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Presidential Documents

Title 3—

The President

Proclamation 5727 of October 9, 1987

Termination of Import Relief on Certain Heavyweight Motorcycles

By the President of the United States of America

A Proclamation

1. In Proclamation 5050 of April 15, 1983 (48 FR 16639), pursuant to section 202(b)(1) and (c) of the Trade Act of 1974, as amended (Act) (19 U.S.C. 2252(b)(1) and (c)), I proclaimed import relief with respect to heavyweight motorcycles having engines with a total displacement over 700 cubic centimeters, provided for in item 692.50 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). This relief took the form of a tariff increase implemented through tariff-rate quotas and the suspension of preferential tariff treatment under the Generalized System of Preferences (GSP) for such heavyweight motorcycles entered, or withdrawn from warehouse for consumption, during the period April 16, 1983, through April 15, 1988.

2. On June 19, 1987, the United States International Trade Commission (USITC) reported to me the results of an investigation (Inv. No. TA-203-17) pursuant to section 203(i)(2)-(5) of the Act (19 U.S.C. 2253(i)(2)-(5)) with respect to the early termination of the heavyweight motorcycles import relief as requested by petitioner Harley-Davidson, Inc. The USITC advised that the early termination of the import relief would have no significant economic effect on the domestic industry producing heavyweight motorcycles.

3. Accordingly, pursuant to section 203(h)(4) of the Act (19 U.S.C. 2253(h)(4)), after taking into account the advice of the United States Trade Representative, the USITC, the Secretary of Commerce, and the Secretary of Labor, I have determined that it is in the national interest to terminate the import relief in effect with respect to the articles concerned. I have further determined that it is appropriate to terminate the suspension of GSP treatment for such articles required by section 503(c)(2) of the Act (19 U.S.C 2463(c)(2)) during the period of effectiveness of the import relief.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 203, 503, and 604 of the Act (19 U.S.C. 2253, 2463, and 2483), do proclaim that—

(1) Part I of Schedule XX to the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1986) is modified to conform to the actions taken in this Proclamation.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified by striking out headnote 9 to such subpart and item 924.20.

(3) In order to restore GSP treatment for the motorcycles subject to import relief, part 6B of schedule 6 of the TSUS is modified by inserting in the Rates of Duty Special column for TSUS item 692.52 the symbol "A" immediately before the symbol "E" in parentheses.

(4) (a) Paragraphs (1) and (2) of this Proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the third day following the date of publication of this Proclamation in the **Federal Register**.

(b) Paragraph (3) of this Proclamation shall be effective with respect to articles both (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after the third day following the date of publication of this Proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of October, 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 twelfth.

Ronald Reagan

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Rules and Regulations

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Commission Policy Statement on Deferred Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Final policy statement.

SUMMARY: This statement presents the policy of the Nuclear Regulatory Commission (NRC) with regard to the procedures that apply to nuclear power plants while in a deferred status and when they are being reactivated. The regulations and guidance applicable to deferred and terminated plants; maintenance, preservation, and documentation requirements; and the applicability of new regulatory requirements and other general administrative considerations are addressed.

EFFECTIVE DATE: November 13, 1987.

FOR FURTHER INFORMATION CONTACT: Theodore S. Michaels, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-8251.

SUPPLEMENTARY INFORMATION:

I. Background

On March 16, 1987, the Commission published a proposed policy statement on deferred plants in the **Federal Register** for a 30-day comment period (52 FR 8075). Five commenters offered a total of nine comments on the proposed policy statement. The Commission has modified the policy statement in section III of this notice in reponse to comment B(1) in section II below. In addition, some minor editorial changes were made.

II. Response to Public Comments on the Proposed Policy Statement

A. KMC, Inc.

Summary of Comment. KMC, Inc. and the Utility Safety Classification Group recommended that the term "safety-related" be substituted for the term "important to safety" in sections III.B.2.a and III.B.2.b because there is not yet a clear definition of the latter term.

Commission Response. The Commission rejects this suggestion. The term "safety-related" is a subset of the term " important to safety." Safety-related is more precisely defined at this time because licensees provide a list of structures, systems, and components that come within its scope. However, there is sufficient Commission guidance regarding the term "important to safety" to warrant its use without causing confusion. For example, the Commission has indicated that while there is not "a predefined class of equipment at every plant whose functions have been determined by rule to be 'important to safety,' * * * whether any piece of equipment has a function 'important to safety' is to be determined on the basis of a particularized showing of clearly identified safety concerns * * *, and the requirements of * * * GDC 1 must be tailored to the identified safety concerns." *Long Island Lighting Company* (Shoreham Nuclear Power Station, Unit 1), CLI-84-9, 19 NRC 1323, 1325 (1984); *see also Shoreham*, ALAB-788, 20 NRC 1102, 1115-1119 (1984).

In the context of this policy statement, it is expected that a utility, planning to maintain its reactivation option or transfer of ownership to others, will identify any structures, systems, and components (SSC) which are important to safety and establish appropriate maintenance, preservation, and documentation (MPD) for these SSC. If a utility determines, based on an analysis of cost-effectiveness, to develop MPD only for safety-related SSC, it must recognize the possibility that SSC for which adequate MPD were not developed may have to be replaced if and when reactivation or transfer of ownership takes place.

The NRC does not want to limit its application of MPD requirements to safety-related SSC because that could allow other SSC, which are important to safety, to be placed into service without proper MPD.

B. Washington Public Power Supply System (WPPSS)

Summary of Comments. WPPSS submitted the following three comments:

(1) The commenter recommended that the requirement in section III.A.6.e (incorrectly referred to by the commenter as 6.c) be amended. This item requires that a listing of any new applicable regulatory requirements that are made effective during the deferral period be submitted with a description of the licensee's proposed plans for compliance with these requirements. The commenter suggests that this presumes a sufficient level of engineering activity during the deferral period to develop such plans. Since this might not be the case, the commenter asks that the requirement be changed to permit a commitment to submit this information at a specific later date.

Commission Response. This change has been made. However, it should be noted that this information should be submitted at the time of reactivation notification, or as soon thereafter as possible, since the lack of this information could impact the review schedule.

(2) The commenter recommended that the requirement in section III.A.6 to notify the NRC at least 120 days before construction resumes be changed to "at least 120 days before construction is expected to resume or as soon as possible after a reactivation decision has been reached." This would permit some construction activities to get under way earlier.

Commission Response. The 120-day advance notification is the minimum period required to evaluate the licensee's submittal to determine the acceptability of reactivation. Any request by the licensee to resume selected non-safety-related activities sooner than 120 days will be considered at the time of the request.

(3) This comment refers to section III.A.6.i, which requires an amendment to the Final Safety Analysis Report (FSAR), as applicable and necessary, discussing the bases for all substantive site and design changes made since the last amendment. The commenter states that, in its specific case, such an amendment would not be available at the time of initial notification. The commenter believes that since no substantive site and design changes will

be made during deferral, an FSAR amendment would not be needed at that time.

Commission Response. The amendment is required only if there are substantive changes. If there are none, no amendment is necessary. Therefore, the commenter's concern is satisfied by the text in the proposed policy statement.

C. The State of Washington Energy Facility Site Evaluation Council

Summary of Comments. The following three comments were made:

(1) The commenter suggested that the policy clearly state, early on, that it applies only to facilities deferred or terminated during construction.

Commission Response. The intent of the policy statement is made clear throughout the document. Deferral and termination refer to construction, not operation. No further clarification is needed.

(2) The commenter expressed concern that the definition of a terminated plant might cause confusion because it requires a valid construction permit, whereas the only authorized activity is site restoration.

Commission Response. The reference to a valid construction permit in the definition for a terminated plant is not a requirement; it merely identifies the status of a plant that fits the definition. A plant is considered to be in terminated status only from the time the licensee has announced that construction has been permanently stopped until the construction permit is formally withdrawn by the NRC. The licensee of a deferred plant, on the other hand, retains the construction permit because construction has only been deferred, not terminated.

(3) The commenter suggested that the Commission might wish to address circumstances of abandonment and cessation of operation, which the commenter had recently adopted in its rules.

Commission Response. These areas go beyond the intended scope and purpose of the subject policy statement. These matters are being addressed in the Commission's decommissioning rulemaking.

D. Marvin Lewis

Summary of Comment. The commenter suggested that deferral of cancellation often provides a cover for inadequate quality or other very dangerous conditions and that the NRC must handle resumption of construction "sternly" and with "extreme prejudice," requiring that all the latest safety requirements be met.

Commission Response. The proposed policy statement stresses clearly and repeatedly that deferral, termination, and reactivation will be subject to all applicable current regulations, standards, policies, and guidance. No further clarification is needed.

E. Atomic Industrial Forum

Summary of Comment. The commenter supported the proposed policy statement and did not suggest changes to its text.

Commission Response. None required.

III. Policy Statement

This policy guidance outlines (1) the NRC's regulatory provisions for deferring and preserving a deferred nuclear power plant until such time as it may be reactivated and (2) the applicability of new regulatory staff positions to a deferred plant when it is reactivated. Moreover, because of the possibility that the plant and/or its equipment may be sold to another utility, some general guidance with regard to terminated plants is presented.

The following definitions apply to this policy guidance:

"Deferred plant" means a nuclear power plant at which the licensee has ceased construction or reduced activity to a maintenance level, maintains the construction permit (CP) in effect, and has not announced termination of the plant.

"Terminated plant" means a nuclear power plant at which the licensee has announced that construction has been permanently stopped, but which still has a valid CP.

A. Deferred Plant

The following areas should be addressed by the licensee and the NRC when a plant is deferred:

1. Notification of Plant Deferral

The licensee should inform the Director of Nuclear Reactor Regulation (NRR) when a plant is to be deferred within 30 days of the decision to defer. Information to be made available should include the reason for deferral, the expected plant reactivation date (if known), whether a CP extension request will be submitted, and the plans for fulfilling the requirements of the CP, including the maintenance, preservation, and documentation requirements as outlined in Section III.A.3 of this policy statement.

2. Extension of Construction Permit

The licensee must ensure that its CP does not expire. Title 10 of the *Code of Federal Regulations*, § 2.109 (10 CFR 2.109), "Effect of Timely Renewal Application," provides that if a request for renewal of a license is made 30 days before the expiration date, the license will not be deemed to have expired until the application has been finally processed. Extension of the completion date for a CP will be considered in accordance with 10 CFR 50.55(b).

3. Maintenance, Preservation, and Documentation of Equipment

The NRC requirements for verification of construction status, retention and protection of records, and maintenance and preservation of equipment and materials are applied through: 10 CFR 50.54(a), "Conditions of Licenses," and 10 CFR 50.55(f), "Conditions of Construction Permits," which require that a quality assurance program be implemented; 10 CFR Part 50, Appendix B, which requires that all activities performed to establish, maintain, and verify the quality of plant construction be addressed in the licensee's quality assurance program; 10 CFR Part 50, Appendices A and B, which require that certain quality records be retained for the life of the plant; 10 CFR 50.55(e), which requires reporting of deficiencies in design, construction, quality assurance, etc.; 10 CFR 50.71, which applies to the maintenance of records; and 10 CFR Part 21, which applies to reporting of defects and noncompliance. Those NRC regulatory guides that endorse the ANSI N45.2 series of standards, "Quality Assurance Requirements for Nuclear Power Plants," also are applicable and include Regulatory Guides 1.28, 1.37, 1.38, 1.58, 1.88, and 1.116.[1] Of particular importance is the guidance on packaging, shipping, receiving, storing, and handling of equipment as well as on collecting, storing, and maintaining quality control documentation. The maintenance, preservation, and documentation requirements outlined above apply to plants under construction.

The licensee may choose to modify existing commitments during extended construction delays by developing a quality assurance plan that is commensurate with the expected activities and expected (or potential) length of delay. The licensee should discuss with the NRC the expected construction delay period and the quality assurance program to be

[1] These regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H St. NW., Washington DC. Copies of these regulatory guides may be purchased by calling (202) 275-2060 or by writing to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington DC 20013-7082.

implemented during the deferral. The program should include a description of the planned activities; organizational responsibilities and procedural controls that apply to the verification of construction status, maintenance, and preservation of equipment and materials; and retention and protection of quality assurance records. The program will be reviewed and approved by the NRC in accordance with 10 CFR 50.54(a)(3), 10 CFR Part 50, Appendix B, and inspection procedures, as appropriate.

Implementation of the program will be examined periodically to determine licensee compliance with commitments and overall program effectiveness.

4. Conduct of Review During Deferral

When a plant is deferred, the staff will normally bring all ongoing post-CP and operating license (OL) reviews and associated documentation to an appropriate termination point. Normally, new reviews will not be initiated. If the review has progressed sufficiently, a safety evaluation report (SER) will be issued, which assembles and discusses the status of the completed work and lists all outstanding open items. Subject to availability of resources, the staff might perform specific technical reviews or complete SER supplements.

5. Applicability of New Regulatory Requirements During Deferral

Deferred plants of custom or standard design will be considered in the same manner as plants still under construction with respect to applicability of new regulations, guidance, and policies. Proposed plant-specific backfits of new regulatory staff positions promulgated while a plant is deferred will be considered in accordance with the Commission backfit criteria. Other modifications to previously accepted staff positions will be implemented either through rulemaking or generic issue resolution, which themselves are subject to the backfit rule. Regulations that have integral update provisions built into them will be applied to deferred plants, as they are to other plants under construction, without the use of the backfit rule.

Provisions in other policy statements that are applicable to plants under construction also will have to be implemented. Any resulting backfit recommendations will have to be supported in accordance with 10 CFR 50.109. Appeals procedures applicable to plant-specific backfits would be applicable to deferred plants. Appeals filed by a licensee during plant deferral will be considered and processed by the NRC while a plant is in a deferred status.

6. Information to be Submitted by Licensee When Reactivating

The licensee should submit a letter to the Director of NRR at least 120 days before plant construction is expected to resume. The letter should include the following information, to the extent that the information has not been submitted to the staff during the deferral period:

a. The proposed date for resuming construction, a schedule for completion of the construction, and a schedule for submittal of an operating license application, including a final safety analysis report (FSAR), if one has not already been submitted.

b. The current status of the plant site and equipment.

c. A description of how any conditions established by the NRC during the deferral have been fulfilled.

d. A list of licensing issues that were outstanding at the time of the deferral and a description of the resolution or proposed resolution of these issues.

e. A listing of any new regulatory requirements applicable to the plant that have become effective since plant construction was deferred, together with a description of the licensee's proposed plans for compliance with these requirements or a commitment to submit such plans by a specified date.

f. A description of the management and organization responsible for construction of the plant.

g. A description of all substantive changes made to the plant design or site since the CP was issued (for those plants for which an OL application has not been submitted).

h. Identification of any additional required information that is not available at the time of reactivation and a commitment to submit this information at a specific later date.

i. As necessary, an amendment to the OL application (revised FSAR) and a discussion of the bases for all substantive site and design changes that have been made since the last FSAR revision was submitted (for those plants which were already under OL review at the time of deferral).

7. Staff Actions When Notified of Reactivation

The acceptability of structures, systems, and components important to safety (10 CFR Part 50, Appendix A, General Design Criterion 1) upon reactivation from deferred status will be determined by the NRC on the following basis:

a. Reviews of the approved preservation and maintenance program, as implemented, in order to determine whether or not any structures, systems, or components require special NRC attention during reactivation.

b. Verification that design changes, modifications, and required corrective actions have been implemented and documented in accordance with established quality control requirements.

c. The results of any licensee of NRC baseline inspections that indicate quality and performance requirements have not been significantly reduced below those originally specified in the FSAR. Structures, systems, and components that fail to meet the acceptability criteria or will not meet current NRC requirements will be dealt with on a case-by-case basis.

B. Terminated Plant

1. Plant Termination

A licensee should inform the Director of NRR when a plant is placed in a terminated status. In the event that withdrawal of a CP is sought, the permit holder should provide notice to the NRC staff sufficiently far in advance of the expiration of the CP to permit the staff to determine appropriate terms and conditions. If necessary, a brief extension of the CP may be ordered by the staff to accommodate these determinations. Until withdrawal of the CP is authorized, a permit holder must adhere to the Commission's regulations and the terms of the CP and should submit suitable plans for the termination of site activities, including redress, as provided for under 10 CFR 51.41, for staff approval. Moreover, if the plant has been completed to a point that it can function as a utilization facility, the licensee must take all necessary actions to ensure that the facility is no longer a facility for which an NRC license is required.

2. Measures that Should be Considered for Reactivation or Transfer of Ownership of Terminated Plants

The licensee of a terminated nuclear plant, if planning to maintain the option of plant reactivation or transfer of ownership to others—either totally or in part—should consider the following actions:

a. For the removal and transfer of ownership of plant components and systems important to safety, make necessary provisions to maintain, collect, and transfer to the new owner appropriate performance and material documentation attesting to the quality of the components and systems that will be

required of the new owner if intended for use in NRC-licensed facilities.

b. Develop and implement a preservation and maintenance program for structures, systems, and components important to safety, as well as documentation substantially in accordance with section III.A.3 of this policy statement. If these provisions are implemented throughout the period of termination, a terminated plant may be reactivated under the same provisions as a deferred plant.

These licensees also must assure that any necessary extensions of the CP are requested in a timely manner.

Dated at Washington, DC this 7th day of October 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87-23740 Filed 10-13-87; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-64-AD; Amdt. 39-5749]

Airworthiness Directives; British Aerospace Model 125-800A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model 125-800A series airplanes, which requires inspection and replacement, if necessary, of certain connector socket contacts in the engine fire warning system. This proposal is prompted by reports of inadequate crimping of socket contacts. This condition, if not corrected, could lead to failure of the engine fire warning annunciation in the flight deck.

EFFECTIVE DATE: November 13, 1987.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires inspection, and replacement if necessary, of certain connector socket contacts in the engine fire detection system on BAe Model 125-800A airplanes, was published in the **Federal Register** on June 22, 1987 (52 FR 23465).

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

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

It is estimated that 29 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 manhour per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $1,160.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($40). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to BAe Model 125-800A series airplanes, certificated in any category. Compliance is required within 60 days after the effective date of this AD, unless previously accomplished.

To prevent failure of the engine fire warning annunciation in the flight deck, accomplish the following:

A. Inspect the socket contacts in connectors TA7 and TB7 for adequate crimping, and replace, if necessary, in accordance with British Aerospace Service Bulletin 26-27, dated May 16, 1986.

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

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

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

This amendment becomes effective November 13, 1987.

Issued in Seattle, Washington, on October 2, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-23681 Filed 10-13-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-66-AD; Amdt. 39-5750]

Airworthiness Directives; British Aerospace Viscount Model 700 and 800 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to British Aerospace (BAe) Viscount Model 700 and 800 series airplanes, which requires periodic inspections for cracks, and replacement if necessary, of the aluminum main landing gear ram feet. This proposal is prompted by reports of long term stress corrosion cracking of a ram foot. Failure

to detect cracks could lead to failure of the main landing gear brake flange and loss of braking.

EFFECTIVE DATE: November 13, 1987.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires inspection and replacement if necessary of the aluminum main landing gear ram feet, on Viscount Model 700 and 800 series airplanes, was published in the **Federal Register** on June 24, 1987 (52 FR 23663).

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

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

It is estimated that 27 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $2,160.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($80). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to Viscount Model 700 series and 800 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent failure of landing gear ram feet, accomplish the following:

A. For all Model 700 series airplanes, pre-modification D2781:

1. Within 30 days or 120 landings after the effective date of this AD, whichever occurs first, inspect and replace, if necessary, main landing gear ram feet in accordance with Paragraph 2.0 "Accomplishment Instructions" of British Aerospace (BAe) Viscount Preliminary Technical Leaflet (PTL) No. 317, dated June 10, 1986.

2. Repeat the above inspection at intervals not to exceed 14 months or 1,600 landings, whichever occurs first.

B. For all Model 800 series airplane, pre-modification F1323:

1. Within 30 days or 120 landings after the effective date of this AD, whichever occurs first, inspect and replace, if necessary, main landing gear ram feet in accordance with Paragraph 2.0 "Accomplishment Instructions" of BAe Viscount PTL No. 186, dated June 10, 1986.

2. Repeat the above inspection at intervals not to exceed 14 months or 1,600 landings, whichever occurs first.

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

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

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

This amendment becomes effective November 13, 1987.

Issued in Seattle, Washington, on October 2, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-23682 Filed 10-13-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-93-AD; Amdt. 39-5751]

Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Model H.S. 748 Series airplanes with large freight doors, which requires inspection and adjustment, repair, or replacement, if necessary, of the large freight door locking mechanism components, and installation of a placard to warn crew members to depressurize the cabin before opening the large freight door. This amendment is prompted by a report of an incident where, due to an unserviceable pressure lock system, the large freight door was opened in flight while the cabin was pressurized. The door detached from the fuselage, causing severe damage. This condition, if not corrected, could lead to loss of the large freight door and damage to the airplane.

EFFECTIVE DATE: November 13, 1987.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Donald L. Kurle, Systems and Equipment Branch, ANM-130S;

telephone (206) 431-1946. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires inspection and adjustment, or repair, or replacement, if necessary, of the large freight door locking mechanism, and installation of a placard warning crew members to depressurize the cabin before opening the large freight door on British Aerospace Model H.S. 748 series airplanes, was published in the **Federal Register** on August 10, 1987 (52 FR 29534).

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

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

It is estimated that 3 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $720.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities, because of the minimal cost of compliance per airplane ($240). A final evaluation has been prepared for this regulation and has been placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model H.S. 748 series airplanes with a large freight door, certificated in any category. Compliance required within the next 90 days after the effective date of this AD, unless previously accomplished.

To prevent inadvertent opening of the freight door in flight, accomplish the following:

A. Inspect the large freight door shoot bolt lever, barometric (pressure lock) lever, bellows assembly, dry air cartridge and microswitches for damage, distortion and/or wear in accordance with British Aerospace Service Bulletin 52/129, dated May 1986. If any damage, distortion and/or wear is discovered as a result of the inspection required by this paragraph, prior to further flight, adjust, repair, or replace the affected components, in accordance with British Aerospace Service Bulletin 52/129, dated May 1986.

B. Install a placard to indicate that the aircraft must be depressurized before opening its large freight door, in accordance with British Aerospace Service Bulletin 11/7, dated December 1, 1986.

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

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

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

This amendment becomes effective November 13, 1987.

Issued in Seattle, Washington, on October 2, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-23679 Filed 10-13-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-CE-30-AD; Amdt. 39-5745]

Airworthiness Directives; Cessna Models 150, 150 A thru M, A150, 152, and A152 Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA4795SW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Cessna Models 150, 150 A thru M, A150, 152 and A152 airplanes modified in accordance with Supplemental Type Certificate (STC) SA4795SW. The FAA has determined that these airplanes have been modified using STC SA4795SW for which no substantiating data exists and that the limitations regarding spins and the center-of-gravity envelopes were not properly defined for airplanes modified by this STC that are eligible for the STC. This action is necessary to prevent operation of the airplane outside the approved CG envelope wherein unknown flight characteristics could lead to loss of control of the airplane.

DATES: *Effective Date:* October 13, 1987.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

ADDRESSES: Background information applicable to this AD is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Carl F. Mittag, Special Programs Branch, ASW-192, Aircraft Certification Division, Southwest Region, Fort Worth, Texas 76193-0190; Telephone (817) 624-5197.

SUPPLEMENTARY INFORMATION: Supplemental Type Certificate SA4795SW and its latest revisions approves installation of Lycoming Model 0-320-E2A, -E2B, -E2D or -E2H engines with McCauley Model 1C172/TM 7458 propellers or Lycoming Model 0-360-A2A, -A2D or -A4A engines with McCauley Model 1A170/EFA 7562 or 1A170/SFA 7562 propellers and increased takeoff weight from 1600 pounds to 1760 pounds in Cessna 150 Series and 152 airplanes. The terminology "Cessna 150 Series and 152 airplanes" which appears on the STC certificate has been misinterpreted to include all airplanes certificated under Type Certificate Data Sheet 3A19.

Technical data originally submitted by the STC applicant only substantiates the application of the modification to Cessna Models 150 D through M and 152 with operation in the utility category at 1600 pounds and in the normal category at takeoff weights from 1600 pounds to 1760 pounds. This technical data also substantiates a change to the center-of-gravity limits at the new weights. Additionally, spin testing only showed compliance with normal category spin requirements. Specifically not included in any of the substantiating data for STC SA4795SW are Cessna Models 150,150 A/B/C, A150 K/L/M, and A152.

This AD identifies those airplanes eligible for modification under STC SA4795SW, and requires new placards showing the approved center-of-gravity limits and prohibition of intentional spins when operating in the utility category. This AD limits the operation of Cessna Models 150, 150 A/B/C/, A150 K/L/M, and A152 airplanes which have STC SA4795SW installed. The holder of STC SA4795SW is currently developing data to substantiate adding the Cessna Models 150, 150A/B/C, A150K/L/M/, and A152 airplanes to the STC. The limitations imposed on these airplanes by this AD may be removed or modified upon completion of the type certification program.

