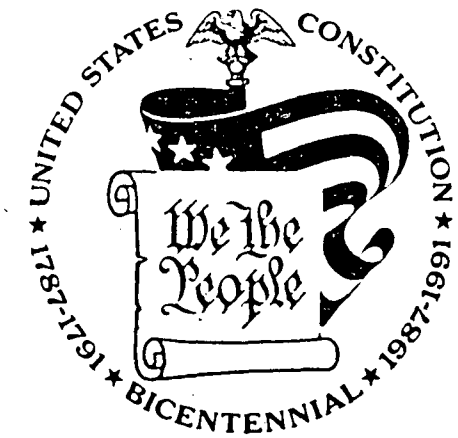
This appendix is intended to improve the utility of Part 2001 by setting forth a depiction of the National Bicentennial Logo, criteria for its use and a detailed description. The Logo was designed and adopted by the Commission under authority of section 5(j), Pub. L. 98-101, as amended, as the official emblem of the bicentennial. As such, it is the subject of Subpart B of these regulations and it has been registered as a trademark of the Commission. Copies may be obtained from the Commission. This Appendix does not amend or affect existing portions of CFR text, nor does it introduce new requirements or restrictions into the regulations of the Commission.

Criteria for Use

The Logo must always be reproduced in its entirety as adopted by the Commission and depicted below. It may not be altered nor may it be overprinted with any legends, symbols or markings. When used by State Bicentennial Commissions, Designated Bicentennial Communities, nonprofit organizations, officially recognized project sponsors and other users, the Logo must bear a legend beneath it that reflects authorization for use.

Description of Logo

In color the Logo is intended to appear on a white or light-colored field. The canton of the American flag is dark blue and the stripes are bright red. The scroll lettering and borders are in gold; the eagle and flag staff are in gold. The circular lettering and dates are in dark blue. When printed in color, the following PMS color designations must be used: Gold, PMS 873C; Red, PMS 199C; Blue, PMS 281C. The Logo may also be duplicated wholly in black or dark blue on a light or white field.



4. Appendix D to Part 2001—Application for Logo License is added to Part 2001 to read as follows:

Appendix D—Application for Logo License

Commercial Logo License Application

An application for commercial use of the National Bicentennial Logo in connection with the marketing of goods or services shall consist of the following sections:

1. Cover page. Name, address, phone number, and state of incorporation of applicant. Name of the person with authority to negotiate and enter into a binding contract. Date application submitted.

2. Product schedule. Complete a separate Product Standards and Specifications Schedule for each good or service submitted for consideration. (See below.)

3. Statement of commemorative benefit. Explain the particular commemorative significance or educational value of your product or service. Discuss any anticipated benefit related to the observance of the bicentennial.

4. Marketing plan. Discuss the intended distribution or market of the good or service involved. Provide an estimate of the number of customers and a time schedule for production and distribution of the product/development and availability of the service.

5. Royalty proposal. Attach a proposal for royalties or other fees to be paid to the Commission. If you request a waiver of royalties and other fees, please submit a justification statement explaining the basis for your request and how the grant of such a waiver would further the purposes of the bicentennial. (Note: Nonprofit educational organizations are exempt from payment of any logo license royalties and other fees to the Commission.)

6. Supplemental business information. The Commission will examine your most recent Dun and Bradstreet report. You may provide any supplemental information you desire about:

a. Your business organization and principal officers;

b. Previous business experience with this type of product or service;

c. Financial status and summary of operations; or

d. Endorsements of your company or its products.

7. Request for exclusive license. In general, the Commission will not grant to any one organization an exclusive right to use the logo with a particular class of goods or services. Exceptions may be made, however, in circumstances where an exclusive license would assist the Commission in carrying out its legislative mandate, or enhance bicentennial programs and activities. Applications for an exclusive license must contain a statement explaining the circumstances supporting the request for an exception.

Submit 3 copies of this application to: Director of Marketing, Commission on the Bicentennial of the United States Constitution, 736 Jackson Place NW., Washington, DC 20503.

Send one sample of each product (actual item, mock-up, or comparable goods). If your product is licensed, the sample will become the property of the Commission; if not licensed, it will be returned to you.

The outline of a Product Standards and Specifications Schedule (see paragraph 2 above) is set forth below.