Since the conditions described only exist for Cessna Model 150, A150, 152 and A152 airplanes modified in accordance with STC SA4795SW, the AD requires the removal of the category and weight limits placard currently required by the STC. Replacement of that placard, in airplanes approved for modification by STC SA4795SW, is required with a placard stating the approved weight and center-of-gravity limits for the utility and normal categories, the prohibition of spins in utility category and the prohibition of spins and any acrobatic maneuver in the normal category. Airplanes improperly modified by STC SA4795SW are limited to operation in the utility category with corresponding aircraft limitations and no spins authorized.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring the installation of a new placard and operating limitations on Cessna Models 150, 150A thru M, A150, 152, and A152 airplanes modified in accordance with STC SA4795SW. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, 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 major under section 8 of 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 regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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:

Cessna: Applies to the following Models and Serial Numbered airplanes certificated in any category which have been modified in accordance with Supplemental Type Certificate (STC) SA4795SW:

Models	Serial Numbers
150	17001 thru 17999 . 59001 thru 59018.
150A	15059019 thru 15059350.
150B	15059351 thru 15059700.
150C	15059701 thru 15060087.
150D	15060088 thru 15060772.
150E	15060773 thru 15061532.
150F	15061533 thru 15064532.
150G	15064533 thru 15067189 (except 15064970).
150H	649, 15067199 thru 15069308.
150J	15069309 thru 15071128.
150K	15071129 thru 15072003.
150L	15072004 thru 15075781.
150M	15075782 thru 15079405.
A150K	A1500001 thru A1500226.
A150L	A1500227 thru A1500523.
A150M	15064970, A1500524 thru A1500734.
152	15279406 thru 15285595 and on.
A152	A1500433, A1520735 thru A1520808. 681, A1520809 thru A1521015 and on

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

To assure operation of the airplane within the approved center of gravity (CG) limits and approved operating limitations, accomplish the following:

(a) For Model 150, 150 A/B/C, airplanes accomplish the following:

(1) Remove the placard required by STC SA4795SW which states the category and weight limits and begins with the words "THIS AIRPLANE MAY BE OPERATED * * *". The placard probably is located on the right hand door post.

(2) Fabricate a placard with the following statement using letters with a minimum height of ⅛ inch: "NOT APPROVED FOR SPINS". Install this placard in clear view of the pilot on the airplane instrument panel.

(3) Operate the airplane in the Utility Category in accordance with the placard and the operating limitations for center-of-gravity and maximum weight as specified in the original weight and balance data for an unmodified airplane.

Note.—Compliance with Airworthiness Director 86–15–07 does not relieve compliance with this AD for Models 150, 150A/B/C airplanes.

(b) For Model A150 K/L/M airplanes, accomplish the following:

(1) Remove the placard required by STC SA4795SW which states the category and weight limits and begins with the words "THIS AIRPLANE MAY BE OPERATED * * *". The placard probably is located on the right hand door post.

(2) Fabricate the temporary placard detailed in Figure 1. of this AD, marking it with the statement as shown and install it in clear view of the pilot on the instrument panel over the existing maneuver placard.

(3) Operate the airplane in the Utility Category in accordance with the placard and the operating limitations for center-of-gravity and maximum weight as specified in the original weight and balance data for an unmodified airplane.

(c) For Model A152 airplanes, accomplish the following:

(1) Remove the placard required by STC SA4795SW which states the category and weight limit and begins with the words "THIS AIRPLANE MAY BE OPERATED * * *". The placard probably is located on the right hand door post.

(2) Fabricate the temporary placard detailed in Figure 2. of this AD, permanently marking it with the statement as shown and install it in clear view of the pilot on the instrument panel over the existing maneuver placard.

(3) Operate the airplane in the Utility Category in accordance with the placard and the operating limitations for center-of-gravity and maximum weight as specified in the original weight and balance data for an unmodified airplane.

(d) For Model 150 D thru M and 152 airplanes, accomplish the following:

(1) Remove the placard required by STC SA4795SW which states the category and weight limits and begins with the words "THIS AIRPLANE MAY BE OPERATED * * *". The placard probably is located on the instrument panel over the existing maneuver placard.

(2) Fabricate the placard detailed in Figure 3. of this AD, permanently marking it with the statement as shown and install it in clear view of the pilot on the instrument panel over the existing maneuver placard. Alternatively, this placard may be obtained from Aircraft Conversion Technologies Inc., 1410 Flight Line Drive, Lincoln, California 95648.

(3) Operate the airplane in accordance with the placard.

(e) Installation of the placards required by this AD may be accomplished by the owner/operator on any airplanes which are not used under FAR Part 121 or 135. The person accomplishing these actions must make the appropriate airplane maintenance record entry per FAR 43.9 and 91.173

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

(g) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Division, FAA Southwest Region, Fort Worth Texas 76193-0100; Telephone (817) 624-5100

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to J&S Engineering, 222 W. Turbo Drive, San Antonio, Texas 78216; or may examine the document(s) referred to herein at FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas Ciry, Missouri 64106.

This amendment becomes effective on October 13, 1987.

Issued in Kansas City, Missouri, on September 28, 1987.

Jerold M. Chavkin,

Acting Director,

Central Region.

BILLING CODE 4910-13-M

MATERIAL: Index card laminated in plastic
SCALE: Full
DIMENSIONS: Inches
LETTERING: 1/8 in. or greater typewritten

2.5 or greater

INTENTIONAL SPINS ARE PROHIBITED
THIS AIRPLANE TO BE OPERATED IN THE UTILITY CATEGORY
WITHIN THE FOLLOWING LIMITS:

MAXIMUM AIRSPEEDS (IAS)

NEVER EXCEED (Vne)	162 MPH (141 KNOTS)
STRUCTURAL CRUISING (Vc)	120 MPH (104 KNOTS)
MANEUVERING (Va)	109 MPH (95 KNOTS)
FLAPS EXTENDED (Vfe)	98 MPH (85 KNOTS)

THE FOLLOWING ACROBATIC MANEUVERS ARE APPROVED:

MANEUVER	RECM.ENTRY SPEED	MANEUVER	RECM.ENTRY SPEED
CHANDELLE	109 MPH(95KTS)	LAZY EIGHTS	109 MPH(95KTS)
STEEP TURNS	109 MPH(95KTS)	STALLS (EXCEPT WHIP STALLS) SLOW DECELERATION	

4.5 or greater

PLACARD

FIGURE 1

MATERIAL. Index card laminated in plastic
SCALE. Full
DIMENSIONS Inches
LETTERING: 1/8 in. or greater typewritten

2.5 or greater

INTENTIONAL SPINS ARE PROHIBITED
THIS AIRPLANE TO BE OPERATED IN THE UTILITY CATEGORY
WITHIN THE FOLLOWING LIMITS:

	MAXIMUM AIRSPEEDS (IAS)
NEVER EXCEED (Vne)	149 KNOTS
STRUCTURAL CRUISING (Vc)	111 KNOTS
MANEUVERING (Va)	104 KNOTS
FLAPS EXTENDED (Vfe)	85 KNOTS

THE FOLLOWING ACROBATIC MANEUVERS ARE APPROVED:

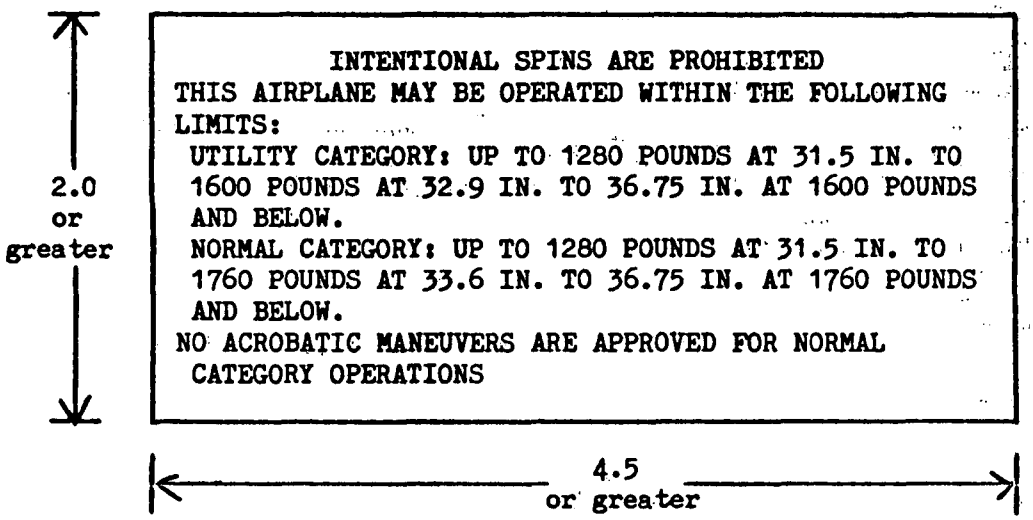
MANEUVER	RECM.ENTRY SPEED	MANUEVER	RECM.ENTRY SPEED
CHANDELLE	95 KNOTS	LAZY EIGHTS	95 KNOTS
STEEP TURNS	95 KNOTS	STALLS (EXCEPT WHIP STALLS) SLOW DECELERATION	

4.5 or greater

PLACARD

FIGURE 2

MATERIAL: sheet aluminum
THICKNESS .020
SCALE Full
DIMENSIONS: Inches
LETTERING: 1/8 in. or greater, silver on black



PLACARD

FIGURE 3

[FR Doc. 87-23680 Filed 10-13-87; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 95

[Docket No. 25408; Amdt. No. 340]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: November 19, 1987.

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) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availablity to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment 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 95

Aircraft, Airspace.

Issued in Washington, DC on October 2, 1987.

Robert L. Goodrich,

Director of Flight Standards.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT:

PART 95—[AMENDED]

1. The authority citation for Part 95 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354 and 1510; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended to read as follows:

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 340 EFFECTIVE DATE, NOVEMBER 19, 1987

§95.1001 DIRECT ROUTES-U.S.

IS AMENDED TO DELETE

FROM	TO	MEA
STILLWATER, NJ VOR/DME	MOBBS, NY FIX	3000

§95.6002 VOR FEDERAL AIRWAY 2

IS AMENDED TO DELETE

FROM	TO	MEA
GARDNER, MA VORTAC *2500 MOCA	TYNGS, MA FIX	*3500
TYNGS, MA FIX	LAWRENCE, MA VOR/DME	2000

§95.6029 VOR FEDERAL AIRWAY 29

IS AMENDED TO READ IN PART

FROM	TO	MEA
BINGHAMTON, NY VORTAC *3600 MOCA	SYRACUSE, NY VORTAC	*4000

§95.6034 VOR FEDERAL AIRWAY 34

IS AMENDED TO READ IN PART

FROM	TO	MEA
HANCOCK, NY VORTAC *3600 MOCA	ROCHESTER, NY VORTAC	*6000

§95.6036 VOR FEDERAL AIRWAY 36

IS AMENDED BY ADDING

FROM	TO	MEA
HAWLY PA FIX *3300 MOCA	PETTE, NJ FIX	*3800

IS AMENDED TO READ IN PART

FROM	TO	MEA
ELMIRA, NY VORTAC *4200 MOCA	HAWLY PA FIX	4500

IS AMENDED TO DELETE

FROM	TO	MEA
WONGS, PA FIX	LAKE HENRY, PA VORTAC	4000
LAKE HENRY PA VORTAC	SPARTA, NJ VORTAC	4000
SPARTA, NJ VORTAC	LA GUARDIA, NY VOR/DME	2500
LA GUARDIA, NY VOR/DME *2000 MOCA	DEER PARK, NY VORTAC	*4000

§95.6054 VOR FEDERAL AIRWAY 54

IS AMENDED BY ADDING

FROM	TO	MEA
FAYETTEVILLE, NC VOR/DME	KINSTON, NC VORTAC	2000

§95.6106 VOR FEDERAL AIRWAY 106

IS AMENDED TO READ IN PART

FROM	TO	MEA
GARDNER, MA VORTAC	MANCHESTER, NH VORTAC	3000

§95.6116 VOR FEDERAL AIRWAY 116

IS AMENDED BY ADDING

FROM	TO	MEA
WILKES-BARRE, PA VORTAC	SPARTA, NJ VORTAC	4000

IS AMENDED TO READ IN PART

FROM	TO	MEA
STONYFORK, PA VORTAC	WILKES-BARRE, PA VORTAC	4000

IS AMENDED TO DELETE

FROM	TO	MEA
LAKE HENRY PA VORTAC *7500 MCA SLOAT FIX, SE BND	*SLOAT NJ FIX	4000
SLOAT NJ FIX *2800 MOCA	DEER PARK, NY VORTAC	*7500

§95.6184 VOR FEDERAL AIRWAY 184

IS AMENDED TO READ IN PART

FROM	TO	MEA
TIDIOUTE, PA VORTAC 4000 MOCA	PHILIPSBURG, PA VORTAC	*5000
PHILIPSBURG, PA VORTAC	HARRISBURG, PA VORTAC	4000
HARRISBURG, PA VORTAC	MODENA, PA VORTAC	3000
ATLANTIC CITY NJ VORTAC *1500 MOCA	ZIGGI, NJ FIX	*2000

IS AMENDED TO DELETE

FROM	TO	MEA
COOBE, PA FIX	PHILIPSBURG, PA VORTAC	4000
MURFE, NJ FIX *2000 MOCA	BEAMS, NJ FIX	*8000

FROM	TO	MEA

§95.6188 VOR FEDERAL AIRWAY 188

IS AMENDED BY ADDING

SPARTA, NJ VORTAC	HARVE, NY FIX	3000
HARVE, NY FIX	NYACK, NY FIX	2300
NYACK, NY FIX	CARMEL, NY VORTAC	2500

§95.6226 VOR FEDERAL AIRWAY 226

IS AMENDED TO DELETE

STILLWATER, NJ VOR/DME *2500 - MOCA	BUDDS, NJ FIX	*3000

§95.6232 VOR FEDERAL AIRWAY 232

IS AMENDED BY ADDING

SOLBERG, NJ VORTAC	COLTS NECK, NJ VOR/DME	2000

IS AMENDED TO READ IN PART

MILTON, PA VORTAC *3500 - MOCA	SOLBERG, NJ VORTAC	*4000

IS AMENDED TO DELETE

SWEET, NJ FIX *2700 - MOCA	BROADWAY, NJ VOR/DME	*4000
BROADWAY, NJ VOR/DME	LA GUARDIA, NY VOR/DME	2700

§95.6252 VOR FEDERAL AIRWAY 252

IS AMENDED BY ADDING

DUPONT, DE VORTAC	MUFLA, NJ FIX	2000
MUFLA, NJ FIX	COBUS, NJ FIX	2000
COBUS, NJ FIX *1500 - MOCA	ROBBINSVILLE, NJ VORTAC	*2000

IS AMENDED TO READ IN PART

COATE, NY FIX *3300 - MOCA	HUGUENOT, NY VORTAC	*4000

§95.6273 VOR FEDERAL AIRWAY 273

IS AMENDED BY ADDING

FALLZ, NY FIX *3300 - MOCA	HUGUENOT, NY VORTAC	*4000
HUGUENOT, NY VORTAC *3100 - MOCA	RAGER, NY FIX	*4000

§95.6273 VOR FEDERAL AIRWAY 273—Continued

IS AMENDED TO DELETE

SCROL, NJ FIX	SPARTA, NJ VORTAC	3000
SPARTA, NJ VORTAC	RAGER, NY FIX	3500

§95.6374 VOR FEDERAL AIRWAY 374

IS AMENDED BY ADDING

BINGHAMTON, NY VORTAC	GAYEL, NY FIX	7000
GAYEL, NY FIX	CARMEL, NY VORTAC	2600

§95.6405 VOR FEDERAL AIRWAY 405

IS AMENDED TO READ IN PART

POTTSTOWN, PA VORTAC *2000 - MOCA	LANNA, NJ FIX	*4000
LANNA, NJ FIX	SOLBERG, NJ VORTAC	2000
SOLBERG, NJ VORTAC	CARMEL, NY VORTAC	2500

§95.6419 VOR FEDERAL AIRWAY 419

IS AMENDED TO READ IN PART

NYACK, NY FIX	CARMEL, NY VORTAC	2100

§95.6423 VOR FEDERAL AIRWAY 423

IS AMENDED TO READ IN PART

ITHACA, NY VOR/DME *3100 - MOCA	SYRACUSE, NY VORTAC	*4000

§95.6469 VOR FEDERAL AIRWAY 469

IS AMENDED BY ADDING

HARRISBURG, PA VORTAC	DUPONT, DE VORTAC	3000
DUPONT, DE VORTAC	WOODSTOWN, NJ VORTAC	2000

§95.6474 VOR FEDERAL AIRWAY 474

IS AMENDED TO READ IN PART

NOENO, PA FIX	MODENA, PA VORTAC	3000

IS AMENDED TO DELETE

MODENA, PA VORTAC	ECHEL, NJ FIX	2000

§95.6488 VOR FEDERAL AIRWAY 488

IS AMENDED TO READ IN PART

REEBA, AK FIX *6000 - MOCA	GOLLY, AK FIX	*7000

§95.6489 VOR FEDERAL AIRWAY 489

IS AMENDED BY ADDING

FROM	TO	MEA
COATE, NY FIX	HUGUENOT, NY VORTAC	*4000
*3300 - MOCA		
HUGUENOT, NY VORTAC	WEARD, NY FIX	*4000
*3500 - MOCA		
WEARD, NY FIX	SAGES, NY FIX	*7000
*5700 - MOCA		
SAGES, NY FIX	ALBANY, NY VORTAC	6000

IS AMENDED TO DELETE

FROM	TO	MEA
SPARTA, NJ VORTAC	SILKY, NY FIX	3000
SILKY, NY FIX	ELLAN, NY FIX	4000
ELLAN, NY FIX	ALBANY, NY VORTAC	*6000
*4900 - MOCA		

§95.6531 VOR FEDERAL AIRWAY 531

IS AMENDED TO READ IN PART

FROM	TO	MEA
TANANA, AK VOR/DME	REEBA, AK FIX	4000
REEBA, AK FIX	GOLLY, AK FIX	*7000
*6000 - MOCA		

§95.6580 VOR FEDERAL AIRWAY 580

IS AMENDED TO READ IN PART

FROM	TO	MEA
ST LOUIS, MO VORTAC	LEBOY, IL FIX	3000
LEBOY, IL FIX	SEXTN, IL FIX	4500

FROM	TO	MEA	MAA
§95.7036 JET ROUTE NO. 36			
	IS AMENDED BY ADDING		
LAKE HENRY, PA VORTAC	SPARTA, NJ VORTAC	18000	45000
	IS AMENDED TO READ IN PART		
DUNKIRK, NY VORTAC	LAKE HENRY, PA VORTAC	18000	45000
§95.7048 JET ROUTE NO. 48			
	IS AMENDED TO READ IN PART		
POTTSTOWN, PA VORTAC	LANNA, NJ FIX	18000	45000
	IS AMENDED TO DELETE		
CARMEL, NY VORTAC	BOSTON, MA VORTAC	18000	45000
§95.7051 JET ROUTE NO. 51			
	IS AMENDED BY ADDING		
FLAT ROCK, VA VORTAC	NOTTINGHAM, MD VORTAC	18000	45000
NOTTINGHAM, MD VORTAC	DUPONT, DE VORTAC	18000	45000
DUPONT, DE VORTAC	YARDLEY, PA VORTAC	18000	45000
	IS AMENDED TO READ IN PART		
TUBAS, NC FIX	FLAT ROCK, VA VORTAC	26000	45000
§95.7060 JET ROUTE NO. 60			
	IS AMENDED TO READ IN PART		
PHILIPSBURG, PA VORTAC	EAST TEXAS, PA VORTAC	18000	45000
EAST TEXAS, PA VORTAC	ROBBINSVILLE, NJ VORTAC	18000	45000
§95.7064 JET ROUTE NO. 64			
	IS AMENDED TO READ IN PART		
ELLWOOD CITY, PA VORTAC	RAVINE, PA VORTAC	18000	45000
RAVINE, PA VORTAC	ROBBINSVILLE, NJ VORTAC	18000	45000
§95.7068 JET ROUTE NO. 68			

FROM	TO	MEA	MAA
§95.7068 JET ROUTE NO. 68—Continued			
	IS AMENDED TO DELETE		
DUNKIRK, NY VORTAC	HANCOCK, NY VORTAC	18000	45000
§95.7095 JET ROUTE NO. 95			
	IS AMENDED BY ADDING		
DEER PARK, NY VORTAC	BINGHAMTON, NY VORTAC	18000	45000
BINGHAMTON, NY VORTAC	BUFFALO, NY VORTAC	18000	45000
	IS AMENDED TO DELETE		
KENNEDY, NY VORTAC	HUGUENOT, NY VORTAC	18000	45000
HUGUENOT, NY VORTAC	BUFFALO, NY VORTAC	18000	45000
§95.7106 JET ROUTE NO. 106			
	IS AMENDED BY ADDING		
WILKES-BARRE, PA VORTAC	STILLWATER, NJ VOR/DME	18000	45000
STILLWATER, NJ VOR/DME	LA GUARDIA, NY VOR/DME	18000	45000
	IS AMENDED TO READ IN PART		
JAMESTOWN, NY VOR/DME	WILKES-BARRE, PA VORTAC	18000	45000
	IS AMENDED TO DELETE		
SPARTA, NJ VORTAC	KENNEDY, NY VORTAC	18000	45000
§95.7152 JET ROUTE NO. 152			
	IS AMENDED TO DELETE		
HARRISBURG, PA VORTAC	JENNO, PA FIX	18000	45000
§95.7190 JET ROUTE NO. 190			
	IS AMENDED BY ADDING		
ROCKDALE, NY VORTAC	ALBANY, NY VORTAC	18000	45000
§95.7193 JET ROUTE NO. 193			
	IS AMENDED TO READ		
WILMINGTON, NC VORTAC	COFIELD, NC VORTAC	18000	45000

FROM	TO	MEA	MAA
§95.7193 JET ROUTE NO. 193—Continued			
COFIELD, NC VORTAC	HARCUM, VA VORTAC	18000	29000
HARCUM, VA VORTAC	HUBBS, MD FIX	18000	28000
§95.7211 JET ROUTE NO. 211			
	IS AMENDED BY ADDING		
YOUNGSTOWN, OH VORTAC	JOHNSTOWN, PA VORTAC	18000	27000
§95.7221 JET ROUTE NO. 221			
	IS AMENDED TO DELETE		
SPARTA, NJ VORTAC	LAKE HENRY, PA VORTAC	18000	45000
LAKE HENRY, PA VORTAC	WELLSVILLE, NY VORTAC	18000	25000
WELLSVILLE, NY VORTAC	BUFFALO, NY VORTAC	18000	39000
§95.7223 JET ROUTE NO. 223			
	IS ADDED TO READ		
LA GUARDIA, NY VOR/DME	ELMIRA, NY VORTAC	18000	23000
§95.7227 JET ROUTE NO. 227			
	IS ADDED TO READ		
ARMEL, VA VORTAC	ELMIRA, NY VORTAC	18000	23000
§95.7522 JET ROUTE NO. 522			
	IS AMENDED TO READ IN PART		
HANCOCK, NY VORTAC	KINGSTON, NY VORTAC	18000	42000
§95.7547 JET ROUTE NO. 547			
	IS AMENDED TO READ IN PART		
SYRACUSE, NY VORTAC	CAMBRIDGE, NY VORTAC	18000	45000
CAMBRIDGE, NY VORTAC	KENNEBUNK, ME VORTAC	18000	45000

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	V-33		
	IS AMENDED TO READ IN PART		
HARRISBURG, PA VORTAC	PHILIPSBURG, PA VORTAC	35	HARRISBURG
	V-34		
	IS AMENDED TO DELETE		
HANCOCK, NY VORTAC	ITHACA, NY VOR/DME	32	HANCOCK
	V-265		
	IS AMENDED TO READ IN PART		
HARRISBURG, PA VORTAC	PHILIPSBURG PA VORTAC	35	HARRISBURG
	V-273		
	IS AMENDED BY ADDING		
HUGUENOT NY VORTAC	HANCOCK, NY VORTAC	17	HUGUENOT

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
J-95			
IS AMENDED BY ADDING			
DEER PARK, NY VORTAC	BINGHAMTON, NY VORTAC	60	DEER PARK
J-193			
IS AMENDED BY ADDING			
COFIELD, NC VORTAC	HARCUM, VA VORTAC	36	COFIELD
J-211			
IS AMENDED BY ADDING			
JOHNSTOWN, PA VORTAC	WESTMINSTER, MD VORTAC	47	JOHNSTOWN
J-221			
IS AMENDED TO DELETE			
LAKE HENRY, PA VORTAC	WELLSVILLE, NY VORTAC	50	LAKE HENRY

[FR Doc. 87-23683 Filed 10-13-87; 8:45 am]
BILLING CODE 4910-13-C

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 702, 732, 750 and 752

[AIDAR Notice 88-1]

Miscellaneous Amendments to Acquisition Regulations

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The A.I.D. Acquisition Regulation (AIDAR) is being amended by updating the address for submission of report copies to the A.I.D. reference center, and reducing the number of copies required by that office from 3 to 2; by removing the requirement for routine Inspector General comment or concurrence for extraordinary contractual relief actions; by specifying the approving authority for advance payments to profit making organizations; by clarifying some of the definitions in the policy text of Appendix D; by including a new definition of a resident hire personal services contractor along with guidance on payment of allowances, differentials and fringe benefits for such contractors; by providing for contractor emergency locator information in the contract schedule as well as contractor biographical data; and by clarifying several provisions in Appendix J. Required Personal Services Contractor checklist information has also been added to Appendices D & J along with other miscellaneous editorial changes.

EFFECTIVE DATE: October 14, 1987.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia L. Bullock, telephone (703) 875-1534.

SUPPLEMENTARY INFORMATION: AIDAR Appendix J is being amended by: (1) Adding the note under paragraph 4, Policy, paragraph (b) Limitations on personal services contracts which permits TCNs and CCNs to negotiate on behalf of the U.S. with private individuals and entities the same as in Appendix D (the note was inadvertently omitted when the Appendix was published); (2) Clarifying the language in paragraph 5(a)(4) "Soliciting for Personal Services Contracts" under which, instead of providing an estimate of what a comparable GS or FS position should cost (including benefits), the project officer of the Mission is now required to obtain a certification from the officer in charge at the Mission responsible for the LEPCH or equivalent that the position has been reviewed and properly classified as to title, series, and grade in accordance with LEPCH or its equivalent; (3) Revising the General Provision and Additional General Provision entitled "Physical Fitness" to reflect that costs of physical examinations for both CCNs and TCNs shall be based on rates prevailing locally for such examinations in accordance with Mission practice; (4) Revising the General Provision entitled "Workweek" to permit overtime in accordance with procedures governing premium compensation applicable to direct hire FSN employees; (5) Revising the General Provision "Leave and Holidays" to conform vacation leave and sick leave policies to those that apply to FSN direct hire employees; (6) Revising the payment provision to permit payment of compensation to CCNs and TCNs to be made in a method similar to that used for FSN direct hire employees but require written supporting documentation concerning time and attendance which complies with Mission policy and practice; (7) Allowing Missions to grant access to classified or administratively controlled (LOU) information to CCNs and TCNs based on their need to know in accordance with A.I.D. Handbook 6, Security; and (8) Adding the required FAR Clause 52.203-7, Anti-kickback Procedures.

Appendix D is being amended by clarifying some of the definitions in the policy text, by adding a new definition for a resident hire personal services contractor along with guidance on payment of allowances, differentials and fringe benefits to such contractors and by adding contractor emergency locator information as well as contractor biographical data. Required PSC Checklist information which must be placed in the official contract folder has been added to both Appendices. Miscellaneous and editorial changes are also being made to the AIDAR and the Appendices.

This AIDAR Notice is not a major rule and is exempt from the requirement 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.

List of Subjects in 48 CFR Parts 702, 732, 750 and 752

Government procurement.

1. The authority citation for Parts 702, 732, 750 and 752 and the Appendices to Chapter 7 is unchanged and continues to read as follows:

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673, 3 CFR 1979 Comp., p. 435.

PART 702—DEFINITIONS OF WORDS AND TERMS

Subpart 702.170—Definitions

702.170-13 [Amended]

2. Section 702.170-13(d) is amended by removing the references to the "Office of Acquisition and Assistance Management" and in their place inserting "Office of Procurement".

PART 732—CONTRACT FINANCING

Subpart 732.4—Advance Payments

3. A new section 732.402 is added to read as follows:

732.402 General.

(a)-(d) [Reserved]

(e) All U.S. Dollar advances to profit making organizations require the approval of the Procurement Executive; all such approvals are subject to prior consultation with the A.I.D./W Controller. Interest is charged on such advances at the rate established by the Secretary of the Treasury under Pub. L. 92-41, unless waived by the Procurement Executive.

PART 750—EXTRAORDINARY CONTRACTUAL ACTIONS

Subpart 750.71—Extraordinary Contractual Actions To Protect Foreign Policy Interests of the United States

750.7110-2 [Amended]

4. Section 750.7110-2 is amended by removing the words "and the Inspector General" from the first sentence.

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 752.2—Texts of Provisions and Clauses

752.202 [Redesignated as 752.202-1 and Amended]

5. Section 752.202, Definitions, is amended as follows:

a. The section number is redesignated from 752.202 to 752.202-1; and

b. The contract clause in paragraph (d) *Alternate 72* is amended by removing paragraph (f) of the clause, and redesignating paragraphs (g) and (h) of

the clause as paragraphs (f) and (g), respectively.

6. Section 752.7026 is revised as follows:

752.7026 Reports.

(a) *Alternate 70.* For use in all A.I.D. direct contracts except fixed-price contracts for technical services.

Reports (June 1987)

(a) Unless otherwise provided in the schedule of this contract, the contractor shall prepare and submit to the contracting officer 3 copies, to PPC/CDIE/DI, ACQUISITIONS 2 copies [see paragraph (d)], and to the Mission 4 copies, of a semi-annual report, within 45 days following the end of the period being covered, which shall include the following:

(1) A substantive report covering the status of the work under the contract, indicating progress made with respect thereto, setting forth plans for the ensuing period, including recommendations covering the current needs in the fields of activity covered under the terms of this contract.

(2) An administrative report covering expenditures, foreign country national trainees, and personnel employed under the contract.

(b) Contractor shall prepare and submit to the contracting officer and to PPC/CDIE/DI, ACQUISITIONS [see paragraph (d)] such other reports as may be specified in the schedule.

(c) Unless otherwise provided in the schedule of this contract, at the conclusion of the work hereunder, the contractor shall prepare and submit to the contracting officer 3 copies; to PPC/CDIE/DI, ACQUISITIONS 2 copies [see paragraph (d)], and to the Mission 4 copies, of a final report which summarizes the accomplishments of the assignment, methods of work used and recommendations regarding unfinished work and/or program continuations. The final report shall be submitted within 60 days after completion of the work hereunder unless the required date of submission is extended by the contracting officer.

(d) Contractor shall submit 2 copies of each report required by paragraphs (a)(1), (b), and (c) of this clause or of any other reports required by the schedule of this contract to the Bureau for Program and Policy Coordination, Center for Development Information and Evaluation, Development Information Division (PPC/CDIE/DI). All documents should be mailed to: PPC/CDIE/DI, ACQUISITIONS, Room 209, SA-18, Agency for International Development, Washington, DC 20523.

The title page of all reports forwarded to PPC/CDIE/DI pursuant to this paragraph (d) shall include a descriptive title, the author's name(s), contract number, project number and title, contractor's name, name of the A.I.D. project office, and the publication or issuance date of the report.

(e) When preparing reports, the contractor shall refrain from using elaborate art work, multicolor printing and expensive paper/binding, unless it is specifically authorized in the Contract Schedule. Wherever possible, pages should be printed on both sides using single spaced type.

(b) *Alternate 71.* For use in fixed price contracts for technical services, use the clause in *Alternate 70,* less paragraph (a)(2).

Appendices to Chapter 7

Appendix D—Direct A.I.D. Contracts With U.S. Citizens or U.S. Resident Aliens for Personal Services Abroad

7. Paragraph 1, General, is amended by revising paragraph (b) to read as follows:

1. General.

* * * * *

(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) "Resident Hire" means a U.S. citizen who, at the time they are hired as a PSC, resides in the cooperating country (a) as a spouse or dependent of a U.S. citizen employed by a U.S. Government Agency or under any U.S. Government-financed contract or agreement, or (b) for reasons other than for employment with a U.S. Government Agency or under any U.S. Government-financed contract or agreement. A U.S. citizen for purposes of this definition also includes persons who at the time of contracting are lawfully admitted permanent residents of the United States.

(6) "U.S. resident alien" means a non-U.S. citizen lawfully admitted for permanent residence in the United States.

(7) "Abroad" means outside the United States and its territories and possessions.

(8) "A.I.D. direct hire employees" means civilian employees appointed under A.I.D. Handbook 25 procedures.

* * * * *

8. Paragraph 3, *Applicability,* is amended by removing the parenthetical sentence at the end of paragraph (a).

9. Paragraph 4, *Policy* is amended by revising subparagraph (c)(2)(v) introductory text as follows:

4. Policy

* * * * *

(c) * * *

(2) * * *

(v) PSCs shall receive the following allowances and differentials provided in the State Department's Standardized Regulations (Government Civilians Foreign Areas) on the same basis as direct hire U.S. Government employees (except for resident hires, see paragraph 4(g) and Section 11, General Provisions, Definitions Clause 26, "Resident Hire Personal Services Contractors"):

* * * * *

10. Paragraph 4, *Policy,* Subparagraph (c)(2)(vi) is amended as follows: The word "shall" in the first sentence is changed to "may".

11. Paragraph 4, *Policy,* is amended by adding a new paragraph (g) which reads as follows:

4. Policy

* * * * *

(g) Resident Hire Personal Services Contractors.

Resident hire PSCs are not eligible for any fringe benefits (except contributions for FICA, health insurance, and life insurance), including differentials and allowances, unless such individuals can demonstrate to the satisfaction of the contracting officer that they have received similar benefits and allowances from their immediately previous employer in the cooperating country or the Mission Director may determine that payment of such benefits would be consistent with the Mission's policy and practice and would be in the best interests of the U.S. Government.

12. Paragraph 7, *Executing a Personal Services Contract,* is revised as follows:

7. Executing a Personal Services Contract.

Contracting activities, whether A.I.D./W or Mission, may execute personal services contracts, provided that the amount of the contract does not exceed the contracting authority that has been redelegated to them under Delegation of Authority No. 1103 "To the Assistant to the Administrator for Management, Concerning Acquisition Functions" (50 FR 23842), as amended (see AIDAR 702.170-10).

In executing a personal services contract, the contracting officer is responsible for insuring that:

(a) The proposed contract is within his/her delegated authority;

(b) A PIO/T covering the proposed contract has been received;

(c) The proposed scope of work is contractible, contains a statement of minimum qualifications from the technical office requesting the services, and is suitable for a personal services contract in that:

(1) Performance of the proposed work requires or is best suited for an employer-employee relationship, and is thus not suited to the use of a non-personal services contract;

(2) The scope of work does not require performance of any function normally reserved for Federal employees (see paragraph 4(b) of this Appendix); and

(3) There is no apparent conflict of interest involved (if the contracting officer believes that a conflict of interest may exist, the question should be referred to the cognizant legal counsel).

(d) Selection of the contractor is documented and justified. AIDAR 706.302-70(b)(1) provides an exception to the requirement for full and open competition for personal services contracts abroad (see paragraph 5(c) of this Appendix);

(e) The standard contract format prescribed for personal services contracts (Sections 10, 11, 12 and 13 to AIDAR Appendix D) is used; or that any necessary deviations are processed as required by AIDAR 701.470. (**Note:** The prescribed contract format is designed for use with contractors who are residing in the U.S. when hired. If the contract is with a U.S. citizen residing in the cooperating country when hired, contract provisions governing physical fitness and travel/transportation expenses, and Additional General Provisions dealing with home leave, allowances, and orientation should be suitably modified (see paragraph 4(g) of this Appendix). These modifications are not considered deviations subject to AIDAR 701.470. Justification and explanation of these modifications is to be included in the contract file);

(f) Orientation is arranged in accordance with Additional General Provision 32;

(g) The contractor has submitted the names, addresses, and telephone numbers of at least two persons who may be notified in the event of an emergency (this information is to be retained in the contract file);

(h) The contract is complete and correct and all information required on the contract Cover Page (AID form 1420-36A) has been entered;

(i) The contract has been signed by the contracting officer and the contractor, and fully executed copies are properly distributed;

(j) The following clearances, approvals and forms have been obtained, properly completed, and placed in the contract file before the contract is signed by both parties:

(1) Security clearance, including the completed SF 86, to the extent required by A.I.D. Handbook 6, *Security;*

(2) Mission, host country, and project office clearance, as appropriate;

(3) Medical clearance(s) for the contractor and for each dependent who is authorized to travel to the overseas post based on a full medical examination(s) and certification of same by a licensed physician. The physician's certification must be in the possession of the contracting officer prior to any travel undertaken by contractor or his/her dependents;

(4) One original executed IRS Form W-4 entitled "Employee's Withholding Allowance Certificate" and one copy shall be obtained. The original shall be sent to the Controller of the paying office and one shall be placed in the contract file;

(5) The approval for any salary in excess of FS-1, in accordance with Appendix G of this chapter;

(6) A copy of the class justification or other appropriate explanation and support required by AIDAR 706.302-70, if applicable;

(7) Any deviation to the policy or procedures of this appendix, processed and approved under AIDAR 701.470;

(8) A fully executed SF 171;

(9) The memorandum of negotiation;

(k) Funds for the contract are properly obligated to preclude violation of the Anti-Deficiency Act, 31 U.S.C. 134 (the contracting officer ensures that the contract has been properly recorded by the appropriate accounting office prior to its release for the signature of the selected contractor);

(l) The contractor receives and understands Attachment 2C of Chapter 2, A.I.D. Handbook 24, *General Personnel Policy,* entitled "Employee Responsibilities and Conduct," and a copy is attached to each contract, as provided for in paragraph 2(c) of General Provision 2, Section 11;

(m) Agency conflict of interest requirements, as set out in Chapter 2D and 2F of A.I.D. Handbook 24, are met by the contractor prior to his/her reporting for duty;

(n) A copy of a Checklist for Personal Services Contractors which may be in the form set out above or another form convenient for the contracting officer, provided that a form containing all of the information described in this paragraph 7 shall be prepared for each PSC and placed in the contract file; and

(o) The block entitled, "Project No." on the Cover Page of the contract format is completed by inserting the four-segment project number as prescribed in A.I.D. Handbook 18, *Information Services.*

13. In Section 10, Table of Contents, under General Provisions amend the schedule by adding: "Biographical Data" as new Clause 25 and "Resident Hire PSC" as new Clause 26.

14. Section 11, General Provisions, Index of Clauses is amended by adding: "Biographical Data" as new Clause 25 and "Resident Hire PSC" as new Clause 26.

15. Section 11, General Provision 1, Definitions, is amended by adding paragraph (p) as follows:

1. Definitions

* * * * *

(p) "Resident Hire Personal Services Contractor (PSC)" means a U.S. citizen who, at the time they are hired as a PSC, resides in the cooperating country (a) as a spouse or dependent of a U.S. citizen employed by a U.S. Government Agency or under any U.S. Government-financed contract or agreement, or (b) for reasons other than for employment with a U.S. Government Agency or under any U.S. Government-financed contract or agreement. A U.S. citizen for purposes of this definition also includes persons who at the time of contracting, are lawfully admitted permanent residents of the United States.

16. Section 11, General Provision 14 is amended by removing the words "shall be available" in paragraph (a) after "employees" and substituting the words "may be available only".

17. Section 11, General Provision 23, Reports is revised as follows:

23. Reports (June 1987)

(a) The contractor shall prepare and submit 2 copies of each report required by the schedule of this contract to the Bureau for Program and Policy Coordination, Center for Development Information and Evaluation, Development Information Division (PPC/CDIE/DI). All documents should be mailed to: PPC/CDIE/DI, ACQUISITIONS, Room 209, SA-18, Agency for International Development, Washington, DC 20523.

The title page of all reports forwarded to PPC/CDIE/DI pursuant to this paragraph shall include a descriptive title, the author's name(s), contract number, project number and title, contractor's name, name of the A.I.D. project office, and the publication or issuance date of the report.

(b) When preparing reports, the contractor shall refrain from using elaborate art work, multicolor printing and expensive paper/binding, unless it is specifically authorized in the Contract Schedule. Wherever possible, pages should be printed on both sides using single spaced type.

18. Section 11, General Provisions, is amended by adding the following new Clause 25:

25. Biographical Data

(a) The contractor agrees to furnish biographical information to the contracting officer, on forms (SF 171 and 171As) provided for that purpose.

(b) Emergency locator information. The contractor agrees to provide the following information to the Mission Administrative Officer on arrival in the host country regarding himself/herself and dependents:

(1) Contractor's full name, home address, and telephone number including any after-hours emergency number(s).

(2) The name and number of the contract, and whether the individual is the contractor or the contractor's dependent.

(3) The name, address, and home and office telephone number(s) of each individual's next of kin.

(4) Any special instructions pertaining to emergency situations such as power of attorney designees or alternate contact persons.

19. Section 11, General Provisions, is amended by adding the following new clause 26:

26. Resident Hire Personal Services Contractor

A contractor meeting the definition of a Resident Hire PSC contained in Section 11, General Provisions, Clause 1, Definitions, shall not be eligible for any fringe benefits (except contributions for FICA, health insurance and life insurance), allowances, or differentials, including but not limited to travel and transportation, medical, orientation, home leave, etc., unless such individual can demonstrate to the satisfaction of the contracting officer that he/she has received similar benefits/allowances from their immediately previous employer in the cooperating country, or the Mission Director determines that payment of such benefits would be consistent with the Mission's policy and practice and would be in the best interests of the U.S. Government.

Appendix J—Direct A.I.D. Contracts With Cooperating Country Nationals and With Third Country Nationals for Personal Services Abroad.

20. Paragraph 1, *General*, is amended by revising paragraph (b) (8) to read as follows:

1. General

* * * * *

(b) Definitions

* * * * *

(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 [see Section 13, General Provision 11 paragraph (b)(1)].

* * * * *

21. Paragraph 4, Policy, subparagraph (b)(3)(i) is revised to read as follows:

4. Policy

* * * * *

(b) Limitations on Personal Services Contracts

* * * * *

(3) * * *

(i) Negotiating on behalf of the United States with foreign governments and public international organizations.

Note.—Negotiating on behalf of the United States with private individuals and entities is permitted.

* * * * *

22. Also in paragraph 4, Policy, subparagraph (c)(2)(i) is amended by removing the citation "4(c)(2)(b)" and correcting it to read "4(c)(2)(ii)" in the last sentence of the paragraph.

23. Paragraph 5, *Soliciting for Personal Services Contracts*, paragraph (a)(4) is revised as follows:

5. Soliciting for Personal Services Contracts

* * * * *

(a) Project Officer's Responsibilities

* * * * *

(4) a certification from the officer in the Mission responsible for the LEPCH or equivalent that the position has been reviewed and is properly classified as to a title, series and grade in accordance with the LEPCH. If the position does not fall within the LEPCH or equivalent system, an estimate of compensation based on subparagraph 4(c)(2)(ii) (A) or (B) of Appendix D after consultations or in coordination with the contract officer or executive officer.

* * * * *

24. Paragraph 7, *Executing a Personal Services Contract* is revised as follows:

7. Executing a Personal Services Contract

Contracting activities, whether A.I.D./W or Mission, may execute personal services contracts, provided that the amount of the contract does not exceed the contracting authority that has been redelegated to them under Delegation of Authority No. 1103 "To the Assistant to the Administrator for Management, Concerning Acquisition Functions" (50 FR 23842), as amended (see AIDAR 702.170–10).

In executing a personal services contract, the contracting officer is responsible for insuring that:

(a) The proposed contract is within his/her delegated authority;

(b) A written detailed statement of duties covering the proposed contract has been received;

(c) The proposed scope of work is contractible, contains a statement of minimum qualifications from the technical office requesting the services, and is suitable for a personal services contract in that:

(1) Performance of the proposed work requires or is best suited for an employer-employee relationship, and is thus not suited to the use of a non-personal services contract;

(2) The scope of work does not require performance of any function normally reserved for Federal employees (see paragraph 4(b) of this Appendix); and

(3) There is no apparent conflict of interest involved (if the contracting officer believes that a conflict of interest may exist, the question should be referred to the cognizant legal counsel).

(d) Selection of the contractor is documented and justified. AIDAR 706.302–70(b)(1) provides an exception to the requirement for full and open competition for personal services contracts abroad (see paragraph 5(c) of this Appendix);

(e) The standard contract format prescribed for Cooperating Country Nationals and Third Country Nationals personal services contracts (Sections 10, 11, 12, 13 14, and 15 to this Appendix as appropriate) is used; or that any necessary deviations are processed as required by AIDAR 701.470.

(f) The contractor has submitted the names, addresses, and telephone numbers of at least two persons who may be notified in the event of an emergency (this information is to be retained in the contract file);

(g) The contract is complete and correct and all information required on the contract Cover Page (AID form 1420–36B) has been entered;

(h) The contract has been signed by the contracting officer and the contractor, and fully executed copies are properly distributed;

(i) The following clearances, approvals and forms have been obtained, properly completed, and placed in the contract file before the contract is signed by both parties:

(1) Security clearance to the extent required by A.I.D. Handbook 6, *Security;*

(2) Mission, host country, and project office clearance, as appropriate;

(3) Medical clearance(s) based on a full medical examination(s) and certification of same by a licensed physician. The physician's certification must be in the possession of the contracting officer prior to signature of contract. If a TCN is recruited, medical clearance requirements apply to the contractor and for 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) A copy of the class justification or other 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;

(j) 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;

(k) Funds for the contract are properly obligated to preclude violation of the Anti-Deficiency Act, 31 U.S.C. 134 (the contracting officer ensures that the contract has been properly recorded by the appropriate accounting office prior to its release for the signature of the selected contractor);

(l) The contractor receives and understands Attachment 2C of Chapter 2, A.I.D. Handbook 24, *General Personnel Policy*, entitled "Employee Responsibilities and Conduct," and a copy is attached to each contract, as provided for in paragraph 2(c) of General Provision 2, Section 11;

(m) Agency conflict of interest requirements, as set out in Chapter 2D and 2F of A.I.D. Handbook 24, are met by the contractor prior to his/her reporting for duty;

(n) A copy of a Checklist for Personal Services Contractors which may be in the form set out above or another form convenient for the contracting officer, provided that a form containing all of the information described in this paragraph 7 shall be prepared for each PSC and placed in the contract file;

(o) In consultation with the regional legal advisor and/or the regional contracting officer, the contract is modified by deleting from the General Provisions (Sections 10, 11, 12, 13, 14, and 15 of this Appendix) the inapplicable clause(s) by a listing in the Schedule; and

(p) The block entitled, "Project No." on the Cover Page of the contract format is completed by inserting the four-segment project number as prescribed in A.I.D. Handbook 18, *Information Services.*

25. Section 11, General Provisions, Contract With a Cooperating Country National for Personal Services, Clause 3, Physical Fitness, is revised as follows:

3. PHYSICAL FITNESS (October 1987)

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 for the cost of the physical examination based on the rates prevailing locally for such examinations in accordance with Mission practice.

26. Section 11, General Provisions, Contract With a Cooperating Country National for Personal Services Clause 5, Workweek, is revised as follows:

5. WORKWEEK (October 1987)

The contractor 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 approved in advance in writing, overtime worked by the contractor shall be paid in accordance with the procedures governing premium compensation applicable to direct hire foreign service national employees.

27. Section 11, General Provisions, Contract With a Cooperating Country National for Personal Services, Clause 6, Leave and Holidays, is revised as follows:

6. LEAVE AND HOLIDAYS (October 1987)

(a) Vacation Leave.

The contractor may accrue, accumulate, use and be paid for vacation leave in the same manner as such leave is accrued, accumulated, used and paid to foreign service national direct hire employees of the Mission. No vacation leave shall be earned if the contract is for less than 90 days. Unused vacation leave may be carried over under an extension or renewal of the contract as long as it conforms to Mission policy and practice.

(b) Sick Leave.

The contractor may accrue, accumulate, and use sick leave in the same manner as such leave is accrued, accumulated and used by foreign service national direct hire employees of the Mission. Unused sick leave may be carried over under an extension of the contract. The contractor will not be paid for sick leave earned but unused 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.

28. Section 11, General Provisions, Contract With a Cooperating Country National for Personal Services, Clause 10, Payment, is revised as follows:

10. PAYMENT (October 1987)

(a) Payment of compensation shall be based on written documentation supporting time and attendance which may be (1) maintained by the Mission in the same way as for direct hire FSN's or (2) the contractor may submit such written documentation in a form acceptable to Mission policy and practice as required for other personal service contractors and as directed by the Mission Controller or paying office. The documentation will also provide information required to be filed under Cooperating Country laws to permit withholding by A.I.D. of funds, if required, as described in the clause of these General Provisions entitled Social Security and Cooperating Country Taxes.

(b) Any other payments due under this contract shall be as prescribed by Mission policy for the type of payment being made.

29. Section 11, General Provisions, Contact With a Cooperating Country National for Personal Services, in Clause 11, No Access to Classified Information, the clause heading and paragraph (a) are revised as follows:

11. NO ACCESS TO CLASSIFIED INFORMATION (October 1987)

(a) The contractor shall not normally have access to classified or administratively controlled information and shall take conscious steps to avoid receiving or learning of such information. However, based on contractor's need to know, Mission may authorize access to administratively controlled information for performance of assigned scope of work on a case-by-case basis in accordance with A.I.D. Handbook 6.

* * * * *

30. The title of Section 13, General Provisions—Contract With Third Country National for Personal Services is revised as follows: General Provisions—Contract With a Third Country National for Personal Services.