Product Standards and Specifications Schedule

A. Name of Product/Service:

B. Description:

C. Sizes/Models/Colors/Options:

D. Manufacturing Specifications/Performance Evaluation Criteria: Indicate whether the product and each component thereof is fabricated and assembled in the United States, or its territories or possessions.

E. Quality Standards and Controls:

F. Warranty or Guarantee:

G. Show that the Product or Service meets applicable industry standards and safety requirements.

H. Product Liability Insurance Coverage:

I. Period of Time You Wish to Use Logo

Beginning Date: Ending Date:

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Reader Aids

Federal Register

Vol. 52, No. 13

Wednesday, January 21, 1987

INFORMATION AND ASSISTANCE

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PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-228 2
229-388 5
389-516 6
517-660 7
661-754 8
755-1178 9
1179-1312 12
1313-1430 13
1431-1618 14
1619-1896 15
1897-2098 16
2099-2212 20
2213-2388 21

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5595 229
5596 755
5597 1431
5598 1897
5599 2213

Executive Orders:
12462 (Amended by EO 12579) 515
12496 (Superseded by EO 12578) 505
12578 505
12579 515

Administrative Orders:
Memorandums:
Oct. 6, 1986 (See Memorandum of Dec. 30, 1986) 1619
Dec. 30, 1986 ..... 231, 233, 1619
Jan. 2, 1987 389

5 CFR
Ch. XIV 1313
534 1
831 1621
841 2056-2058
842 2059-2068
843 ..... 2071, 2352
890 2

7 CFR
2 ..... 235, 2099
17 1623
272 1298
273 1298
300 1179
301 1180
319 2099
906 1899
907 ..... 240, 757, 1900
910 ..... 241, 757, 1899, 1901
911 ..... 758, 1313
912 1899
913 1899
915 2100
927 1899
929 1899
931 1899
946 1899
966 1899
982 1899
984 1899
989 1899
1036 241
1065 1314
1421 ..... 1315, 1433
1438 1433
1476 1433
1480 1433
1772 1181
1786 1434
1944 243
1951 243

Proposed Rules:
301 ..... 291, 1276
318 292
319 ..... 685, 2114
658 1465
925 432
944 432
981 1918
989 1919
1240 797
1809 1706
1900 1706
1902 1706
1910 1706
1924 1706
1930 296
1941 1706
1943 1706
1945 1706
1951 1706
1955 1706
1962 1706
1965 1706
1980 1706

8 CFR
103 ..... 3, 661

Proposed Rules:
Ch. I 2115
252 1634
271 1920

9 CFR
50 1316
77 1316
78 1623
151 1317
307 3
309 2101
310 2101
318 ..... 5, 2176
350 3
351 3
354 3
355 3
362 3
381 ..... 3, 2176

Proposed Rules:
71 1921
76 1921
78 1336
85 1921

10 CFR
9 759
30 1292
40 1292
50 ..... 1292, 1336, 2352

61....397, 1292
70....1292
72....1292
503....658
1040....1901
1041....1901
Proposed Rules:
2....1415
50....543, 1200
62....1634

11 CFR
100....760
102....760
103....760
104....760
110....760

12 CFR
204....2215
341....1182
602....2105
620....1440, 2105
621....1440, 2105
Proposed Rules:
225....543
563....80

13 CFR
121....397

14 CFR
21....656, 1806
23....656, 1806
36....1806
39....517-523, 1318, 1319, 1440-1443, 2215-2217
71....524, 525, 775, 1418, 1426, 1625, 2218
91....1806
97....661, 2219
135....1806
Proposed Rules:
Ch. I....1924
1....1635
27....1635
29....1635
39....435, 551-557, 1338, 1468
71....81, 297, 558-560, 1925
91....2236
135....2236

15 CFR
22....6
371....2105
372....663, 2105
373....2105
376....776
377....2105
379....2105
385....2105
386....663, 2105
387....2105
389....2105
399....405, 665, 2105