31. Section 13, General Provisions, Contract With a Third Country National for Personal Services, Clause 3, Physical Fitness, is revised as follows:

3. PHYSICAL FITNESS (October 1987)

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 for the cost of the physical examination based on the rates prevailing locally for such examinations in accordance with Mission practice, or not to exceed $100 if not done locally.

32. Section 13, General Provisions, Contract With a Third Country National for Personal Services, Clause 6, Leave and Holidays, is revised as follows:

6. LEAVE AND HOLIDAYS (October 1987)

(a) Vacation Leave.

The contractor may accrue, accumulate, use and be paid for vacation leave in the same manner as such leave is accrued, accumulated, used and paid to foreign service national direct hire employees of the Mission but no vacation leave shall be earned if the contract is for less than 90 days. Unused vacation leave may be carried over under an extension or renewal of the contract as long as it conforms to Mission policy and practice.

(b) Sick Leave.

The contractor may accrue, accumulate, and use sick leave in the same manner as such leave is accumulated and used by foreign service national direct hire employees of the Mission. Unused sick leave may be carried over under an extension of the contract. The contractor will not be paid for sick leave earned but unused at the completion of this contract.

(c) 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.

33. Section 13, General Provisions, Contract With a Third Country National for Personal Services, in Clause 11, Travel and Transportation Expenses, the clause heading and paragraph (b)(1) are revised as follows:

11. Travel and Transportation Expenses (October 1987)

(a) General.

* * * * *

(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. The return travel obligation (repatriation travel) assumed by the U.S. Government may have been the obligation of another employer in the area of assignment if the employee has been in substantially continuous employment which provided for the TCN's return to home country or country from which recruited.

* * * * *

34. Section 13, General Provisions, Contract With a Third Country National for Personal Services, Clause 12, Payment, is revised as follows:

12. PAYMENT (October 1987)

(a) Payment of compensation shall be based on written documentation supporting time and attendance which may be (1) maintained by the Mission in the same way as for direct hire FSN's or (2) the contractor may submit such written documentation in a form acceptable to Mission policy and practice as required for other personal service contractors and as directed by the Mission Controller or paying office. The

documentation will also provide information required to be filed under Cooperating Country laws to permit withholding by A.I.D. of funds, if required, as described in the clause of these General Provisions entitled Social Security and Cooperating Country Taxes.

(b) Any other payments due under this contract shall be prescribed by Mission policy for the type of payment being made.

35. Section 13, General Provisions, Contract With a Third Country National for Personal Services, in Clause 15, No Access to Classified Information, the clause heading and paragraph (a) are revised as follows:

15. NO ACCESS TO CLASSIFIED INFORMATION (October 1987)

(a) The contractor shall not normally have access to classified or administratively controlled information and shall take conscious steps to avoid receiving or learning of such information. However, based on contractor's need to know, Mission may authorize access to administratively controlled information for performance of assigned scope of work on a case-by-case basis in accordance with A.I.D. Handbook 6.

* * * * *

36. Section 14, Additional Provisions, Contract With a Third Country National for Personal Services, Clause 3, Physical Fitness, is revised as follows:

3. PHYSICAL FITNESS (October 1987)

(a) Predeparture.

The contractor's authorized dependents shall also be required to be examined by a licensed doctor of medicine. The contractor shall require the doctor to certify that in the doctor'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 his/her 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 for the cost of the physical examinations mentioned in paragraphs (a) and (b) above as follows: (1) Based on those rates prevailing locally for such examinations in accordance with Mission practice or (2) if not done locally, not to exceed $100 per examination for the contractor's dependents of 12 years of age and over and not to exceed $40 per examination for contractor's dependents under 12 years of age. The contractor shall also be reimbursed for the cost of all immunizations normally authorized and extended to FSN employees.

37. Section 15, FAR Clauses is amended by adding the following FAR citation: "14. Anti-Kickback Procedures, 52.203-7."

Date: October 1, 1987.

John F. Owens,

Procurement Executive.

[FR Doc. 87-23396 Filed 10-13-87; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 683

[Docket No. 70752-7196]

Western Pacific Bottomfish and Seamount Groundfish Fisheries

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement Amendment 1 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) adopted by the Western Pacific Fishery Management Council (Council) at its 57th meeting in Honolulu, Hawaii on June 4-5, 1987. Amendment 1 permits the Council to consider limited access for American Samoa and Guam, and changes the due date for the annual bottomfish report from March 31 to June 30. The intent of this action is to amend the FMP so that the Council can act quickly to protect the bottomfish resources in American Samoa and Guam, if necessary.

EFFECTIVE DATE: November 11, 1987.

ADDRESS: Copies of the amendment are available from Kitty B. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813 (808-523-1368).

FOR FURTHER INFORMATION CONTACT: Doyle E. Gates, Administrator, Western Pacific Program Office, 2570 Dole Street, Room 106, Honolulu, HI 96822-2396, 808-955-8831.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Council to establish a framework for managing the bottomfish fisheries within the U.S. exclusive economic zone (EEZ) around Hawaii, American Samoa, and Guam, and the seamount groundfish fisheries in the EEZ around the Hancock Seamounts northwest of the Northwestern Hawaiian Islands (NWHI). The FMP describes the processes by which the fishery will be managed, and establishes the limits and controls within which regulatory adjustments may be made. A set of heavily fished bottomfish species is routinely monitored by a Plan Monitoring Team appointed by the Council, and a set of indicators provides the basis for further investigation or recommendations for action on the part of the Regional Director through notice in the **Federal Register.**

In response to concerns of American Samoa and Guam representatives regarding maintaining the stability of the bottomfish resources in their respective areas, the Council approved the development of limited access proposals for these areas at its June meeting. The original FMP reserves limited entry management proposals only for the NWHI.

In addition, regulations presently in effect require the Bottomfish Monitoring Team to prepare an annual report on the fishery by March 31 of each year. The report contains information on the bottomfish fisheries operating in the Northwestern Hawaiian Islands, the main Hawaiian Islands, American Samoa and Guam during the past year. It has not been possible for the monitoring team to prepare an annual report by the March 31 deadline because a large portion of the fishery data is not available before this date. The data availability problem can be solved by extending the due date of the annual report from March 31 to June 30 of each year.

Proposed rules were published in the **Federal Register** on July 24, 1987 (52 FR 27838), and the public comment period ended on September 3, 1987. No comments were received.

Classification

The Administrator of NOAA determined that this amendment is necessary for the conservation and management of the bottomfish fishery of the Western Pacific region and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment (EA) for this amendment and concluded that there will be no significant impact on the environment as a result of this rule. A copy of the amendment containing the EA may be obtained at the above address.

The Administrator of NOAA determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. A summary of his determination appears in the proposed rule.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small

businesses. A summary of this determination appears in the proposed rule.

This rule contains no collection of information requirement subject to the Paperwork Reduction Act.

The Council has determined, and the appropriate State and territorial government offices have found, that the measures established in the amendment are consistent to the maximum extent practicable with the approved coastal zone management programs of American Samoa and Guam.

List of Subjects in 50 CFR Part 683

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: October 8, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR Part 683 is proposed to be amended as follows:

PART 683—[AMENDED]

1. The authority citation for 50 CFR Part 683 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 683.24, paragraph (a) introductory text is revised, paragraphs (d) (1) and (2) are redesignated as (d) (2) and (3), and a new paragraph (d)(1) is added to read as follows:

§ 683.24 Framework for regulatory adjustments.

(a) *Annual reports.* By June 30 of each year a Council-appointed bottomfish monitoring team will prepare an annual report on the fishery by area covering the following topics:

* * * * *

(d) * * *

(1) Access limitation may be adopted only for the NWHI, American Samoa, and Guam.

* * * * *

[FR Doc. 87-23728 Filed 10-8-87; 3:23 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 198
Wednesday, October 14, 1987

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

[Amendment No. 300]

Food Stamp Program; Prerelease Applications From Residents of Institutions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action proposes changes to Food Stamp Program regulations based on section 11006 of the Anti-Drug Abuse Act of 1986 (Pub. L. 99–570, enacted on October 27, 1986) which provides certain individuals in institutions applying for Supplemental Security Income (SSI) the opportunity to also apply for Food Stamp Program benefits by completing a single application for SSI and food stamps before they are released from instituions. These proposed rule changes allow institutionalized individuals to receive assistance upon release.

DATE: Comments on this proposed rulemaking must be received on or before December 14, 1987, to be assured of consideration.

ADDRESS: Comments should be submitted to Judith M. Seymour, Supervisor, Certification Rulemaking Section, Eligibility and Monitoring Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 708, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 3101 Park Center Drive, Alexandria, Virginia, Room 708.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rulemaking should be directed to Ms. Seymour at the above address or by telephone at (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291 and Secretary's Memorandum 1512–1

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

Executive Order 12372

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

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, Stat 1164, September 19, 1980). Anna Kondratas, Administrator of the Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. This action would affect certain individuals in institutions and the State and local agencies which administer the Food Stamp Program.

Paperwork Reduction Act

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

Background

Section 11006 of the Anti-Drug Abuse Act of 1986 amends section 1631 of the Social Security Act (42 U.S.C. 1383) to require the Secretaries of the Department of Health and Human Services and the Department of Agriculture to develop a procedure under which an individual who applies for SSI benefits will also be permitted to apply for participation in the Food Stamp Program prior to the discharge or release of the individual from a public institution by executing a single application. It is expected that this provision will simplify applying for Food Stamp Program benefits for individuals anticipating release from a public institution and expedite financial help upon release.

The Social Security Administration (SSA) currently accepts SSI applications from individuals not yet discharged from an institution under their Prerelease Program for the Institutionalized (Program Operations Manual System GN–00204.293). However, there are no similar procedures in Food Stamp Program regulations for processing food stamp applications for residents of public institutions prior to their release from the institution. Consequently, residents of institutions now must wait until they are released before they may apply for food stamp benefits.

Pursuant to the passage of the Anti-Drug Abuse Act of 1986, the Department met with SSA staff to discuss the procedures which could be used for prerelease institutionalized applicants and to resolve problems in combining the applications for SSI and food stamps into a single application. The Food and Nutrition Service (FNS) is currently working with SSA staff to resolve the problems created by a single application. However, pending resolution of the single application issue, SSA and FNS staff agree that SSA field staff and food stamp State agencies should use the same processing procedures thay are currently using under existing SSA/food stamp joint processing regulations at 7 CFR 273.2(k). This will avoid a delay in implementing the prerelease application provision of section 11006. While current food stamp regulations do not contemplate prerelease applications, they do, in 7 CFR 273.2(k) provide for the joint processing of food stamp and SSI applications at SSA offices. SSA accepts food stamp applications and conducts interviews at SSA offices for food stamp applicant households consisting entirely of SSI applicants or recipients which

request this service and which have neither applied for food stamps during the previous 30 days nor have an application pending at the State agency. These applications are then forwarded to the food stamp office for determination of eligibility for the Food Stamp Program. These determinations are made within one working day after receipt of the signed applications.

SSA issued Program Circular No. 03-87-OSSI on March 9, 1987 to its field office staff notifying them of the upcoming procedures for accepting food stamp applications from prerelease applicants. SSA will issue further instructions on this procedure to their field offices. The FNS is keeping food stamp regional offices informed as plans progress and will notify them when SSA issues further instructions so that their respective State agencies can be alerted to expect applications from individuals not yet discharged from institutions.

That applications will be taken before the applicant leaves the public institution creates a potential conflict with the 30-day application processing time required by section 11(e)(3) of the Food Stamp Act. Unlike the Food Stamp Program, SSI has no processing time requirements. It may take several months for an SSI application to be approved. Under the prerelease program the institutionalized person will usually not be released until the institution has been notified that the person is potentially eligible for SSI. Thus, a prerelease food stamp application could be pending with the State agency for several months. This obviously contravenes the Food Stamp Program's 30-day processing time requirement. Under current application processing procedures in 7 CFR 273.2(c), the 30-day (or 5-day for expedited service) processing time begins on the date a signed application is filed by the applicant. Since the institutionalized applicant cannot be eligible for food stamps until he or she is released from the institution, this definition of the date of application raises problems for prerelease applicants. The Department considered three options on how to re-define the date of application for prerelease applicants.

The first option is to follow current policy, e.g., in accordance with 7 CFR 273.2(c)(1), define the date of application as the day the institutionalized person signs and submits the application. Under this definition, for a State agency to meet the 30-day processing time requirement it would have to deny the application if the applicant is not released within 30 days, and the individual would have to reapply. The applying and denying (since the person very often would be in the institution for several months after applyling for benefits) could go on for several 30-day cycles—this is clearly not what Congress intended. Thus, for this specific group of people the current definition of the date of application is not viable.

The second option is to use the date of the notice of potential SSI eligibility. The determination of potential eligibility is valid for 30 days (37 days if the institution indicates the individual will be released within 7 days of the end of the 30-day period. Once an institution is notified of SSI eligibility it usually, but not always, releases the individual within 30-37 days. If SSA has not been contacted by the institution within 23 days, SSA will contact the institution again. The problem with using the date of SSI prospective eligibility is that the release may not occur within 30 days, or even 37 days, and thus the State agency is again forced to deny the application in order to meet the 30-day time limitation. The applicant would then have to reapply. This is burdensome for both the State agency and the applicant.

The third option is to use the applicant's actual release date from the institution as the date of application. It is not until the time of release that the institutionalized applicant's new living arrangement is known for certain. Before making a final eligibility determination on the prerelease application the State agency will have to know what type of living situation the applicant is moving into. For example, the State agency will have to ensure that the applicant has not moved into another institutional situation and will need information on the applicant's expenses and the composition of the household in order to determine the benefit level The Department expects that most of these applicants will be entitled to expedited service. This is because these applicants are residents of public institutions and probably have little or no resources, they almost certainly have no income at the time of application and they will not know exactly their SSI check will be received. Based on the expectation that most prerelease applicants will be eligible for expedited service, they would receive benefits within 5 days of release from the institution. The State agency would thus meet its processing deadlines and still ensure rapid benefit delivery to the applicant. It will be extremely important that SSA notify the State agency as quickly as possible of the release date, because if there is a delay in notification there may be a delay in benefit delivery. SSA has assured FNS that their notification will be timely. In light of this, the Department is proposing to use the release date as the date of application for prerelease applicants.

Specifically, the changes being proposed in this rule are as follows. Language is being added to 7 CFR 273.1(e) to provide that residents of public institutions who apply for SSI prior to their release from an institution under SSA's Prerelease Program for the Institutionalized shall be permitted to apply for food stamps at the same time they apply for SSI. Changes are proposed to 7 CFR 273.1(c)(1), (g)(1), and (i)(3)(i) to specify that for residents of public institutions who apply jointly for SSI and food stamps the filing date of the food stamp application is the date of release from the instituion and that normal and expedited procesing times shall begin from that date. Consistent with this, language has been added to 7 CFR 273.10(a) to provide that these prerelease applicants will have their eligibility determined for the calendar month in which the household is released from the institution and their benefits will be prorated form the date of release.

Changes are proposed to 7 CFR 273.2(j)(1)(iv) and (j)(2)(i) to provide that, for prerelease applicants, a finding by SSA of *potential* SSI eligibility prior to release would not make these applicants categorically eligible for food stamp benefits. These prerelease applicants will be considered categorically eligible when a final SSI eligibility determination has been made and the individual has been release from the institution. Food Stamp Program benefits would be paid from the prerelease applicant's date of release.

This rule proposes changes to 7 CFR 273.2(k)(1)(i) to include prerelease applicants in the joint processing procedures. The proposed rule provides that SSA staff take the joint SSI and food stamp applications from residents of institutions prior to their release and that the State agency make an eligibility determination and issue benefits within normal or expedited processing standards using the date of release as the date of application. The proposed rule also provides that SSA notify the State agency of the prerelease applicant's release date. The Department encourages State agencies to follow-up with SSA if they do not hear from SSA about a given application for an undue period of time (for example, three months or more). The proposed rule also provided that, if, for any reason, the State agency is not notified on a timely basis of the

applicant's release date, the State agency shall restore benefits in accordance with 7 CFR 273.17 to such applicant back to the date of release.

Finally, this rule proposes to add a paragraph to 7 CFR 273.11 which identifies prerelease applicants as a household with special circumstances and cross-references the sections of the regulations which specify the procedures to be used for such households.

Implementation

It is proposed that the provisions in this rule be implemented by State agencies on the first day of the first month which begins 30 days after publication of the final rule. The Department feels that this timeframe is reasonable. State agencies which will have already received applications from prerelease applicants at the time will need only to adjust the date of application accordingly.

List of Subject in 7 CFR Part 273

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

Accordingly 7 CFR Part 273 is proposed to be amended as follows:

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

1. The authority citation for Part 273 continues to read as follows:

Authority: 7 U.S.C. 2011-2029.

2. In § 273.1, paragraphs (e)(1) through (5) are redesignated as paragraphs (e)(1)(i) through (v), introductory paragraph (e) is redesignated as paragraph (e)(1), and a new paragraph (e)(2) is added to read as follows:

§ 273.1 Household concept.

* * * * *

(e) *Residents of institutions.* * * *

(2) Residents of public institutions who apply for SSI prior to their release from an institution under the Social Security Administration's Prerelease Program for the Institutionalized (42 U.S.C. 1383(j) shall be permitted to apply for food stamps at the same time they apply for SSI. These prerelease applicants shall be processed in accordance with the provisions in §§ 273.2 (c), (g), (i), (j), and (k), 273.10(a) and 273.11(i), as appropriate.

* * * * *

3. In § 273.2:

a. The second sentence of paragraph (c)(1) is revised, a new sentence is added between the second and third sentences, and a new sentence is added at the end of (c)(1).

b. The first sentence of paragraph (g)(1)is revised and a new sentence is added at the end of the paragraph.

c. A new sentence is added to paragraph (i)(3)(i) between the first and second sentences.

d. The eleventh sentence of paragraph (j)(l)(iv) is revised and a new sentence added between the eleventh and twelfth sentences.

e. Two new sentences are added to paragraph (j)(2)(i) between the first and second sentences.

f. Paragraphs (k)(1)(i)(D) through (k)(1)(i)(O) are redesignated as paragraphs (k)(1)(i)(E) through (P), respectively and a new paragraph (k)(1)(i)(D) is added.

g. The first sentence of newly redesignated paragraph (k)(1)(i)(F) is revised and three new sentences are added between the third and fourth sentences.

h. A new sentence is added to the end of new redesignated paragraph (k)(1)(i)(I).

i. The second sentence of newly redesignated paragraph (k)(1)(i)(J) is amended by adding the words "unless the applicant is a resident of an institution as described in § 273.1(e)(2)." to the end of the sentence.

The revisions and additions read as follows:

§ 273.2 Application processing.

* * * * *

(c) *Filing an application—(1) Household's right to file.* * * * The length of time a State agency has to deliver benefits is calculated from the date the application is filed in the food stamp office designated by the State agency to accept the household's application, except when a resident of a public institution is jointly applying for SSI and food stamps prior to his/her release from an institution as described in § 273.1(e)(2). Residents of public institutions who apply for food stamps prior to their release from an institution shall be certified in accordance with § 273.2(g)(1) or § 273.2(i)(3)(i), as appropriate. * * * When a resident of an institution is jointly applying for SSI and food stamps prior to leaving the institution, the filing date of the application to be recorded by the State agency on the application is the date of release of the application from the institution.

* * * * *

(g) *Normal processing standard—(1) Thirty-day processing.* The State agency shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date application was filed, except for residents of public institutions who apply for SSI and food stamp benefits prior to release from the institution as described in § 273.1(e)(2). * * * For residents of public institutions who apply for food stamps prior to their release from the institution as described in § 273.1(e)(2), the State agency shall provide an opportunity to participate as soon as possible, but no later than 30 calendar days from the date of release of the applicant from the institution.

* * * * *

(i) *Expedited Service* * * *

(3) *Processing standards.* * * *

(i) *General.* * * * For a resident of a public institution who applies for benefits prior to his/her release from the institution as described in § 273.1(e)(2) and who is entitled to expedited service, the date of filing of his/her application is the date of release of the applicant from the institution. * * *

* * * * *

(j) *PA, GA and categorically eligible households.* * * *

(1) *Applicant PA households.* * * *

(iv) Except for residents of public institutions who apply jointly for SSI and food stamp benefits prior to their release from a public institution as described in § 273.1(e)(2), benefits shall be paid from the beginning of the period for which PA or SSI benefits are paid, the food original food stamp application date, or December 23, 1985, whichever is later. Residents of public institutions who apply jointly for SSI and food stamp benefits prior to their release from the institution shall be paid benefits from the date of their release from the institution. * * *

(2) *Categorically eligible households.* (i) * * * Residents of public institutions who apply jointly for SSI and food stamp benefits prior of their release from the institution as described in § 273.1(e)(2), shall not be categorically eligible upon a finding by SSA of potential SSI eligibility prior to such release. These individuals shall be considered categorically eligible at such time as a final SSI eligibility determination has been made and the individual has been released from the institution. * * *

* * * * *

(k) *SSI households.* * * *

(1) *Initial application and eligibility determination.* * * *

(i) * * *

(D) The SSA staff shall complete joint SSI and food stamp applications for residents of public institutions as described in § 273.1(e)(2). For such applicants, the SSA staff shall use a

joint SSI and food stamp application prescribed by both FNS and SSA.

* * * * *

(F) Except for applications taken in accordance with paragraph (k)(1)(i)(D) of this section, the State agency shall make an eligibility determination and issue food stamp benefits to eligible SSI households within 30 days following the date the application was received by the SSA. * * * The State agency shall make an eligibility determination and issue food stamp benefits to residents of public institutions who applying jointly for SSI and food stamps within 30 days following the date of the applicant's release from the institution. Expedited processing time standards shall also begin on the date of applicant's release from the institution in accordance with § 273.2(i)(3)(i). SSA shall notify the State agency of the date of release of the resident of an institution who has applied prior to release for SSA and food stamps. If, for any reason, the State agency is not notified on a timely basis of the applicant's release date, the State agency shall restore benefits in accordance with § 273.17 to such applicant back to the date of release. * * *

* * * * *

(I) * * * This provision does not apply to applications described in paragraph (k)(1)(i)(D) of this section.

* * * * *

4. In § 273.10:

a. A new sentence is added to the end of paragraph (a)(1)(i).

b. The first and second sentences of paragraph (a)(1)(ii) are revised.

The revision and additions read as follows:

§ 273.10 Determining household eligibility and benefit levels.

(a) *Month of application—(1) Determination of eligibility and benefit levels.* * * *

(i) * * * Applicant households consisting of residents of a public institution who apply jointly for SSI and food stamps prior to release from the public institution as described in § 273.1(e)(2) will have their eligibility determined for the calendar month in which the applicant household was released from the institution.

(ii) A household's benefit level for the initial month of certification shall be based on the day of the month it applies for benefits and the household shall receive benefits from the date of application to the end of the month unless the applicant household consists of residents of a public institution. For households which apply for SSI prior to their release from a public institution as described in § 273.1(e)(2), the benefit level for the initial month of certification shall be based on the date of the month the household is released from the institution and the household shall receive benefits from the date of the household's release from the institution to the end of the month. * * *

* * * * *

5. In § 273.11, paragraphs (i), (j), and (k) are redesignated as paragraphs (j), (k), and (l), respectively and a new paragraph (i) is added to read as follows:

§ 273.11 Action on households with special circumstances.

* * * * *

(i) *Prerelease applicants.* A household which consists of a resident or residents of a public institution(s) which applies for SSI under SSA's Prerelease Program for the Institutionalized shall be allowed to apply for food stamp benefits jointly with their application for SSI prior to their release from the institution. Such households shall be certified in accordance with the provisions of §§ 273.1(e), 273.2 (c), (g), (i), (j), and (k), and 273.10(a), as appropriate.

* * * * *

Anna Kondratas,

Administrator.

October 6, 1987.

[FR Doc. 87-23697 Filed 10-13-87; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-130-AD]

Airworthiness Directives; Short Brothers, Ltd., Model SD3-60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain Short Model SD3-60 series airplanes, that would require replacement of certain pitot tubes. This proposal is prompted by reports of inoperative pitot tues due to icing. This condition, if not corrected, could result in erroneous airspeed and altitude indications.

DATES: Comments must be received no later than November 13, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-130-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Short Brothers, Ltd., Service Representative, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Donald L. Kurle, Systems and Equipment Branch, Seattle Aircraft Certification Office, ANM-130S; telephone (206) 431-1946. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-130-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance

with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist on certain Shorts Model SD3-60 series airplanes. There have been several reports of inoperative pitot tubes due to icing, which have resulted in erroneous airspeed and altitude indications.

Short Brothers, Ltd., issued Service Bulletin SD3-34-26, Revision 1, dated September 1985, which indicates that pitot tubes produced between October 1982 and October 1983 were manufactured from stainless steel, in lieu of copper, with a resultant reduction of efficiency of the anti-icing system. These stainless steel pitot tubes bear a code letter "Z" adjacent to the serial number. The service bulletin describes inspection of pitot tubes for code letter "Z," and replacement, if necessary, with copper pitot tubes bearing a code letter other than "Z." The CAA has classified the service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require replacement of left and right pitot tubes bearing code letter "Z" adjacent to the serial number with pitot tubes bearing a code letter other than "Z," in accordance with the service bulletin previously mentioned.

It is estimated that 66 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $7,920.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($120). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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 Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Short Brothers, Ltd.: Applies to Model SD3-60 series airplanes; serial numbers SH3002 through SH3096, inclusive; certificated in any category. Compliance required as indicated, unless previously accompanied.

To prevent pitot tubes from becoming inoperative due to icing, which could result in erroneous airspeed and altitude indication, accomplish the following:

A. Within the next 180 days after the effective date of this AD, replace pitot tubes having the code letter "Z" adjacent to the serial number with one containing a code letter other than "Z," in accordance with accomplishment instructions in Service Bulletin SD3-34-26, Revision 1, dated September 1, 1985.

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

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

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Short Brothers, Ltd., Service Representative, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. These documents may be axamined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on September 22, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-23678 Filed 10-13-87; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 861-0019]

Wyoming State Board of Chiropractic Examiners; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, the Landers, Wyoming board, which has exclusive authority to license chiropractors in the state, to refrain from prohibiting, restricting, impeding or discouraging any person from advertising truthful, nondeceptive information made available by any licensed chiropractor. In addition, respondent would agree not to characterize such advertising as unethical or unprofessional.

DATE: Comments must be received on or before December 14, 1987.

ADDRESSES: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Claude C. Wild, III, Denver Regional Office, Federal Trade Commission, 1405 Curtis Street, Suite 2900, Denver, CO 80202, (303) 844-2271.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Chiropractors, Trade practices.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the Wyoming State Board of Chiropractic Examiners (hereafter sometimes

referred to as "proposed respondent") and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between the Wyoming State Board of Chiropractic Examiners, by its duly authorized officers and its attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent is organized, exists and transacts business under the laws of the State of Wyoming. The Board's principal office and place of business is located at the office of Glenn R. Harrison, DC, its Secretary-Treasurer, at 550 Main Street, Lander, Wyoming 82520.

2. Proposed respondent admits all of the jurisdictional allegations set forth in the attached draft complaint.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, both it and the draft complaint will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft complaint.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of $ 2.34 of the Commission's Rules, the Commission may, in disposition of the proceeding, and without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist, and (2) make information public with respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order, to proposed respondent's address as stated in this agreement, shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I.

It is ordered that for the purposes of this Order, the following definitions shall apply:

A. "Board" shall mean the Wyoming State Board of Chiropractic Examiners, its members, officers, agents, representatives, employees, successors and assigns.

B. "Disciplinary action" shall mean:

(1) A refusal to grant, or the revocation or suspension of, a license to practice chiropractic in Wyoming; (2) a refusal to admit a person to examination for a license to practice chiropractic; (3) the issuance of a formal or informal warning, reprimand, censure, or cease and desist order against any person or organization; (4) the imposition of a fine, probation, or other penalty or condition; or (5) the initiation of an administrative, criminal, or civil court proceeding against any person or organization.

C. "Person" shall mean any natural person, corporation, partnership, governmental entity, association, organization, or other entity.

II.

It is further ordered that after the date of service of this Order, the Board, directly or indirectly, or through any device, in or in connection with its activities in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

A. Prohibiting, restricting, impeding or discouraging any person from offering, publishing or advertising any price, term or condition of, or any other information concerning, any chiropractic service offered for sale or made available by any licensed chiropractor. The practices from which the Board shall cease and desist include, but are not limited to:

1. Adopting or maintaining any rule, regulation, policy, or course of conduct that prohibits or seeks to prohibit advertising information about any chiropractic service;

2. Taking or threatening to take any disciplinary action against any person for advertising information about any chiropractic service; or

3. Declaring it to be an illegal, unethical, unprofessional, or otherwise improper or questionable practice for any person to advertise information about any chiropractic service; and

B. Inducing, urging, encouraging or assisting any nongovernmental person to take any action that if taken by the Board would be prohibited by part II(A) above.

Provided that, nothing contained in this part shall prohibit the Board from formulating, adopting, disseminating and enforcing reasonable rules or taking disciplinary or other action, to prohibit advertising that the Board reasonably believes to be false or deceptive within the meaning of Wyo. Stat. Section 33-10-110(a)(vi), as limited by the First and Fourteenth Amendments to the United States Constitution.

Provided further that, this Order shall not be construed to prevent the Board from petitioning for or seeking legislation concerning the practice of chiropractic.

III.

It is further ordered that the Board shall:

A. Distribute by first-class mail a copy of the announcement attached hereto as Appendix A, a copy of this Order and a copy of the accompanying Complaint:

1. Within thirty (30) days after the date of service of this Order, to each person licensed to practice chiropractic in Wyoming as of the date of service of this Order and to each person whose application for, or a request for reinstatement of, a license is pending on such date; and

2. For five (5) years after the date of service of this Order, to each person

who applies for a license to practice chiropractic in Wyoming within (30) days after the Board receives such application;

B. Within ninety (90) days after the date of service of this Order, remove from its Rules and Regulations and any other policy statement or guidelines, any provision, interpretation or statement that is inconsistent with Part II of this Order;

C. For five (5) years after the date of service of this Order, maintain and upon request make available to the Federal Trade Commission (or its staff), for inspection and copying, copies of all records relating to advertising, including but not limited to written communications and any summaries of oral communications to or from the Board regarding the offering, publishing or advertising of information about any chiropractic service;

D. Notify the Federal Trade Commission at least thirty (30) days in advance if possible, or otherwise as soon as possible, of any change in the Board's authority to regulate the practice of chiropractic in Wyoming that may affect compliance obligations arising out of this Order, such as the complete or partial elimination of that authority, the complete or partial assumption of that authority by another governmental entity, or the dissolution of (or other relevant change in) the Board; and

E. Within one hundred twenty (120) days after the date of service of this Order, submit to the Federal Trade Commission a written report setting forth in detail the manner and form in which the Board has complied and is complying with this Order.

Appendix A

Announcement

As you may be aware, the Federal Trade Commission has issued a consent order against the Wyoming State Board of Chiropractic Examiners that became final on [date]. The order provides that the Board may not prohibit chiropractors from advertising their services in a truthful, nondeceptive manner. The Board may not (1) adopt or maintain rules, regulations or policies that prohibit truthful, nondeceptive advertising with respect to the sale of chiropractic services; (2) take disciplinary action (such as the suspension, revocation or refusal to issue a license) or threaten disciplinary action against any person or organization that so advertises; or (3) declare it to be illegal, unethical, unprofessional, or otherwise improper or questionable for persons to engage in truthful, nondeceptive advertising. The Board is also prohibited from encouraging any person or organization to take actions that the order prohibits the Board from taking. The order does not affect the Board's authority to prohibit advertising that is likely to deceive or mislead the public, nor does the order prevent the Board from disciplining licensees for engaging in such advertising. Further, the order does not prevent the Board from seeking legislation concerning the practice of chiropractic.

For more specific information, you should refer to the FTC Order itself. A copy of the order is enclosed.

Wyoming State Board of Chiropractic Examiners

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the Wyoming State Board of Chiropractic Examiners (the "Board").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Description of the Complaint

A complaint prepared for issuance by the Commission along with the proposed order alleges that:

The Board is subject to the Commission's jurisdiction pursuant to section 5 of the Federal Trade Commission Act.

The Board has acted as a combination or conspiracy of its members or combined or conspired with others to restrain unreasonably competition among chiropractors in Wyoming by adopting and maintaining "Standards to be Followed" prohibiting the dissemination of truthful, nondeceptive information about chiropractic services. These activities constitute unfair methods of competition and unfair acts or practices in violation of section 5 of the Federal Trade Commission Act.

The Board is organized and exists under the laws of the State of Wyoming. Membership on the Board is limited to chiropractors who by law must have practiced chiropractic for three years before becoming a Board member and must continue to be engaged in the practice of chiropractic while serving their membership terms. Except to the extent that competition is restrained as alleged in the complaint, chiropractors compete with one another, and the Board's members compete with the chiropractors they regulate.

The Board is the sole licensing authority for chiropractors in Wyoming. Under state law the Board is responsible for establishing standards governing the examination and licensing of chiropractors in Wyoming. It may adopt rules and regulations necessary for the performance of its duties. The Board is also authorized to refuse to issue a license to, or to suspend or revoke an existing license of, any person found guilty of certain enumerated offenses, which include "dishonest, unethical or unprofessional conduct likely to deceive, defraud or harm the public." The State of Wyoming has no articulated policy to restrict truthful, nondeceptive advertising by chiropractors.

In furtherance of the combination or conspiracy, the Board has restrained competition among chiropractors in Wyoming by unreasonably restricting the dissemination of truthful, nondeceptive information by chiropractors. Specifically, all telephone book advertising is prohibited with the exception of a statement of the chiropractor's name, address and two additional lines of information. Further, there are a variety of restrictions regarding what can be included in "public relations" materials such as prohibitions against: (1) "flamboyant" copy; (2) promising cures; (3) offering free consultations or examinations; (4) statements regarding fees; (5) claims of superiority; (6) criticisms of other health sciences; and (7) claims that cannot be substantiated by standard laboratory and diagnostic procedures.

The Board has directed individual chiropractors to abandon their efforts to advertise the availability of chiropractic services and the offering of free examinations or consultations. The Board has also encouraged competing chiropractors to agree on the extent of advertising the competitors would permit in their market. The Board has continued its course of conduct although it has known since at least 1978 that its restrictions on truthful, nondeceptive advertising were invalid and probably unenforceable.

As a result of the Board's restraints on advertising, consumers have been deprived of the benefits of vigorous competition and of truthful information about chiropractic services. Chiropractors have been prevented from competing on the basis of making this

information available to consumers through advertising.

Description of the Proposed Consent Order

The proposed consent order would require the Board to cease and desist from prohibiting, restricting, impeding or discouraging any person from offering, publishing or advertising any price, term or condition of, or any other information concerning, any chiropractic service offered for sale or made available by any licensed chiropractor. Thus, the Board would have to repeal its prohibitions on advertising truthful, nondeceptive services and would have to refrain from adopting any other rule or policy that would prohibit or discourage such advertising. The order would further prohibit the Board from inducing, urging, encouraging or assisting others to take any of the actions prohibited by the order.

The order provides, however, that the Board may adopt and enforce reasonable rules and take disciplinary action to prohibit advertising that the Board reasonably believes to be false or deceptive within the meaning of Wyoming State Law, provided that such action is consistent with the First and Fourteenth Amendments to the United States Constitution. The order also provides that the Board is entitled to petition for legislation concerning the practice of chiropractic.

The proposed order would require that the Board distribute a copy of the order and an explanatory announcement notifying all licensees, as well as all persons with applications pending, of the existence and terms of the consent agreement within thirty (30) days after the order becomes final. The Board would be required to send the same notice to each person who applied for a license for a period of five (5) years thereafter. To ensure that the proposed order is obeyed, the Board would be required within one hundred twenty (120) days after the order becomes final to file a written report with the Commission setting forth the manner and form of its compliance. The Board would also be required, for a period of five (5) years, to make its records available to the Commission, and to notify the Commission within thirty (30) days of any change in the Board's authority to regulate the practice of chiropractic that might affect its ability to comply with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 87-23724 Filed 10-13-87; 8:45 am]

BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3276-3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Extension of Comment Period

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of public comment period for a previously published proposed exclusion for a delisting petition.

SUMMARY: Today's notice announces a 30 day extension of the public comment period for a proposed Agency decision (52 FR 33439, September 3, 1987) to grant Syntex Agribusiness, Inc. (Syntex), located in Springfield, Missouri, a conditional exclusion from hazardous waste regulations. The comment period for the proposed decision was originally scheduled to end on October 5, 1987. Today's notice responds to a request for an extension to the public comment period received on September 24, 1987 from Syntex.

DATES: EPA will accept public comments on the previously proposed decision until November 4, 1987. This date reflects a 30 day extension of the original comment period cited in the proposed rule. Comments postmarked after the close of the extended comment period will be stamped "late".

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (WH-562), 401 M Street SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSPD/OSW (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. All comments must be identified at the top with docket number "F-87-SSDP-FFFFF".

The public docket where the information can be viewed for the proposed rule is located in the sub-basement of the U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket is open from 9:00 a.m. to 4:00 p.m., Monday through Frieday, excluding Federal holidays. Call (202) 475-9327 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $0.20 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information, contact Myles Morse, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4788.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., located in Springfield, Missouri petitioned the Agency to exclude the residue, generated from the off-site incineration of waste sludges, from hazardous waste control. The delisting petition was submitted under 40 CFR 260.20 and 260.22 which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 268, 124, 270, and 271 of Title 40 of the code of regulations, and specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste list.

On September 3, 1987 the Agency proposed to conditionally exclude the petitioned waste residue that will result when wastewater treatment sludges generated by Syntex are incinerated at EPA's Mobile Incineration System (MIS), located in McDowell, Missouri. The effect of the proposed action, if made final, would be to conditionally exclude (from listing as a hazardous waste) the waste residue resulting from the off-site incineration of sludges generated by Syntex. The comment period for the proposed rule was originally scheduled to end on October 5, 1987.

During the original public comment period for the proposed rule, Syntex requested the Agency to extend the public comment period to allow additional time for the review of docket materials and preparation of comments to support their petition. The Agency has agreed to extend the comment period for this proposed rule and will now accept public comments until November 4, 1987.

Date: October 6, 1987.

Marcia Williams,

Director, Office of Solid Waste.

[FR Doc. 87-23714 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file replies to notice of proposed rules.

SUMMARY: In a Federal Register notice of August 31, 1987 (52 FR 32819) the Commission postponed the due date for comments to September 30, 1987 and the due date for replies to October 15, 1987 concerning its proposal to release to the public all non-proprietary data used in calculating the all inclusive index of railroad input prices. The index is used to calculate the quarterly rail cost adjustment factor. At the request of the Association of American Railroads the due date for filing replies has been postponed to October 30, 1987.

DATE: Replies are due October 30, 1987.

FOR FURTHER INFORMATION CONTACT:

William T. Bono, (202) 275–7354
or
Robert C. Hasek, (202) 275–0938
TDD for hearing impaired, (202) 275–1721.

By the Commission, Heather J. Gradison, Chairman.

Dated: October 9, 1987.

Noreta R. McGee,

Secretary.

[FR Doc. 87–23862 Filed 10–13–87; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 52, No. 198
Wednesday, October 14, 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.

ACTION

Agency Information Collection Activities Under OMB Review

AGENCY: ACTION.

ACTION: Information Collection Request Under Review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the Federal Domestic Volunteer Agency.

Background: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on the proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [requests for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents may be obtained from the agency clearance officer.

Need and Use: The information in the Project Application is submitted by potential and existing project sponsors and reveiwed by ACTION staff in making funding decisions. The agency would be unable to make decisions regarding grant funding and project renewals without the information.

To obtain information about or to submit comments on this proposed information collection, please contact both:

Melvin E. Beetle, ACTION Clearnace Officer, ACTION, Room M-601, 806 Connecticut Ave., NW., Washington, DC 20525, Tel: (202) 634-9318

and

James Houser, Desk Officer for ACTION, Office of Management and Budget, New Executive Office Bldg., Room 3002, Washington, DC 20503, Tel: (202) 395-7316.

Office of ACTION issuing the Proposal: Domestic & Anti-Poverty Operations—Student Community Service Program.

Title of Form: Student Community Service Program Federal Assistance Project Application.

Type of Request: Revision.

Frequency of Collection: Annually.

General Description of Respondents: Federal, State, or local agency or private non-profit organization or foundation.

Estimated Number of Annual Responses: 230.

Estimated Annual Reporting or Disclosure Burden: 3,800.

Respondent's Obligation to Reply: None.

Dated: October 8, 1987.

Melvin E. Beetle,

ACTION Clearance Officer.

[FR Doc. 87-23769 Filed 10-13-87; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-703]

Postponement of Preliminary Antidumping Duty Determination; Certain Internal-Combustion, Industrial Forklift Trucks From Japan

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the petitioners in this investigation to postpone the preliminary determination as permitted by section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act). Based on this request, we are postponing our preliminary determination of whether sales of certain internal-combustion, industrial forklift trucks from Japan have occurred at less than fair value until not later than November 18, 1987.

EFFECTIVE DATE: October 14, 1987.

FOR FURTHER INFORMATION CONTACT: Gary Taverman or Rick Herring, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 377-0161 or 377-0187.

SUPPLEMENTARY INFORMATION: On September 11, 1987 (52 FR 34399), we published the notice of postponement of the antidumping duty investigation to determine whether certain internal-combustion, industrial forklift trucks from Japan are being, or are likely to be, sold in the United States at less than fair value. The notice stated that we would issue our preliminary determination by October 29, 1987.

On October 2, 1987, petitioners requested that the Department postpone the preliminary determination by an additional 20 days, i.e., until not later than 210 days after the date of receipt of the petition, in accordance with section 733(c)(1)(A) of the Act. Accordingly, the period for the preliminary determination in this investigation is hereby extended. We intend to issue a preliminary determination not later than November 18, 1987.

This notice is published pursuant to section 733(c)(2) of the Act.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

October 7, 1987.

[FR Doc. 87-23757 Filed 10-13-87; 8:45 am]

BILLING CODE 3510-DS-W

[C-307-702]

Preliminary Affirmative Countervailing Duty Determination; Certain Electrical Conductor Aluminum Redraw Rod from Venezuela

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufcturers, producers, or exporters in Venezuela of certain electrical conductor aluminum redraw rod. The estimated net subsidy is 60.11 percent ad valorem, and the rate for duty deposit purposes is 12.99 percent ad valorem.

We have notified the U.S. International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to suspend

liquidation of all entries of certain electrical conductor aluminum redraw rod from Venezuela that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit or bond for each such entry equal to 12.99 percent ad valorem.

If this investigation proceeds normally, we will make our final determination not later than December 21, 1987.

EFFECTIVE DATE: Octobr 14, 1987.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Thomas Bombelles, office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: 202/377-2438 (Tillman) or 202/377-3174 (Bombelles).

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily detemine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters of certain electrical conductor aluminum redraw rod (redraw rod) in Venezuela. For purposes of this investigation, the following programs are preliminarily found to confer subsidies:

- Multiple Exchange Rate System.
- Export Bonds for Credits Against Income Taxes.

We preliminarily determine the estimated net subsidy to be 60.11 percent ad valorem. However, consistent with our policy of taking into account program-wide changes that occur before our preliminary determination, we are adjusting the cash deposit rate to reflect changes in the Multiple Exchange Rate System. Therefore, the rate for duty deposit purposes is 12.99 percent ad valorem.

Case History

Since the last **Federal Register** publication pertaining to this investigation [the Notice of Initiation (52 FR 29559, August 10, 1987)], the following events have occurred. On August 13, 1987, we presented a questionnaire to the Government of Venezuela in Washington, DC concerning petitioner's allegations. On September 14, 1987, we received responses from Suramerica de Aleaciones Laminadas, C.A. (SURAL), Conductores de Aluminio del Caroni, C.A. (CABELUM), Industria de Conductores Electricos, C.A. (ICONEL), Aliminio del Caroni, S.A. (ALCASA) and Industria Venezolana de Aluminio, C.A. (VENALUM). On Septermber 23, 1987, we received a response from the Government of Venezuela. SURAL, CABELUM, and ICONEL are the only known manufacturers, producers or exporters in Venezuela of the subject merchandise to the United States. ALCASA and VENALUM provided information in reponse to a specific allegation of Preferential Pricing of Inputs Used to Produce Exports.

On August 31, 1987, we received a letter from Reynolds Aluminum stating that the company takes no position with respect to the petition filed by Southwire. On September 7, 1987, we received a letter from counsel for the respondents challenging Southwire's standing to file the petition. On September 24, 1987, we received a letter from the Alcoa Conductor Products Company (ACPC), a division of the Aluminum Company of America (Alcoa), stating the ACPC does not support the positions taken by Southwire in its petition. As we have frequently stated, (see, e.g., "Final Affirmative Countervailing Duty Determination: Certain Stainless Steel Hollow Products from Sweden" (52 FR 5794, Febraury 28, 1987), and "Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada" (51 FR 10041, March 24, 1986)), there is nothing in the statute, its legislaitve history, or our regulations which requires that petitioners establish affirmatively that they have the support of a majority of their industries. In many cases such a requirement would be so onerous as to preclude access to import relief under the antidumping and countervailing duty laws. Therefore, the Department relies on petitioner's representation that it has, in fact, filed on behalf of the domestic industry, until it is affirmatively shown that this is not the case. Where domestic industry members opposing an investigation provide a clear indication that there are gounds to doubt a petitioner's standing, the Department will review whether the opposing parties do, in fact, represent a major portion of the domestic industry. We are requesting clarification from ACPC on the question of petitioner's standing and ACPC's opposition. If it becomes necessary, we will send questionnaires to the domestic industry to detemine the extent of any industry opposition.

Scope of Investigation

The product covered by this investigation is certain electrical conductor aluminum redraw rod, which is wrought rod of aluminum which is electrically conductive and contains not less than 99 percent aluminum by weight, as provided for the *Tariff Schedules of the United States, Annotated (TSUSA)* under item numbers 618.1520 and 618.1540. This product is currently classifiable under the Harmonized System (HS) item numbers 7604.10.30 and 7604.29.30.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order" (49 FR 18009, April 26, 1984).

Consistent with our practice in preliminary determinations, when a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such response are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

For purposes of this preliminary determination, the period for which we are measuring subsidization (the "review period") is calendar year 1986. As is common in our method of analysis, if the companies under ivestigation have different fiscal years, our review period is then the most recently completed calendar year.

Based upon our analysis of the petition and the responses to our questionnaire, we preliminarily determine the following:

I. Programs Preliminarily Determined To Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters of certain electrical conductor aluminum redraw rod in Venezuela under the following programs.

A. Multiple Exchange Rates

On February 22, 1983, the Government of Venezuela authorized the establishment of a multiple exchange rate system after more than 19 years under a fixed rate system of 4.30

bolivares (Bs.) to the dollar. In its response, the Government of Venezuela stated that this change in the exchange rate was made in an attempt to establish greater control over Venezuela's foreign exchange reserves without precipitating a serious crisis in the development of the national economy.

The Central Bank of Venezuela (CBV) and the Ministry of Finance (MOF) signed an Exchange Agreement on February 28, 1983, establishing a four-tiered exchange rate system. The first exchange rate was a fixed rate of Bs. 4.30 to the dollar. This rate was applied to the sale of foreign exchange by the CBV for payments on foreign-source private and public debt, the importation of essential goods and services, and the sale of foreign exchange from the state-owned oil industries (PDVSA), iron ore industry (FERROMINERA), and the Venezuelan Investment Fund. The second rate was also a fixed rate, at Bs. 6.00 to the dollar. This rate was applied to the sale of foreign exchange by the CBV for the importation of less essential goods, foreign exchange obtained from the export of goods and services from state-owned enterprises (other than PDVSA and FERROMINERA), and foreign exchange received from exports by the private sector when offered to the CBV.

The other two rates that were established were a foreign exchange free market rate (an average Bs. 19.88 to the dollar during 1986) for all exchange operations not specifically provided for elsewhere, and a "free-but-official" rate for the purchase and sale of dollars by the CBV in the free market.

Under this Exchange Agreement, the government also established the Office of Preferential Exchange Regime (RECADI) to administer the multiple exchange rate system. RECADI is responsible for handling applications from importers for merchandise categorized as essential or less essential and also for companies registering foreign debt to be paid at the Bs. 4.30 to the dollar rate. To receive the more preferential exchange rate for imports, an importer must submit an application to RECADI identifying the value, quantity and payment terms of the intended purchase. After RECADI reviews the application, it may authorize the use of the more preferential exchange rate to cover the particular purchase. Similarly, companies that desire access to the preferential rate for paying foreign currency debt must register the debt with RECADI and obtain approval for receiving the preferential rate to make loan payments.

In May 1983, the government began gradually to allow the public sector companies (other than PDVSA and FERROMINERA) to use the free market rate to exchange foreign currency earned from export sales. Under this time, only private companies has access to the free market. On February 24, 1984, the Government of Venezuela signed an Exchange Control Agreement between the MOF and the CBV which increased the exchange rate for importation of less essential goods and the payment of most foreign debt to Bs. 7.50 to the dollar. In addition, this Agreement created the "quota share" policy which required all exporters to sell back to the Central Bank the dollars earned on the imported component of the finished product at the same exchange rate used for the importation. Until the 1984 Agreement was signed, exporters could buy imports at the Bs. 4.30 or the Bs. 7.50 to the dollar rate and upon exportation sell the dollars earned on the imported component at the free market exchange rate. The difference in the exchange rate between the lower rate used to purchase imports and the free market rate for selling dollars provided a benefit to exporters.