16 CFR
13....253, 254, 656
1034....405
1750....405
Proposed Rules:
13....1926
424....2115

17 CFR
1....777
5....1444
33....777
200....2220
240....2220

18 CFR
2....9
37....11
388....779
Proposed Rules:
Ch. XIII....1469
11....82
410....1930

19 CFR
4....254
24....255
Proposed Rules:
101....1470

20 CFR
364....526
Proposed Rules:
404....2116
626....1932
627....1932
628....1932
629....1932
630....1932
631....1932

21 CFR
74....902, 1902
81....902
82....902
176....527
178....406
201....2108
520....666
522....1902
558....530, 780, 1626
561....1446
1306....1903
1308....2221
Proposed Rules:
310....2007
314....2007
630....1933
874....656
878....656
886....656

22 CFR
43....1447, 2111

23 CFR
Proposed Rules:
Ch. I....1200
658....298

24 CFR
35....1876
200....1876
881....1876
882....1876
886....1876
Proposed Rules:
200....1320
203....1320
220....1320
228....1320
232....1201
241....1201
242....1201
905....1415

25 CFR
256....38
272....38

26 CFR
1....39, 40, 409, 1416, 1691
602....40, 1416, 1691
Proposed Rules:
1....83, 438, 802, 1416
7....802
20....802
25....802
31....2007
53....802
56....802
602....1416

27 CFR
19....530, 667, 2222
25....530, 667
178....2048
240....530, 667
250....530, 667, 2222
251....530
270....530, 667
275....530, 667
285....530, 667
Proposed Rules:
178....2053
270....1207
275....1207
285....1207
290....1207
295....1207

28 CFR
51....486

29 CFR
553....2012
1601....42
2644....256
2676....1626
Proposed Rules:
1910....1212
2520....84

30 CFR
914....2223
925....534
Proposed Rules:
202....1846, 1858
203....1846, 1858
206....1846, 1858
207....1858
208....2202
209....2202
210....1858
212....1840
218....687, 1471, 1840
241....1858
914....1339
935....561

31 CFR
5....43-51
18....1451
51....414
Proposed Rules:
18....1473

32 CFR
Proposed Rules:
60a....1340
230....90
286....802
856....803

33 CFR
100....2112
117....670
165....670, 2112
328....1182
330....1182
Proposed Rules:
100....2237
110....90
117....1636
161....806, 1691

36 CFR
702....671
1232....948

38 CFR
1....1904
Proposed Rules:
13....300

39 CFR
10....673
Proposed Rules:
960....301

40 CFR
52....53, 54, 1183, 1454-1456, 1627, 1628, 1908, 2007, 2224
80....257
81....54
180....1457, 1909, 2225
403....1586
799....1330
Proposed Rules:
52....91, 1934, 1935
62....1474
65....562, 1936
81....2117
85....924
180....563
228....438
425....2370
704....107, 1583
721....107, 1583

41 CFR
101-40....387
201-24....656

42 CFR
60....730
Proposed Rules:
110....1343

43 CFR
3400....415
3470....415
Proposed Rules:
426....304
3480....1840
Public Land Orders:
6636....1185

44 CFR
Proposed Rules:
6....304

61....112
67....690

45 CFR

30....260
201....273
304....273
801....416
2001....2384
Proposed Rules:
1180....691

46 CFR

160....1185
515....1629
Proposed Rules:
580....809, 1938

47 CFR

Ch. I....2226
1....273, 1630
2....417, 1331, 1458
15....417, 1458
22....417, 1458
25....417, 1458
43....1629
65....273
73....57, 58, 275-277, 1630
76....1630
90....417, 1332
97....277, 278
Proposed Rules:
1....1939
31....1344
32....1344
67....2238
73....113-115, 305, 1345-1349
81....1349
97....2239

48 CFR

Ch. 7....2354
208....781
215....1914
525....58, 278
552....278, 1333
810....280, 1276
836....280, 1276
852....280, 1276
970....1602
Proposed Rules:
52....226
215....809
227....2082
252....2082

49 CFR

1....1916
193....674
544....59
1312....536
Proposed Rules:
219....2118
571....1474
1312....564

50 CFR

17....283, 675, 679, 781, 1459, 2227
23....1333
228....1197
604....1916
611....417, 422, 785, 1917, 2235
642....288, 2113
650....1462
653....1916
655....537
663....682, 790
671....1632
672....422, 785
675....422, 785, 2235
Proposed Rules:
17....306, 1494, 1497, 2239, 2242
20....1636, 1942
23....309
611....198
672....198
675....198
681....442

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**