To implement the quota share policy, the government published Resolution No. 84–05–01 in May 1984. This resolution required that 50 percent of the value of the import content of the exported product, as calculated in the ICE certificates used for granting export bonds, be sold to the CBV at the lower exchange rate of Bs. 7.50 to the dollar (the same rate at which they buy foreign exchange for imports). To enforce the quota share program, the CBV required exporters to sign a contract upon exportation stating that the specified proportion of export earnings will be sold to the CBV at the same rate used for importation of the material inputs.

We preliminarily determine that, under this multiple exchange rate system, a subsidy was conferred on exports because one dollar received for export sales yielded more bolivares than exporters paid to purchase one dollar for imports. Because receipt of the higher exchange rate is contingent upon selling dollars earned from export sales, we consider that the multiple exchange rate conferred an export subsidy.

To calculate the benefit from this program during the review period, we subtracted the exchange rate applicable to each company's purchase of imports from the weighted average exchange rate received by each company when selling dollars earned from export sales. We multiplied this difference by the total 1986 export value for each company in dollars and allocated the resulting amount over the companies' total 1986 export sales in bolivares. On this basis, we calculated an estimated net subsidy of 47.12 percent ad valorem.

On December 6, 1986, the Government of Venezuela substantially changed the Multiple Exchange Rate System. According to the government and company responses, under the revised system, while certain "essential" imports (such as medicine) may qualify for a rate of Bs. 7.50 to the dollar, most dollars for imports must be purchased at the rate of Bs. 14.50 to the dollar. According to information in the government response, the Bs. 4.30 to the dollar rate has been abolished for the purchase of dollars with which to buy imported inputs but still applies to certain categories of foreign currency denominated debt. All imports made by redraw rod producers may be purchased at the Bs. 14.50 rate; however, companies are free to purchase dollars at the free market rate if they choose not to wait for approval from RECADI to purchase dollars at the Bs. 14.50 rate. As of December 1986, all export earnings by all exporters in the economy, both private and public sector, must be exchanged into bolivares at the Bs. 14.50 rate. Furthermore, according to the company response, no foreign currency denominated debt held by the companies under investigation is now payable at the rate of Bs. 4.30 to the dollar.

Because the Government of Venezuela has eliminated the differential between the rate for purchasing imports and the rate at which export proceeds are converted for all companies in the economy, and this program-wide change has been decreed in the Exchange Agreements which administer the Mulitple Exchange Rate System, we preliminarily consider that the export benefit which existed in the earlier system has been eliminated effective December 6, 1986. Therefore, consistent with our policy of taking into account program-wide changes that occur before our preliminary determination, we preliminarily determine that the Multiple Exchange Rate System no longer confers an export subsidy on exports of redraw rod. At verification, we will seek complete information from the relevant government agencies as to the nature and effect of these changes.

B. Export Bonds for Credits Against Income Taxes

Petitioner alleges that Venezuelan redraw rod exporters are remunerated for their exports by the Government of Venezuela in the form of export bonds

which may be used to pay income taxes or sold for cash.

According to the responses of the government and the companies under investigation, all three producers of redraw rod took advantage of the export bond program during the review period. The program allows exporters a return of a percentage of the value of their exports. This percentage is based on a combination of the domestic value-added of the exported product and certain governmental policy objectives relating to a firm's employment and other considerations. Once derived, this percentage is multiplied by the FOB value of the exported goods expressed in bolivares (converted at the official, Bs. 14.50 to the dollar, rate of exchange). The resulting figure is the face value of the export bond. To receive an export bond, a firm submits to its commercial bank the invoice and shipping documents for the exported merchandise. The bank reviews the documents and remits them to the Central Bank of Venezuela which, after an interval of up to one year, issues the export bond. Because this program is limited to exporters and does not operate to rebate any indirect taxes, we preliminarily determine that this program confers an export subsidy on the products under investigation.

To calculate the benefit, we allocated the bolivar amount of bonds received by the companies in 1986 over their total export sales. On this basis, we calculated an estimated net subsidy of 12.99 percent ad valorem.

II. Programs Preliminarily Determined Not To Confer a Subsidy

We preliminarily determine that subsidies are not being provided to manufacturers, producers, or exporters of certain electrical conductor aluminum redraw rod in Venezuela under the following program.

A. Import Duty Reductions

Petitioner alleges that a system of import duty reductions is maintained by the Government of Venezuela which is aimed specifically at encouraging the aluminum products industry. The government's response indicates that the sole program allowing import duty reductions is provided by Title IV of the Venezuelan Organic Customs Law. Duty reductions under this law are provided to a diverse range of industries and, according to the government, are granted whenever national production or supply is inadequate to meet the demand for a particular item. Since import duty reductions are not limited to a specific enterprise or industry, or group of enterprises or industries, nor do they operate to stimulate export performance, we preliminarily detemine that this program does not provide benefits which constitute subsidies.

B. Government Loans Through the Industrial Credit Fund and the Financing Company of Venezuela on Terms Inconsistent with Commercial Considerations

Petitioner alleges that loans are made available by the Government of Venezuela to the companies under investigation on terms inconsistent with commercial considerations. While one respondent company was found to have loans from the Industrial Credit Fund (FONCREI) and the Financing Company of Venezuela (FIVCA), both named in the petition, the response by the government indicated that both institutions offer financing to all sectors of the economy and both operate on commercial terms. Because these loan programs are not limited to a specific enterprise or industry, or group of enterprises or industries, and do not offer financing on terms inconsistent with commercial considerations. We preliminarily determine that they do not provide a countervailable benefit.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs were not used by the manufacturers, producers, or exporters of certain electrical conductor aluminum redraw rod in Venezuela during the review period.

A. Preferential Tax Incentives

Petitioner alleges that through Decree numbers 1374, 1384, and 1776, the Government of Venezuela authorizes income tax rebates to the domestic capital goods industry, and that manufacturers, producers, and exporters of redraw rod benefits from this program.

According to the responses of the Government of Venezuela and the companies under investigation, the redraw rod producers have not utilized any of the programs provided for under the subject decrees.

B. Preferential Export Financing

Petitioner alleges that Venezuela redraw rod manufacturers, producers and exporters may receive preferential export financing through the Export Financing Fund (FINEXPO).

According to the responses, FINEXPO offers three different forms of financing to assist exports. First, through a series of credit lines, importers in other countries may obtain financing for the purchase of goods in Venezuela. However, no credit lines exist for the United States. Second, Venezuelan exporters may qualify for financing for working capital, technical services and other expenses. Third, importers may obtain financing directly from FINEXPO if they provide appropriate collateral.

According to the responses, the companies under investigation did not receive, have outstanding or pay any interest on any FINEXPO loans during the review period.

C. Preferential Pricing of Inputs Used to Produce Exports

Petitioner alleges that ALCASA and VENALUM, government-owned producers of primary aluminum, are directed by the Government of Venezuela to charge preferential prices to domestic customers who purchase aluminum for further processing and subsequent export. According to the responses of the producers of redraw rod, and the government-owned producers of primary aluminum, there was no preferential pricing of inputs used to produce exports during the review period; accordingly, we preliminarily determine that this program was not used.

D. Other Government Loans on Terms Inconsistent with Commercial Considerations

Petitioner alleges that producers and exporters of redraw rod received financing on terms inconsistent with commercial considerations from the following government agencies listed in our Notice of Initiation: The Ministry of Finance; the Venezuelan Investment Fund; and the Industrial Bank of Venezuela (BIV). According to the responses, none of the respondent companies had loans from these institutions outstanding during the review period.

IV. Programs Preliminarily Determined Not To Exist

We preliminarily determine that the following programs do not exist.

A. Tax Contributions to Cover Debt Service Costs

Petitioner alleges that tax contributions authorized by the Ministry of Finance to meet interest obligations are provided to a specific enterprise or industry, or group thereof, and that manufacturers, producers, and exporters of redraw rod may benefit from this program.

According to the responses, there is no program under which any agency of the Government of Venezuela provides tax contributions or other forms of

assistance to help redraw rod producers or exporters meet their debt financing obligations.

B. Sales Tax Exemption

Petitioner alleges that the Government of Venezuela negotiates, through various regional authorities, exemptions from payment of local sales taxes for a specific enterprise or industry, or group thereof, and that manufacturers, producers, and exporters of redraw rod may benefit from this program.

According to the responses, no program exists in Venezuela for the elimination of municipal sales or other taxes, nor has the Government of Venezuela been involved in the negotiation of any such tax reductions or eliminations regarding the respondent companies.

C. Assumption of Foreign Currency Debt

Petitioner alleges that the Government of Venezuela administers a program whereby the Central Bank of Venezuela assumes the foreign currency debt of selected companies and that manufacturers, producers, and exporters of redraw rod may benefit from this program. According to the responses, no agency of the Venezuelan Government has assumed any responsibility for the payment of foreign currency debts of any private sector Venezuelan company and no statutory provisions exist authorizing any agency of the Government of Venezuela to take such action.

D. Loan Guarantees

Petitioner alleges that the Government of Venezuela provides loan guarantees to a specific enterprise or industry, or group thereof, on terms inconsistent with commercial considerations and that manufacturers, producers, and exporters of redraw rod may benefit from this program. According to the responses, the Government of Venezuela does not offer loan guarantees to private companies either directly or through any governmental agency. The BIV, which is owned by the Government of Venezuela, operates as a commercial bank and, therefore, offers loan guarantees in the ordinary course of business under terms and conditions that reflect ordinary commercial of business under terms and conditions that reflect ordinary commercial banking practice as well as the credit risk of the particular customer. During the review period, the BIV did not issue, or have outstanding, any loan guarantees with respect to the companies under investigation.

IV. Program for Which We Need Additional Information

Government Equity Investment in CABELUM

According to the CABELUM's response, 30 percent of its capital stock is owned by a government-owned supplier of primary aluminim, ALCASA. In order for the Department to investigate any equity investments by a government for the purpose of determining if they are on terms inconsistent with commercial considerations, we must have evidence of the following: First, there must be some government equity participation in the company or project; and, second, there must be some showing that the investment was on terms inconsistent with commercial considerations.

In this case, ALCASA is majority-owned by agencies of the Government of Venezuela. Furthermore, based on the information in the responses of the government and CABELUM, there is some reason to believe that ALCASA's purchase of equity was on terms inconsistent with commercial considerations. Therefore, we will seek additional information on ALCASA's equity investment in CABELUM.

Verification

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination. We will not accept for our final determination any statement in a response that cannot be verified.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain electrical conductor aluminum redraw rod from Venezuela which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond equal to 12.99 percent ad valorem for each such entry of this merchandise. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Acting Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 120 days after the Department makes its preliminary affirmative determination, or 45 days after the Department makes its final determination, whichever is latest.

Public Comment

In accordance with § 355.35 of the Commerce Regulations (19 CFR 355.35) we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination, at 2 p.m. on November 2, 1987, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Acting Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of the publication of this notice in the **Federal Register.**

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of the business propietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Acting Assistant Secretary by October 26, 1987. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, all written views will be considered if received not less than 30 days before the final determination is due, or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administrtion.

October 7, 1987.

[FR Doc. 87-23758 Filed 10-13-87; 8:45 am]

BILLING CODE 3510-DS-M

[Application 83-A0027]

Export Trade Certificate of Review

ACTION: Notice of Issuance of an amended export trade certificate of review.

SUMMARY: The Department of Commerce has issued a second amendment to the export trade certificate of review of SOR, Inc. ("SOR") granted on April 2, 1984 (48 FR 13723, April 6, 1984). The first amendment was granted on August 30, 1985, effective as of July 15, 1985 (50 FR 36126, Sept. 5, 1985). The second amendment consists of the following changes: (1) The section captioned "Export Trade," at subsection "a" captioned "Products," is amended to add "level and flow switches" to read as follows: "Pressure, vacuum, differential pressure and temperature switches, liquid level and flow switches, and hand calibration pumps, and components and accessories thereof, typically used in the power and process industries." (2) The following sentence under the caption "Protection Provided by Certificate" is deleted: "The protections afforded by this certificate shall apply only to SOR and the following members: Controls International, Ltd., and its shareholders; SOR Export, Inc., and its shareholders; including, without limitation, Roy E. Dunlap and Ross E. Johnson; and to the directors, officers and employees of the foregoing acting on their behalf." The following sentence is inserted in place of the deleted sentence: "The protections afforded by this certificate shall apply only to SOR and the following members: SOR Controls Group, Ltd., and its shareholders; Mr. Roy E. Dunlap of Overland Park, Kansas; Mr. James R. Johnson of Stillwell, Kansas; SOR Texas, Inc. and its shareholders; and SOR Europe Ltd. and its shareholders; and to the directors, officers and employees of the foregoing acting on their behalf." (3) The section captioned "Export Trade Activities and Methods of Operation" is amended to replace all references to "SOR" with "SOR and its Members." Effective date: July 7, 1987.

FOR FURTHER INFORMATION CONTACT: George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Date: October 7, 1987.

George Muller,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 87-23686 Filed 10-13-87; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

[P250A; Modification No. 2 to Permit No. 473]

Marine Mammals; Permit Modification; Washington Department of Wildlife

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Permit No. 473 issued to the Washington Department of Wildlife, Marine Mammal Investigations, 7801 Phillips Road SW., Tacoma, Washington 98498 on June 15, 1984 (49 FR 25892) as modified on November 5, 1986 (51 FR 40997) is further modified as follows:

Section A-8 is added: 8. Oxytocin may be administered intermuscularly to a maximum of 30 lactating harbor seal females (*Phoca vitulina* authorized in A.3 at a dosage of C.a. 1cc of a 20-30 IU/cc solution. Milk samples may be collected.

Section B.1 is deleted and replaced by: "1. This research shall be conducted in the areas and for the purposes set forth in the application and modification requests."

Section B.7 is deleted.

This modification became effective October 6, 1987.

Documents submitted in connection with the above Permit and modification are available for review in the following offices:

Office of Protected Resources and Habitat Programs, 1825 Connecticut Avenue NW., Room 805, Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115.

Dated: October 6, 1987.

Dr. Nancy Foster, *Director,*

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 87-23730 Filed 10-13-87; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION ON EDUCATION OF THE DEAF

Educational Programs for the Deaf; Meetings

AGENCY: Commission on Education of the Deaf.

ACTION: Notice of meetings.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given of forthcoming meetings of the Commission on Education of the Deaf and its Committees. The purposes of the Commission and Committee meetings are to address professional certification in mainstreamed programs and needs of rural education, and to review comments and counterproposals received in response to the first set of draft recommendations. These meetings will be open to the public.

DATES: October 28, 1987, 8:30 a.m. to 5:00 p.m.; October 29, 1987, 8:30 a.m. to 4:30 p.m.

ADDRESS: All meetings will be held in the Holiday Inn-Capitol, 550 C Street SW., Washington, DC. On Wednesday morning, the Precollege Committee will meet in the Columbia B Room, and the Postsecondary Committee in the Saturn and Venus Room. On Wednesday afternoon and Thursday, all meetings will be in the Columbia B Room.

FOR FURTHER INFORMATION CONTACT: Monica Hawkins, Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets SW., Washington, DC 20407. (202) 453-4353 (TDD) or (202) 453-4684 (Voice). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Precollege Committee will meet Wednesday, October 28, from 8:30 a.m. to 12:00 noon in the Columbia B Room to discuss comments received on appropriate education, parents' rights, and early identification. It will also

address professional certification in mainstreamed programs and discuss the agreement between the U.S. Department of Education and Gallaudet University's (GU) Precollege Programs. The Postsecondary Committee will meet at the same time in the Saturn and Venus Room to discuss comments received on the proposed expansion of the Regional Postsecondary Education Programs for the Deaf (RPEPD) the funding cycle of the RPEPD, admissions policies at GU/NTID, funding of research at GU/NTID, setting of research priorities, outside review of GU/NTID research plans, and consumer orientation of GU products/outreach. From 1:00 p.m. to 5:00 p.m. that afternoon, the Joint Committee will meet to review comments on the draft recommendations relating to captioning services, distribution of decoders, federal funding for research on speech recognition and captioning, and the impact of captioning on illiteracy. The Joint Committee will also consider the needs in rural education.

Thursday, October 29th, the Executive Committee will meet from 8:30 a.m.–9:30 a.m. in the Columbia B Room to receive reports. The Joint Committee will meet from 1:00 p.m.–3:00 p.m. to continue its Wednesday afternoon meeting. The full Commission will meet from 3:30 p.m. to 4:30 p.m. The proposed agenda for the Commission meeting on October 29 includes the following:

I. Approval of minutes.

II. Reports.

- Chairperson's Report.
- Vice Chairperson's Report.
- Executive Committee Chairperson's Report.
- Staff Director's Report.

III. New Business.

IV. Agenda for December meeting.

V. Adjournment.

These meeting will be open to the public. Interpreters and captioning will be provided. If you need audio-loop systems or other special accommodations, please contact Monica Hawkins at (202) 453–4353 (TDD) or (202) 453–4684 (Voice) no later than October 21, 1987, 5:00 p.m. e.s.t. These are not toll free numbers.

Records will be kept of the proceedings and will be available for public inspection at the office of the Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets SW., Washington, DC.

Pat Johnson,

Staff Director.

[FR Doc. 87–23733 Filed 10–13–87; 8:45 am]

BILLING CODE 6820-SD-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a new information collection concerning Government Furnished Property Requirements.

ADDRESS: Send comments to Mr. Ed Springer, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Schwartz, Office of Federal Acquisition and Regulatory Policy, (202) 523–3780 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION: a. *Purpose:* When Government-furnished or contractor-acquired property is provided under federal contracts, Government policy requires the contractor to notify the contracting officer—

(a) When the property is delivered, verification of quantity, condition, and acknowledge receipt in writing;

(b) If Government-furnished property is received in a condition not suitable for the intended use;

(c) Upon loss or destruction of or damage to the property, the time and origin of the loss, destruction or damage, all known interests in commingled property is apart and the insurance, if any, covering any part of or interest in such commingled property;

(d) By clear and convincing evidence that such loss, destruction, or damage (1) did not result from the contractor's failure to maintain an approved program or system, or (2) occurred while an approved program or system was maintained by the contrator; and

(e) Upon the completion of the contract, inventory schedules covering all items of Government property not consumed in the performance of the contract or delivered to the Government. The contractor shall establish and maintain a system to control, protect, preserve, and maintain all Government property because the contractor is responsible and accountable for all Government property under the provisions of the contract. This responsibility and accountability extends to the contractor's subcontractors.

The contractor's property control records shall constitute the Government's official property records and shall be used to:

(a) Provide financial accounts for Government-owned facilities in the contractor's possession or control;

(b) Identify all Government property (to include a complete, current, auditable record of all transactions);

(c) Record special tooling and special test equipment fabricated from Government property materials; and

(d) Locate any item of Government property within a reasonable period of time and more.

This information is used to facilitate the management of Government property in the possession of contractors.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, *6,000* responses per respondent, *3.33* total annual responses *20,000*; hours per response, *.25*; and total reporting burden hours, *5,000*.

c. *Annual recordkeeping burden*: The annual recordkeeping burden is estimated as follows: Number of recordkeepers, *6,000*; annual hours per recordkeeper, *4*; and total recordkeeping burden hours, *24,000*.

Obtaining Copies of Proposals:

Requesters may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0075, Government Furnished Property Requirements.

Dated: October 7, 1987.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 87–23764 Filed 10–13–87; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.116F]

Invitation of Applications for New Awards To Be Made in Fiscal Year 1988 Under the Innovative Projects for Student Community Service Competition Conducted by the Fund for the Improvement of Postsecondary Education

Purpose: Provides grants to institutions of higher education and other public and private, non-profit institutions and agencies to support projects encouraging students to participate in community service activities in exchange for educational services or financial assistance, thereby reducing the debt incurred by these students in completing their postsecondary educational program.

Deadline for Transmittal of Applications: January 12, 1988

Applications Available: November 12, 1987.

Available Funds: The Administration's budget request for fiscal year 1988 does not include funds for this program. However applications are invited to allow for sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program. The following estimates are based upon the FY 1987 appropriation.

Estimated Size of Awards: $45,000.

Estimated Number of Awards: 16.

Project Peroid: Not to exceed 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78, and (b) the regulations in 34 CFR Part 630, with the exceptions noted in 34 CFR 630.4.

For Applications and Information Contact: The Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3100, ROB-3, Washington, DC 20202. Telephone (202) 245-8091/8100.

Program Authority: 20 U.S.C. 1135e-1

Dated: October 6, 1987.

Kenneth D. Whitehead,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 87-23759 Filed 10-13-87; 8:45 am]

BILLING CODE 4000-01-M

Office of Bilingual Education and Minority Languages Affairs

Request for Data and Information Under the Bilingual Education; State Education Agency Program for Fiscal Year 1986

AGENCY: Department of Education.

ACTION: Notice.

Programatic Information: This program provides financial assistance to State educational agencies (SEAs) to collect and report data and information on limited English proficient (LEP) persons under section 732 of the Bilingual Education Act (20 U.S.C. 3242), and 34 CFR Part 548, published in the **Federal Register** on August 16, 1985 at 50 FR 33204. SEAs are required to report data and information to the Secretary in accordance with section 732(b) of the Act, and 34 CFR 548.10.

(Approved under OMB Control number 1885-0509)

Date for Submitting Data and Information: SEA grantees are required to submit Fiscal Year 1986 data and information on LEP persons to the U.S. Department of Education by November 27, 1987.

ADDRESSES: Information should be sent to Luis A. Catarineau, U.S. Department of Education, Office of Bilingual Education and Minority Language Affairs, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For further information contact Luis A. Catarineau. Telephone: (202) 245-2922.

Authority: 20 U.S.C. 3242(b).

Dated: October 7, 1987.

Alicia Coro,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 87-23760 Filed 10-13-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Liquid Transportation Task Group, Coordinating Subcommittee on Petroleum Storage and Transportation; National Petroleum Council; Open Meeting

Notice is hereby given of the following meeting:

Name: Liquid Transportation Task Group, Coordinating Subcommittee on Petroleum Storage & Transportation of the National Petroleum Council.

Date and Time: Friday, October 30, 1987, 8:00 AM.

Place: Sun Building, Fourteenth Floor Conference Room, 907 S. Detroit Avenue, Tulsa, Oklahoma.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE-1), Washington, DC 20585, Telephone: 202/586-4695.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Purpose of the Meeting: Discuss Task Group organization and individual assignments.

Tentative Agenda

—Opening remarks by Chairman and Government Cochairman
—Establish the Task Group organization
—Discuss the individual assignments
—Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

Public Participation: The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9:00 AM and 4:00 PM Monday through Friday, except Federal holidays.

Issued at Washington, DC, on October 6, 1987.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 87-23687 Filed 10-3-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER88-2-000, et al.]

Iowa Public Service Co., et al., Electric Rate and Corporate Regulation Filings

October 6, 1987.

Take notice that the following filings have been made with the Commission:

1. Iowa Public Service Company

[Docket No. ER88-2-000]

Take notice that on October 1, 1987, Iowa Public Service Company (Iowa) tendered for filing an executed Letter Agreement dated July 21, 1987, as supplemented by a Letter Agreement dated September 5, 1987 whereby Iowa

will supply the Southern Minnesota Municipal Power Agency (SMP) with firm electric capacity and associated energy, commencing July 8, 1987 and continuing through October 2, 1987. Iowa requests that the negotiated Agreement be made effective as of July 8, 1987.

Comment date: October 20, 1987, in accordance with Standard Paragraph E at the end of this document.

2. Carolina Power & Light Company

[Docket No. ER88-3-000]

Take notice that on October 1, 1987, Carolina Power & Light Company (CP&L) tendered for filing pursuant to the Commission's Order No. 475 dated June 26, 1987, updated applicable rates in four different contracts that have been changed to include 34 percent Federal corporate income tax in the formula calculations. These contracts include (1) two agreements with the Southeastern Power Administration for wheeling Kerr Project power and Cumberland Projects power; (2) the backstand and transmission use rate to the City of Fayetteville, North Carolina; and (3) the amendment with Duke Power Company for interchange service.

Comment date: October 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Company

[Docket No. ER88-4-000]

Take notice that on October 1, 1987, New England Power Company (NEP) tendered for filing an executed Agreement for Transmission of Firm Power (Agreement) between NEP and the Pascoag Fire District (Pascoag) located in Pascoag, Rhode Island. NEP states that the purpose of the Agreement is to facilitate the delivery of New York Authority (NYPA) power to Pascoag's customers.

NEP requests waiver of the Commission's notice requirements so that the Agreement may become effective July 1, 1985. As good cause for this request, NEP states that service to Pascoag had inadvertently been provided since that date pursuant to a similar agreement with the Massachusetts Municipal Wholesale Electric Company (MMWEC). Erroneous billings to MMWEC for Pascoag's service, according to NEP, have been refunded to MMWEC, and Pascoag has agreed to pay NEP for the arrears.

Comment date: October 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Cleveland Electric Illuminating Company

[Docket No. ER88-5-000]

Take notice that on October 1, 1987, Cleveland Electric Illuminating Company (CEI) tendered for filing Revised Service Schedule B—Firm Power Service to its Rate Schedule FERC No. 12, and Fifth Revised Sheet No. 4 under its FERC Electric Tariff, 1st Revised Volume No 1. CEI states that the revised rates and charges have been filed pursuant to FERC Order No. 475, in order to reflect the effect of the tax rate changes enacted in the Tax Reform Act of 1986. CEI proposes to make such changes effective as of July 1, 1987.

Comment date: October 20, 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 comment date. Protexts 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. 87-23748 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER88-1-000, et al.]

Pacific Gas and Electric Co., et al.; Electric Rate and Corporate Regulation Filings

October 6, 1987.

Take notice that the following filings have been made with the Commission:

1. Pacific Gas and Electric Company

[Docket No. ER88-1-000]

Take notice that on October 1, 1987, Pacific Gas and Electric Company (PGandE) tendered for filing a revised rate schedule for Firm System Sales to the Cities of Anaheim, Azusa, Banning, Colton, and Riverside (Cities).

The energy rates for these Agreements are calculated using PGandE's cost of natural gas and nuclear fuel. Under the terms of the revised rate schedule, when the California Public Utilities Commission (CPUC) authorizes a change in the G-55 natural gas rate, PGandE must make a rate change filing for the Cities to revise the natural gas and nuclear fuel cost inputs to the energy rates. The present filing represents a rate decrease to the Cities of at least $217,290.35 for the first year of service. The amount of the decrease depends upon the amount of energy purchased. The contract requires a minimum annual take, and the above figure is based upon that contract minimum.

PGandE has requested waivers to allow this rate decrease to become effective as of May 1, 1987, and to allow for an abbreviated informational filing procedure for future rate changes where the change is simply a revision of one of the rate formulae inputs. These informational filings would include a revised G-55 gas rate, a revised nuclear fuel rate (if this has changed), the effective date of the CPUC decision authorizing the G-55 rate change, and a showing of the customers' concurrence. PGandE requests that when the above information is filed, the filing fee be waived, and the changed energy rates be deemed effective on the effective date of the CPUC decision authorizing the changed G-55 gas rate.

Comment date: October 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Pacific Gas and Electric Company

[Docket No. ER87-590-000]

Take notice that on October 1, 1987, Pacific Gas and Electric Company (PGandE) tendered for filing an amendment to Docket No. ER87-590-000. Docket No. ER87-590-000 proposed five identical initial rate schedules for Economy Energy Sales to the southern California cities of Anaheim, Azusa, Banning, Colton, and Riverside (Cities).

The proposed amendment affects the calculation of the fixed-cost portion of a rate cap, pursuant to section 6.3 of each of the Agreements, under which energy may be sold. At the request of FERC Staff, PGandE has voluntarily:

1. Reduced the tax component of the rate cap from taxes at a 46-percent federal corporate income tax rate to a 34-percent federal corporate income tax rate.

2. Allocated the annual costs to the kilowatt-hours associated with a 72.9-percent Equivalent Availability Factor, as opposed to the initial kilowatt-hours

associated with a 38.5-percent capacity factor.

The effects of the two adjustments reduces the fixed-cost portion of the rate cap from 16.2890 mills per kilowatt-hour to 8.1388 mills per kilowatt-hour.

Comment date: October 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

In the matter of Virginia Electric and Power Company (Referred to as VEPCo); and Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, Atlantic City Electric Company and Delmarva Power & Light Company (Referred to collectively as the PJM Group).

3. VEPCo and PJM Group

[Docket No. ER87-348-000]

Take notice that on September 3, 1987, the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection tendered for filing, on behalf of the above listed parties to the VEPCo-PJM Agreement, additional information, at the Commission's request, with respect to modification of charges for Short Term Power services. The parties have requested a revised effective date of August 31, 1987 for the filing originally submitted on March 24, 1987, as modified.

Comment date: October 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

In the matter of West Penn Power Company, Potomac Edison Company, and Monongahela Power Company, (Referred to collectively as the APS Group); and Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electirc Power Company, Atlantic City Electric Company and Delmarva Power & Light Company, (Referred to collectively as the PJM Group).

4. APS Group and PJM Group

[Docket No. ER87-338-000]

Take notice that on September 3, 1987, the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection tendered for filing, on behalf of the above listed parties to the APS-PJM Agreement, additional information, at the Commission's request, with respect to modification of charges for Short Term Power services. The parties have requested a revised effective date of August 31, 1987 for the filings orignially submitted on March 24, 1987, as modified.

Comment date: October 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

In the matter of Cleveland Electric Illuminating Company, (Referred to as CEI); and Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, Atlantic City Electric Company, and Delmarva Power & Light Company, (Referred to collectively as the PJM Group).

5. CEI and PJM Group

[Docket No. ER87-389-000]

Take notice that on September 3, 1987, the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection tendered for filing, on behalf of the above listed parties to the CEI-PJM Agreement, additional information, at the Commission's request, with respect to modification of charges for Short Term Power services. The parties have requested a revised effective date of August 31, 1987 for the filings orignially submitted on April 16, 1987, as modified.

Comment date: October 20, 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 intevene or protest with the Federal Energy Regulatory Commisison, 835 North Capital 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. 87-23749 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS72-73, et al.]

Joseph B. Gould, et al., Applications for Small Producer Certificates [1]

October 8, 1987.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's Regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 23, 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 to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS72-73	9-14-86 [1]	Joseph B. Gould and Joseph B. Gould, Trust (Joseph B. Gould), 430 South 3rd Street, Las Vegas, Nevada 89101.
CS72-1183	5-27-87 [2]	The Estate of Barbara Price Mayhew, Camille Chilcote and Robin R. Williams (Barbara Price Mayhew) c/o Lillick Mchose & Charles, 725 South Figueroa Street, Suite 1200, Los Angeles, California 90017-2513.
CS76-185	9-8-87 [3]	The Estate of Roy Furr (Roy Furr), c/o Jack McClendon, Esq., 1306 Broadway, Lubbock, Texas 79401.
CS76-1068-003	9-16-87 [4]	OXOCO, OXTEX, Inc. and Hawthorne Oil and Gas Corporation OXOCO and OXTEX, Inc.), c/o Hays & Anson, 2700 One American Center, 600 Congress Avenue, Austin, Texas 78701.
CS87-29-000	9-22-87 [5]	Resource Reserves Co. and Billy W. Lee (Resource Reserves Co.), 1212 Main Street, Suite 364, Houston, Texas 77002.
CS87-30-000	9-22-87 [6]	Wyogram Oil Co. and Thomas R. Fuller (Wyogram Oil Co.), 1212 Main Street, Suite 364, Houston, Texas 77002.
CS87-96-000	8-19-87	101 Energy Corporation, P.O. Box 97, Bison, Oklahoma 73720.
CS87-102-000	9-8-87	Alta Energy Corporation, R.F. Bailey, C.R. Bailey and B&B Energy Co., 500 N. Loraine, Suite 900, Midland, TX 79701.
CS87-103-000	9-8-87	Valence Operating Company, P.O. Box 69, Humble, Texas 77338.
CS87-105-000	9-10-87	W.C. Sojourner, Route 1, Hamlin, Texas 79520.
CS87-106-000	9-25-87	George L. McLeod, Inc., 834 Greenpark Road, Houston, Texas 77079.
CS87-107-000	9-28-87	Santa Fe Energy Operating Partners, L.P.; Santa Fe Pacific Exploration Company; and Santa Fe Energy Company, 1616 South Voss Road, Suite 1000, Houston, Texas 77057-2696.
CS87-109-000	9-28-87	GOLDIE CASH REVOCABLE TRUST, 525 South Main, Third Floor, Tulsa, Oklahoma 74103.

[1] By letter dated September 9, 1987, Applicant requests that his small producer certificate issued in Docket No. CS72-73 be amended to include the entity of Joseph B. Gould, Trust.

[2] By letter dated May 21, 1987, as supplemented by letters dated May 23 and August 13, 1987, received May 27 and August 17, 1987, respectively, Applicant states that Camille Chilocote and Mildred Moore inherited the interests of Barbara Price Mayhew in 1974. Applicant further states that Mildred Moore passed away in 1982 and devised here interest to Robin R. Williams. Applicant requests that the small producer certificate issued in Docket No. CS72-1183 to Barbara Price Mayhew be redesignated under the names of the Estate of Barbara Price Mayhew, Camille Chilcote and Robin R. Williams.

[3] By letter dated September 4, 1987, requesting redesignation of the small producer certificate issued to Roy Furr in Docket No. CS76-185 under the name of the Estate of Roy Furr.

[4] By letter dated August 7, 1987, received August 12, 1987, as supplemented by letter dated September 15, 1987, Applicant states that through corporate reorganization certain properties were transferred from OXOCO, the parent company and small producer certificate holder in Docket No. CS76-1068, to its wholly-owned subsidiary, Hawthorne Oil and Gas Corporation. Applicant requests that the small producer certificate issued to OXOCO in Docket No. CS76-1068 be amended to include Hawthorne Oil and Gas Corporation as co-holder of the small producer certificate issued in Docket No. CS76-1068

[5] By letter dated September 9, 1987, Applicant states that Billy W. Lee, as president of Resources Reserves Co., also owns various properties individually, and that the volume for his personal properties was included in the jurisdictional sales volumes shown in the original application for small producer certificate of Resource Reserves Co. Applicant requests that the name of Billy W. Lee be added to the small producer certificate in Docket No. CS87-29-000 as certificate co-holder.

[6] By letter dated September 10, 1987, Applicant states that Thomas R. Fuller, as president of Wyogram Oil Co., als owns various properties individually, and that the volume for his personal properties was included in the jurisdictional sales volume shown in the original application for small producer certificate of Wyogram Oil Co. Applicant requests that the name of Robert R. Fuller be added to the small producer certificate in Docket No. CS87-30-000 as certificate co-holder.

[FR Doc. 87-23750 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8707-004]

Yakima—Tieton Irrigation District; Surrender of Preliminary Permit

October 8, 1987.

Take notice that Yakima—Tieton Irrigation District, permittee for the proposed Cle Elum Project, has requested that its preliminary permit be terminated. The permit was issued on September 30, 1985, and would have expired on August 31, 1988. The project would have been located on the Yakima River near the town of Easton, in Kittitas County, Washington. The permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The permittee filed the request on September 2, 1987, and the preliminary permit for Project No. 8707 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. 87-23751 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI78-781-003 and CI87-917-000]

Fina Oil and Chemical Co.; Application for Permanent Abandonment and Blanket Limited-Term Certificate With Pregranted Abandonment

October 8, 1987.

Take notice that on September 23, 1987, as supplemented on October 2, 1987, Fina Oil and Chemical Company (Fina) of P. O. Box 2159, Dallas, Texas 75221 filed applications pursuant to section 7 of the Natural Gas Act (NGA) and Parts 154 and 157 and § 2.7 of the Commission's Regulations under the NGA and the Natural Gas Policy Act of 1978 (NGPA). Fina requests in Docket No. CI78-781-003 permission and approval to abandon permanently a portion of its sales of natural gas to Northern Natural Gas Company, Division of Enron Corp. (Northern), from Platform B, Block A-571, High Island Area, South Addition, Outer Continental Shelf, Offshore Texas (Block 571 Gas). The gas is dedicated to Northern by certificate authorization in Docket No. CI78-781 and contract dated March 17, 1977, which is on file as Fina's FERC Gas Rate Schedule No. 117.

Fina's application in Docket No. CI78-781-003 involves the abandonment of up to 17,000 Mcf per day on a firm basis, and up to an additional 17,000 Mcf per day on an interruptible basis depending on the amount of gas Northern elects not to take on each day. Fina asserts that all Block 571 Gas is duly qualified under section 102(d) of the NGPA. Fina states that approval of its applications will relieve Northern of take-or-pay

obligations and permit Fina to sell the subject gas to others at market-clearing prices. Fina also requests in Docket No. CI87-917-000 the issuance of a blanket limited-term certificate of public convenience and necessity with three-year pregranted abandonment.

Fina requests that its application be considered on an expedited basis under procedures established by Order No. 436, Docket No. RM85-1-000, at 18 CFR 2.77. [1] Fina also requests waiver of certain of the Commission's regulations, including those Parts 154 and 271 thereof relating to the filing and maintenance of rate schedules.

Since Fina has requested that its application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make 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 proceedings. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Fina to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23752 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its regulations. Section 2.77 states that applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment.

[Docket No. TA88-1-5-000]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

October 7, 1987.

Take notice that on September 30, 1987, Midwestern Gas Transmission Company (Midwestern) tendered for filing ten copies of Twenty-sixth Revised Sheet No. 6 of its FERC Gas Tariff, to be effective November 1, 1987. Midwestern states that this filing implements a Current Purchased Gas Cost Adjustment pursuant to Article XVIII of the General Terms and Conditions (the Northern System PGA clause) in order to reflect in the rates for Midwestern's Northern System Rate Schedules CR-2, CRL-2, SR-2 and I-2 the effective gas charges from TransCanada PipeLines Ltd. (TransCanada), the sole supplier of gas to Midwestern's Northern System. Midwestern also states that this filing does not change the present Northern System Gas Surcharge.

Midwestern states that the Current Purchased Gas Cost Adjustment reflected on Twenty-sixth Revised Sheet No. 6 consists of Unit Demand Rate Changes of $2.07 per Dkt for Rate Schedules CR-2 and CRL-2, $0.1701 per Dkt for Rate Schedule SR-2, and $0.0681 per Dkt for Rate Schedule I-2, and a negative Unit Gas Rate Change of $0.3602 per Dkt. Midwestern states further that the Unit rate changes are based upon the demand and commodity gas rates under Midwestern's gas contracts with TransCanada, and Midwestern's estimated sales billing units and system fuel requirements for the November 1987—March 1988 PGA period.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practices and Procedure. All such motions or protests must be filed on or before October 14, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23753 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-2-000]

Natural Gas Pipeline Company of America; Change in FERC Gas Tariff

October 8, 1987.

Take notice that on October 1, 1987, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listing tariff sheets to be effective April 1, 1988:

Second Substitute Twenty-fifth Revised Sheet No. 301
Second Substitute Twenty-third Revised Sheet No. 302
Substitute Twenty-fourth Revised Sheet No. 303
Substitute Twenty-fourth Revised Sheet No. 304
Second Substitute Twenty-third Revised Sheet No. 305
Second Substitute Tenth Revised Sheet No. 306
Second Substitute Eleventh Revised Sheet No. 307
Substitute Eleventh Revised Sheet No. 308
Second Substitute Tenth Revised Sheet No. 309

Natural states that the puropose of the filing is to set out the Buyer's quantity entitlements under section 22 of the General Terms and Conditions of Natural's FERC Gas Tariff for the service year April 1, 1988 through March 31, 1989. Natural requested waiver of the Commission's regulations to the extent necessary to permit the revised sheets to become effective April 1, 1988, the beginning of the 1988-89 service year.

Natural states that the Monthly Quantity Entitlements on Sheet Nos. 301 through 309 have been changed, where required, to reflect requested changes in such entitlements by it's sixteen (16) DMQ-1 and thirty-three (33) G-1 customers. Customers requesting changes in Daily Quantity Entitlements were accommodated where feasible by Natural. Natural states that the Monthly and Daily Entitlements on these sheets provide sufficient gas volumes to allow each customer to fully meet (within contractual limits) its nominated requirements for Natural.

A copy of the filing was mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practices and Procedure. All such motions or protests must be filed on or

before October 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23754 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-27-001]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

October 8, 1987.

Take notice that North Penn Gas Company (North Penn) on October 1, 1987, tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1 pursuant to its PGA Clause and the Federal Energy Regulatory Commission's (Commission) letter order dated September 18, 1987, in Docket No. TA87-2-27-000 to be effective September 1, 1987.

North Penn states that the Commission's letter order dated September 18, 1987 accepted North Penn's PGA filing "subject to downward revisions to reflect any modifications in its pipeline supplier rates tracked herein effective September 1, 1987."

North Penn states that this filing reflects its pipeline supplier rates filed and approved to be effective September 1, 1987.

North Penn states that additionally submitted as Appendix E are the data required by the Commission letter order dated September 18, 1987 pertaining to the minimum bill costs from Transcontinental Gas Pipeline Corporation (Transco) as were included in North Penn's August 20, 1987 PGA filing.

North Penn states that in all other aspects this filing contains the same changes as filed on August 20, 1987 in Docket No. TA87-2-27-000 and approved by the Commission's letter order dated September 18, 1987.

North Penn respectfully requests wavier of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective September 1, 1987 as proposed.

Copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426, in accordance with 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23755 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-3-000]

Sabine Pipe Line Co.; Proposed Changes in FERC Gas Tariff

October 8, 1987.

Take notice that Sabine Pipe Line Company (Sabine) on October 1, 1987, tendered for filing the following proposed changes to its FERC Gas Tariff, First Revised Volume No. 1, to be effective November 1, 1987:

Fourth Revised Sheet No. 20
Second Revised Sheet No. 100
Second Revised Sheet No. 101
Second Revised Sheet No. 120
Second Revised Sheet No. 121
Second Revised Sheet No. 130
Second Revised Sheet No. 131
Second Revised Sheet No. 140
Second Revised Sheet No. 141

Sabine states that the listed tariff sheets set forth the transportation rates and applicable tariff provisions required to place the rates into effect, applicable to the Annual Charge Adjustment, pursuant to the Commission's Regulations as set forth in Order No. 472 and 472-A issued May 29, 1987 and June 17, 1987, respectively.

Copies of the filing were served upon the Sabine customers, the Louisiana Department of Natural Resources and the Railroad Commission of Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before October 15, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Sabine's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23756 Filed 10-13-87; 8:45 am]

BILLING CODE 6717-01-M

Economic Regulatory Administration

[ERA Docket No. 87-38-NG]

Vector Energy (U.S.A.) Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting blanket authorization to export natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice that it has issued an order granting blanket authorization to Vector Energy (U.S.A.) Inc. (Vector) to export natural gas. The order issued in ERA Docket No. 87-38-NG authorizes Vector to export up to 60 Bcf of natural gas over a two-year period, beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Ave., SW., Washington DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 5, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-23574 Filed 10-13-87; 8:45 am]

BILLING CODE 6450-01-D

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Period of August 17 through September 11, 1987

During the period of August 17 through September 11, 1987, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

October 2, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

Sellers Oil Co., Bainbridge, GA; KEE-0144; Reporting Requirements

Sellers Oil Company filed an Application for Exception from the requirement that it file Form EIA-782B, entitled "Resellers/Retailers' Monthly Petroleum Product Sales Report." On September 9, 1987, the Department of Energy issued a Proposed Decision and Order which tentatively determined that the exception request be denied.

[FR Doc. 87-23575 Filed 10-13-87; 8:45 am]

BILLING CODE 6450-01-D

Issuance of Proposed Decisions and Orders; Week of September 14 through September 18, 1987

During the week of September 14 through September 18, 1987, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

October 2, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

Coble Oil Co., Jim Woods Marketing Co.; Treece, KS; KEE-0146, KEE-0148; Reporting Requirements

Coble Oil Company and Jim Woods Marketing Company filed Applications for Exception from the provisions of the EIA's reporting requirement for resellers. The exception request, if granted, would permit Coble and Woods to be relieved of the requirements to complete and submit Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." On September 15, 1987, the Department of Energy issued a Proposed Decision and Order which determined that the exception requests be denied.

Le Paul Oil Co., Inc.; Troy, OH; KEE-0147; Reporting Requirements

Le Paul Oil Company, Inc. (Le Paul) filed an Application for Exception from the requirement to file Form EIA-782B. The exception request, if granted, would permit Le Paul to be exempt from the filing requirement due to undue hardship. On September 14, 1987, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 87-23576 Filed 10-13-87; 8:45 am]

BILLING CODE 6450-01-D

Cases Filed; Week of August 28 Through September 4, 1987

During the Week of August 28 through September 4, 1987, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggreived person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 6, 1987.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Aug. 28 through Sept. 4, 1987]

Date	Name and location of applicant	Case No.	Type of submission
July 8, 1987	California, Kern County, CA	KRZ-0521	Interlocutory. If granted: California would be permitted to participate in all aspects of the enforcement proceeding involving Kern Oil Refining Company (Case No. KRO-0520).
Aug. 25, 1987	Brookville Leasing Ltd., Austin, TX	RR270-14	Request for Modification/rescission. If granted: The May 12, 1987, determination issued to Brookville Leasing Ltd. (Case No. RF270-1635) would be modified regarding the firm's application for refund in the surface transporter refund proceeding.
July 28, 1987	Texaco Inc., White Plains, NY	KRZ-0066	Interlocutory. If granted: The Office of Hearings and Appeals would issue an order imposing sanctions on the Economic Regulatory Administration and directing additional discovery with respect to the April 12, 1987 Decision and Order issued to Texaco Inc. (Case No. KRD-0021).
Aug. 31, 1987	Miller, Nash, Wiener, Hager & Carlsen, Portland, OR	KFA-0117	Appeal of an information request denial. If granted: The July 29, 1987 denial of a request for waiver of fees issued by Bonneville Power Administration in connection with a Freedom of Information Act request would be rescinded and Miller, Nash, Wiener, Hager & Carlsen would be refunded $2,513.50.
Do	Time Oil Company, Washington, DC	KFA-0119	Appeal of an information request denial. If granted: The Office of Hearings and Appeals would determine if data submitted by Time Oil Company should be exempted from disclosure pursuant to a Decision and Order granting in part Steptoe and Johnson's Freedom of Information Request (Case No. KFA-0103).
Sept. 1, 1987	Lintel Technology, Inc., Roslyn, NY	KFA-0118	Appeal of an information request denial. If granted: The Freedom of Information Request Denial issued by the DOE Office of Energy Research would be rescinded and Lintel Technology, Inc. would receive access to documents relating to the internal reviews of proposal Number 4571-86-II submitted in response to Program Solicitation DOE/ER-01-0180/2.
Sept. 2, 1987	Vanderbilt Energy Corporation, Washington, DC	KEF-0097	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the June 24, 1987 consent order which the DOE entered into with Vanderbilt Energy Corporation.
Sept. 11, 1987	Clean Machine, Inc., Washington, DC	KEF-0017	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the consent order which the DOE entered into on July 6, 1987, with Clean Machine, Inc.

REFUND APPLICATIONS RECEIVED

[Week of Aug. 28 to Sept. 4, 1987]

Date received	Name of refund proceeding/name of refund applicant	Case No.
8/18/87	M. & R. Coutermarsh	RF265-2550
8/28/87	Louis DeLorenzo	RF265-2549
8/28/87	Vickers/Iowa	RQ1-393
8/28/87	Amoco/Iowa	RQ521-394
8/28/87 Thru 9/4/87	Crude Oil Applications Received.	RF272-5034 Thru RF272-5537
9/1/87	Chala Enterprises, Inc.	RF225-10904
9/2/87	James S. Passantino	RF225-10905

[FR Doc. 87-23688 Filed 10-13-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of September 7 Through September 11, 1987

During the week of September 7 through September 11, 1987, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Requests for Exception

Deaton Oil Company, 9/8/87; KEE-0142

Deaton Oil Company (Deaton Oil) filed an Application for Exception from the requirement that it file Form EIA-821, entitled "Annual Fuel Oil and Kerosene Sales Report." In considering the firm's request, the Office of Hearings and Appeals found that Deaton Oil is in the midst of bankruptcy proceedings and has therefore reduced its staff. Furthermore, the OHA found that the President of Deaton Oil, Mr. J.D. Beavert, had limited access to the records of the company because they are currently being reviewed by an accountant. The OHA concluded that Deaton Oil's lack of personnel, along with the difficulty of obtaining the company's records, result in a significant burden which exceeds the burden normally associated with the completion of Form EIA-821. Consequently, the OHA granted Deaton Oil permanent relief from the requirement to file Form EIA-821.

Site Oil Company, 9/8/87; KEE-0145

Site Oil Company (Site) filed an Application for Exception from the requirement that it file Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering the request, the DOE found that Site's reporting burden was not significantly different from that of other firms participating in the EIA-782B survey. Accordingly, exception relief was denied.

Motion for Discovery

Economic Regulatory Administration, 9/11/87; KRD-0028

The Economic Regulatory Administration (ERA) filed a Motion for Discovery in connection with an enforcement proceeding pending against Cities Service Oil and Gas Corporation (Cities). In its discovery request, the ERA requested Cities to produce documents in order to permit the ERA to prepare for the upcoming evidentiary hearing to be held in the Cities case. The DOE held that Cities need not produce the deposition testimony of Mr. Frank Bowen since discovery of that testimony was denied in a previous Decision and Order. With respect to the remainder of the documents, the DOE found that an order compelling discovery was not warranted since Cities was willing to provide the ERA with documents responsive to its request. Accordingly, the Motion for Discovery was denied.

Implementation of Special Refund Procedures

Bernard A. Krouse d/b/a BAK Ltd., Krouse Fuel Company, Allan Fuel Company, Kealy Fuel Company, Walter T. Hoff & Son, 9/10/87; HEF-0034

The DOE issued a Decision and Order which established procedures to be used in evaluating claims for refunds from the $250,000 settlement fund obtained through a consent order entered into by Bernard A. Krouse, Krouse Fuel Company, Allan Fuel Company, Kealy Fuel Company, and Walter T. Hoff & Son (collectively referred to as BAK Ltd.) and the DOE. The settlement fund was provided by BAK Ltd. to settle alleged pricing violations which occurred in the sales of No. 2 heating oil

by the firm. The transactions covered by the BAK consent order occurred between November 1, 1973 and July 31, 1974. Refunds will be made to applicants who can demonstrate that they were injured as a result of BAK's pricing practices during the consent order period. However, reseller applicants whose claim is for $5,000 or less and end-users of BAK's No. 2 heating oil need only document their purchase claims in order to receive a refund.

Gulf Oil Corporation, 9/8/87; HEF-0590

The DOE issued a Decision and Order establishing procedures for distribution of approximately $31 million received from Gulf Oil Corporation and related to alleged overcharges with respect to Gulf's sales of refined petroleum products. The Decision describes the presumptions that will be used in analyzing refund applications and sets forth information which refund applicants must include.

Refund Applications

Austin Tupler Trucking, Inc., 9/11/87; RF270-1725

The Department of Energy (DOE) issued a Decision and Order regarding an Application for Refund from the Surface Transporters Escrow, established as a result of the Stripper Well Settlement Agreement. The refund application was filed by American Trucking Associations, Inc. on behalf of Austin Tupler Trucking, Inc. (Austin Tupler). The DOE determined that owner operator volumes should be excluded from Austin Tupler's claim because the firm's owner-operators paid for the products. Since Austin Tupler purchased for use in its own vehicles less than the 250,000 gallon minimum for the Surface Transporters proceeding, the firm was deemed by the DOE to be ineligible to receive a refund from the Surface Transporters Escrow.

Bicentennial Transport, Inc.; Betz Laboratories, Inc., 9/9/87; RF270-1183, RF270-1250

The Department of Energy issued a Decision and Order approving applications submitted by Bicentennial Transport, Inc. and Betz Laboratories, Inc. for refunds from the Surface Transporters Escrow established as a result of the Stripper Well Agreement. These companies each purchased over 250,000 gallons of motor gasoline and diesel fuel between August 19, 1973 and January 27, 1981, and demonstrated that they were Surface Transporters. The total number of gallons approved in this Decision was 1,686,858.

Frank Martz Coach Company, et al., 9/11/87; RF270-1344 et al.

The Department of Energy (DOE) issued a decision and Order approving in full the volumes claimed in seven Applications for Refund and approving in part the volumes claimed in ten Applications for Refund from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The DOE eliminated from the ten applications a portion of each claim that was based on gallons of fuel purchased by owner-operators of the applicant. The DOE will determine a per gallon refund amount and establish the amount of the 17 companies' refunds based on their approved volumes after it completes its analysis of all Surface Transporter claims.

Getty Oil Company/A & D Oil Company, et al., 9/11/87; RF265-2395, et al.

The DOE issued a Decision and Order concerning 18 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In 14 of these cases, the applicants were eligible for a claim below the $5,000 threshold. In the remaining four cases, the applicants elected to limit their claims to $5,000. The total refunds approved in this decision are $63,279, representing $31,663 in principal and $31,616 in accrued interest.

Getty Oil Company/Adams Skelly, et al., 9/9/87; RF265-1627, et al.

The DOE issued a Decision and Order concerning 70 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. None of them was entitled to a refund greater than the $5,000 small claim refund amount. The total refunds approved in this decision is $181,740, representing $90,928 in principal and $90,812 in accrued interest.

Gulf Oil Corporation/Barefoot Oil Company of Concord, 9/11/87; RF40-2639

The DOE issued a Decision and Order concerning an Application for Refund filed by Barefoot Oil Company of Concord, a Concord, North Carolina firm that operated as both a retailer and as a consignee agent of Gulf Oil corporation petroleum products. The firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 Consent Order. With respect to its purchases of 4,385,667 gallons of Gulf middle distillates during the consent order period, Barefoot demonstrated that it would not have been required to pass through to its customers a cost reduction equal to the amount of the refund claimed. Using data that compared North Carolina's increasing motor gasoline consumption to Barefoot's declining sales volumes, the firm also showed that Gulf's competitive prices caused it to lose 3,428,383 gallons of motor gasoline consignment sales during the consent order period. After examining the application and supporting documentation submitted by Barefoot, the DOE concluded that the firm should receive a refund of $12,034, representing $9,533 in principal and $2,501 in accrued interest.

Gulf Oil Corp./Glenn's Gulf Coast Service, 9/11/87; RF40-3409

The DOE issued a Decision granting the Application for Refund from the Gulf Oil Corp. consent order fund filed by Glenn's Gulf Coast Service (Glenn's), a retailer of Gulf motor gasoline. In considering the application, the DOE found that Glenn's would not have been required to pass through to its customers a cost reduction equal to the refund claimed. Accordingly, Glenn's was granted a refund of $232, representing $184 in principal and $48 in interest.

Gulf Oil Corporation/Harvey Oil Company, 9/11/87; RF40-3656

The DOE issued a Decision and Order concerning an Application for Refund filed by Stoel, Rives, Boley, Jones & Grey on behalf of Harvey Oil Company. The firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984). After examining the supporting data submitted by the applicant, the DOE concluded that the firm should receive a refund of $10,704 ($8,480 principal plus $2,224 interest).

Marathon Petroleum Company/Capitol Oil Company, 9/8/87; RF250-2725

The DOE issued a Decision and Order concerning an Application for Refund filed by Capitol Oil Company, a retailer of motor gasoline covered by a consent order that the agency entered into with Marathon Petroleum Company. The Applicant demonstrated the volume of its purchases from Marathon, and requested a refund amount below the $5,000 small claims threshold. The refund approved in this Decision is $4,602 in principal and $537 in interest.

Mobil Oil Corp./Adams & Ruxton Construction Co. et al., 9/8/87; RF225-522 et al.

The DOE issued a Decision and Order granting 32 applications of end-users and retailers requesting refunds from the Mobil Oil Corporation consent order fund. Each applicant presented evidence that it purchased refined petroleum products from Mobil during the consent order period. The end-user applicants purchased product both directly and indirectly supplied by Mobil. According to the methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985) (*Mobil*), each end-user applicant was found to be eligible for a refund from the Mobil consent order fund based on the volume of its purchases times 100 percent of the volumetric refund amount, except that refunds for indirect motor gasoline purchases were based on the volume times 60 percent of the volumetric refund amount. Two of the applications were filed by retailers supplied directly by Mobil. According to the presumptions set forth in *Mobil*, these applicants were eligible for a refund from the Mobil consent order fund based on the volume of its motor gasoline purchases times 30 percent of the volumetric refund amount. Retailers of products other than motor gasoline received the full volumetric refund amount. The refunds approved in the Decision totaled $34,073.

Mobil Oil Corporation/Alden Oil Company et al., 9/11/87; RF225-5833 et al.

The DOE issued a Decision granting 33 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $47,965 ($38,957 in principal plus $9,008 in interest).

Mobil Oil Corporation, Bauer Service, Inc., et al., 9/8/87; RF225-3118 et al.

The DOE issued a Decision granting twelve Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $19,377 ($15,770 in principal plus $3,607 in interest).

Morgan Drive Away, Inc., 9/9/87; RF271-2483, RF271-81

The Office of Hearings and Appeals (OHA) issued a Decision and Order to two affiliated companies regarding their respective Applications for Refunds from the Rail and Water Transporters (RTW) Escrow and the Surface Transporters (ST) Escrow. Based on prior decisions, OHA held that the two firms could not receive refunds from both the RWT and the ST Escrows. Consequently, OHA first considered the larger RWT application, and finding that it was supported, granted a refund based on the firm's use of 52,980,820 gallons of U.S. petroleum products. OHA then dismissed the small ST application.

Norman Borthers, Inc., Port Terminal Railroad, 9/11/87; RF271-190, RF271-191

The Office of Hearings and Appeals (OHA) issued a Decision and Order to two companies granting their respective Applications for Refunds from the Rail and Water Transporters Escrow. OHA found that both applicants had established that they were members of the RWT class, and had substantiated their purchases of the volumes of U.S. petroleum products claimed in their respective applications. The total number of gallons approved in the Decision and Order was 18,202,397.

TNT North America, Inc., 9/11/87; RF270-923

TNT North America, Inc. filed an Application for Refund, seeking funds from the Surface Transporters Escrow established pursuant to the Settlement Agreement in *In Re: The Department of Energy Stripper Well Exemption Litigation*, M.D.L. 378. The DOE examined the firm's claim and ascertained that it is an eligible surface transporter, and its claim did not exceed the gallons of petroleum products that the applicant consumed in vehicle operations. The total volume approved in this Decision and Order is 143,264,710 gallons.

Wisconsin Michigan, Coaches, Inc., et al. 9/11/87; RF270-1658 et al.

The Department of Energy (DOE) issued a Decision and Order approving the volumes claimed in seven Applications for Refund from the Surface Transporters Escrow established as the result of the Stripper Well Settlement Agreement. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Dismissals

The following submissions were dismissed:

Alexandria Yellow Cab—RF270-1685
Algoma Central Railway—Marine Division—RF271-154
Coalition for Safe Power—KFA-0116
Eureka Equity Exchange—RF270-854
Hawaiian Tug & Barge Corporation—RF271-151
Ramona Oil Company—RF157-4
Rusty's Gulf—RF40-223
Seattle Oil Service, Inc.—KEE-0149
Young Brothers, Ltd.—RF271-150

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room lE-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

October 6, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 87-23689 Filed 10-13-87; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3277-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Water

Title: National Tapwater Consumption Survey (Pilot Survey); (EPA ICR #1383).

Abstract: A small sample of individuals will be surveyed on tapwater consumption patterns. EPA will use the results to design a national survey.

Respondents: Individuals.

Estimated Annual Burden: 195 hours.

Frequency of Collection: One time.

Title: Public Water System Program Information (Monitoring for Volatile Synthetic Organic Chemicals). (EPA ICR #0270-VOC).

Abstract: Community water systems must monitor for chemicals as specified in EPA and State regulations. EPA and the States use the data to determine the systems' compliance with Maximum Contaminent Level regulations (40 CFR Part 141).

Respondents: Community Water Systems.

Estimated Annual Burden: 106,485 hours.

Frequency of Collection: Ranges from quarterly to once every five years, depending on initial monitoring results.

* * * * *

Comments on the abstracts in this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency (EPA), (PM-223), 401 M Street SW., Washington, DC 20460

and

Tim Hunt, Office of Management and Budget (OMB), 726 Jackson Place NW. (Rm. 3019), Washington, DC 20503.

Date: October 1, 1987.

Daniel Fiorino,

Director, Information and Regulatory Systems Division.

[FR Doc. 87-23720 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

[AO-FR-3276-2]

National Emission Standards for Hazardous Air Pollutants (NESHAPS); Extension Under Standards for Radon-222 Emissions From Licensed Uranium Mill Tailings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of application.

SUMMARY: Notice is being given in accordance with the provisions of 40 CFR 61.252(e)(4), that Pathfinder Mines Corporation has applied for a five year extension so that it can continue to place uranium mill tailings on existing mill tailings piles at its Shirley Basin mill site and at its Lucky Mc mill site. EPA is inviting public comment as to whether or not the application should be approved for any of the piles at either the Shirley Basin facility or the Lucky Mc facility, or both.

DATE: The period for public comment will end on November 13, 1987.

ADDRESSES: Comments should be sent to: Central Docket Section (LE-131), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The decision making record is contained in Docket No. A 79-11. This docket is available for public inspection between 8:00 a.m. and 3:00 p.m., Monday through Friday, at EPA's Central Docket Section, Room 4, South Conference Center, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Jay Silhanek, Environmental Standards Branch, Criteria and Standards Division (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, DC 20460, (202) 475-9610.

SUPPLEMENTARY INFORMATION:

I. Background

On August 15, 1986, the Environmental Protection Agency (EPA) promulgated a National Emission Standard for Hazardous Air Pollutants (NESHAS) under the authority of section 112 of the Clean Air Act for radon-222 emissions from licensed uranium mill tailings. This NESHAPS is a work practice standard which requires that no new tailings be placed on existing uranium tailing piles after December 31, 1992. However, the rule allows for the continued use of those piles to December 31, 2001, if the owners are granted either an exception or an extension by the Administrator of EPA. On January 7, 1987, Pathfinder Mines Corporation applied for five year extensions pursuant to 40 CFR 61.252(e)(1)(ii). EPA requested more information from Pathfinder and on April 11, 1987, received complete applications.

As required by 40 CFR 61.252(e)(4), EPA is providing public notice and is requesting comment on the applications before deciding whether or not the applications will be approved. EPA will hold a public hearing on this action, if such a hearing is requested by the public.

Although Pathfinder has simultaneously applied for an extension at two facilities, EPA will make a separate decision on each tailings pile. To aid this process commentors should denote which of their comments apply to piles at Shirley Basin, which comments apply to piles at Licky Mc and which comments apply to both facilities. Comments on the adequacy of protection to public health and amount of risk would be appreciated.

II. Grounds for Approval

Pursuant to 40 CFR 61.252(e)(1)(ii) an extension will be granted if the owner demonstrates there will be protection of the public health with an ample margin of safety. The EPA decision on whether or not to grant the applications will be based on an analysis of the risk to the public health that will result from the continued use of the mill tailings facilities for the period of the extension. EPA will take into account the size and condition of the pile, the size and location of the nearby population, the length of the extension requested, the existence and effectiveness of any risk reduction practices that are or will be taken and the expected level of future mill activity. Additional information on these factors was provided by the applicant to assist EPA in its analysis. As part of the action, Pathfinder must certify that the operations of both sites are in compliance with applicable existing Nuclear Regulatory Commission (NRC) regulations and license conditions. Comments from the public will also be considered in our decision.

In determining whether or not to grant an extension for a tailings pile, EPA will not examine the condition of the ground water at the mill sites. Ground water is already protected under existing EPA rules which are implemented by NRC.

III. Lucky Mc Mill

A. Location and Description.

The Lucky Mc Uranium Mill is located in the Gas Hills region of Fremont County, Wyoming, about 25 mi northeast of Jeffrey City. This mill first began producing yellowcake in 1958, with a nominal ore processing capacity of 935 tons/day. Since then, the capacity has been expanded to the current level of about 2,800 tons of ore per day.

Pathfinder's open pit mining operations, located 1 to 2 miles from the mill, supply most of the ore. The ore grade has averaged 0.21 percent U_3O_8 in past operations and is expected to average 0.11 percent in the future.

The tailings retention system consists of four tailings impoundments. The impoundments are situated sequentially in the head of a gully north by northeast of the mill and are dug into an underlying shale formation. The clay core dams are keyed into the shale. The average tailings depth is now 40 ft and is expected to increase to 60 ft by the end of the projected milling operation in 1996 (end of extension). Water is sprayed over the dry tailings during warm weather to control dust, but not radon. As of August 1986, the dry beaches account for 172 acres of the total area, whereas 96 acres are covered with tailings solution. The remaining 21 acres of exposed tailings were saturated with water. This ration will change with time. The amount of tailings under management was 12×10^6 tons.

Separate measurements have been made for the homogeneous solid tailings, cycloned tailings sand, and the slimes. EPA estimates the radium-226 content at 420 PCi/g for the total pile. This activity was used to make estimates of radon emissions to air which were 16 kCi/yr when dry and 9 kCi/yr when partially wet for all the piles.

The Pathfinder Lucky Mc Mill is in a remote location away from permanent habitation. A 1983 survey indicated 58 people living within a 5 km radius of the tailings piles. These people lived at a camp for the mill workers and their families. This camp was closed in 1984. There are no known residences within 22 km of the site of this time.

B. Size and Use of Piles

Pathfinder has provided the following information concerning the size and capacity of the tailings impoundments at the Lucky Mc Mill in Table 1:

TABLE 1.—LUCKY MC TAILINGS FACILITIES PILE SIZE AND CAPACITIES

Pile	Total storage capacity (tons)	Current tailings (tons)	Remaining capacity (tons)	Surface area (A) (acres)
1	5,100,000	4,800,000	350,000	53
2	4,800,000	3,900,000	890,000	77
2A	7,500,000	3,100,000	4,500,000	102
3 and 4 Currently licensed for solution storage only.				149
Total	17,400,000	11,800,000	5,740,000	381

(a) Surface area will remain the same as capacity of pile is used.

If the Lucky Mc Mill operates at the licensed rate of 2,800 tons/day, the amount of time left to fill the existing impoundments would be about 7 years. However, they are estimating that they will operate at an average of 850 tons/day during 1987 and 430 tons/day from 1988–1990. After 1990 the average rate would be even lower. The applicant feels they could operate through 2006 with their current capacity. However, they will have to cease using the existing impoundments in 2001 to comply with the mill tailings NESHAPS even if multiple extensions are granted.

Piles 1 and 2 are being used for water control. It is unclear at this time whether these ponds are necessary since pile 2A has sufficient capacity to continue operations at a reduced rate of operation.

C. Condition of the Tailings System

The tailings system has not received new tailings since 1985. As a result, it has been temporarily stabilized with an interim soil cover to prevent windblown tailings off the site. During operation the surface area would be covered with wet tailings minimizing the dry beach area. The discharge line would be relocated periodically to keep most of the surface area wet.

All the dams are inspected on a daily basis for any signs of instability. The NRC also inspects the dams at least once a year. In November 1986, a local engineering firm conducted an investigation of the stability of the dams. It concluded that the existing dam slopes are stable. No seepage was observed.

A pump back system for seepage through the dams was installed in 1984. This was checked in 1985 by a private consulting firm and was felt to be adequate for the planned addition of more wet tailings. Monthly monitoring of wells around the piles are done to determine water level changes.

EPA is not considering the possible water contamination of the ground water with this action. Water pollution from active tailings piles has been covered under the Uranium Mill Tailings Radiation Control Act (UMTRCA). The NRC is implementing standards developed by EPA under this Act.

D. Assessment of Risk

The AIRDOS EPA and DARTAB codes and an assumed radon-222 deay product equilibrium fraction of 0.7 were used by EPA to estimate the increased chance of lung cancer for individuals living near a tailings impoundment and receiving the maximum exposure. For the Lucky Mc Mill, the maximum lifetime risk for an individual living downwind of the tailings site is 7.4×10^{-5} at 22 km from the site. The extension may increase the risk by 5/70 of the lifetime estimate or 5.3×10^{-6}. The estimated health effects from the Lucky Mc impoundment in its current condition are 2.7×10^{-3} fatal cancers per year for the region and 1.2×10^{-1} cancers per year for the nation. The risks can vary by a factor of 2.

E. Current and Proposed Risk Reduction Practices

Interim clay cover or soil is being used on the tailings piles while on standby. Additional wet tailings will be placed on the current dry portions of the pile during operation. Sprinkler systems will be used when necessary to control blowing tailings; but they do not control the radon emissions. Following completion of the mill activities, the site will be reclaimed according to a plan approved by NRC.

IV. Shirley Basin Mill

A. Location and Description

The Pathfinder Mines Corporation Shirley Basin uranium mill is located in an area of plains and rolling hills about 45 mi south of Casper, Wyoming. The mill, which began operation in 1971, uses processes of grinding, leaching, and ion exchange of the ore to produce yellowcake. Current mill capacity is 1,800 tons of ore per day. The mill is currently active and has a throughput of 990 tons/day.

Tailings are contained in a single on site tailings impoundment with three separate piles created by building a single sided earthen retention dam 18 m high. The surface area of the tailings impoundment is 261 acres, of which 179 acres are covered with ponded tailings solution. Sixty acres are dry beaches and 22 acres are wet. The impoundment contains 6.4×10^6 tons of tailings. The tailings are estimated by EPA to contain 540 pCi/g of radium-226. This activity was used to estimate radon emissions to air which were 18 kCi/yr when dry and 4 kCi/yr when partially wet.

A 1983 survey of the population in the vicinity of the Pathfinder Shirley Basin

Mill indicated the closest inhabitant was living about 5 km from the tailings impoundment. In 1986 this situation had not changed.

B. Size and Use of Piles

The size and capacity of the Shirley Basin tailings impoundment are given in Table 2 as follows:

TABLE 2.—SHIRLEY BASIN TAILINGS FACILITIES PILE SIZE AND CAPACITIES

Piles[a]	Total storage capacity (tons)	Current tailings (tons)	Remaining capacity (tons)	Surface area (acres)
3 Currently used for solution storage only				32
4	7,600,000	3,900,000	3,700,000	175
5	4,000,000	3,200,000	800,000	100
Total	11,600,000	7,100,000	4,500,000	307

a Piles 1 & 2 have been combined in piles 3, 4, and 5.

If the design operating rate of 1,800 tons/day is assumed, the amount of time left to fill the existing impoundments would be about 8 years. One option would be to close pile 5 because of its low remaining capacity but it can be used for water control. The mill plans to operate at about 1,000 tons/day which means they could operate another 15 years. Even lower operations rates are projected after 1989.

C. Condition of Piles

The Shirley Basin tailings system has operated at a reduced rate since 1980. Dry tailings areas are covered with mine overburden to control blowing tailings and to reduce radon emission rates. Additional wet tailings are placed on the dry areas of the pile during operation.

The dams are inspected on a daily basis for any signs of instability. The NRC also inspects the dams on their routine inspections each year.

Seepage from the tailings dam has been observed in the monitoring wells. A collection system for thje seepage has been installed. Monitoring wells will indicate if an additional seepage problem develops in the future. The seepage system is checked by the company and NRC on a routine basis.

EPA is not considering the possible water contamination of the ground water this action. Water pollution from tailings piles has been covered under UMTRCA.

D. Assessment of Risk

The AIRDOS EPA and DARTAB codes and assumed radon-222 decay product equilibrium fraction of 0.7 were used by EPA to estimate the increased chance of lung cancer for the closest individual living near a tailings impoundment and receiving the maximum exposure. For the Shirley Basin Mill, the estimated maximum lifetime risk for the individual living downwind of the tailings piles is 1×10^{-4} at 5 km from the site. The extenstion may increase the risk by 5/10 of the lifetime estimate or 7.1×10^{-6}. The estimated health effects from the Shirley Basin impoundment in its current condition are 4.8×10^{-3} fatal cancers per year for the region and 5.4×10^{-2} cancers per year for the nation. The risks can vary by a factor of two.

E. Current and Proposed Risk Reduction Practices

Interim clay cover or soil is being used on the operating tailings piles. Additional wet tailings will be placed on the current dry portions of the pile. Sprinkler systems will be used when necessary to control blowing tailings but not to control radon emissions. Following completion of the mill activities, the site will be reclaimed according to a plan approved by NRC.

Dated: October 1, 1987.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 87-23715 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3276-5]

PSD Permit for the North Broward County Resource Recovery Facility; Broward County, FL

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Prevention of Significant, Deterioration (PSD) permit (PSD-FL-112) issued to Broward County, Florida, on July 28, 1987, became effective on September 3, 1987. The permit was issued for the construction of the Broward County 2420 tons per days municipal solid waste incineration facility with electrical generation capability.

DATE: This action is effective as of September 3, 1987, the effective date of the PSD permit. Construction must begin within eighteen (18) months of this date or the permit will become invalid.

ADDRESSES: Copies of the PSD permit, permit application, and preliminary and final determinations are available for public inspection upon request at the folllowing locations:

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

Bureau of Air Quality Management, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

FOR FURTHER INFORMATION CONTACT: Michael Brandon of the EPA Region IV, Air Programs Branch at the Atlanta address given above, telephone (404) 347-2864; (FTS) 257-2864.

SUPPLEMENTARY INFORMATION: On February 14, 1986, the Broward County Resource Recovery Office submitted an application to EPA for the construction of the North Broward County Resource Recovery Facility. The facility will consist of four 605 tons per day municipal solid waste incinerators located in Broward County, Florida. The preliminary determination was made by the Florida Department of Environmental Regulation and the public comment period commenced on September 13, 1986. Comments on the preliminary determination were made by EPA and Broward County in reference to various permit conditions and by numerous citizens supporting the requirements for acid gas controls. On

June 26, 1987, EPA prepared the Final Determination and Permit Conditions. These conditions require, in part, the installation of an acid gas control device to control 90% of the acid gases, and 65% control or 0.14 lbs per million Btu of the sulfur dioxide emissions. In addition, the permit limits the emission of particulate matter to 0.015 gr/dscf corrected to 12% CO_2. The facility was also allowed to burn municipal solid waste at 110% of its rated capacity (i.e., 2420 tons per day). No other comments were received during the public comment period.

The federal PSD permit (PAD-FL-112) was issued on July 28, 1987, and became effective on September 3, 1987. The effective date of this permit constitutes final agency action uder 40 CFR 124.19 (f)(1) and section 307 of the Clean Air Act, for purposes of judicial review. 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 60 days from today. This action may not be challanged later in proceedings to enforce its requirements (see section 307 (b)(2)).

If construction does not commence within eighteen (18) months after the effective date, that is, by March 3, 1989, or if construction is not completed within a reasonable time, the permit shall expire and the authorization to construct shall become invalid.

(Sections 160-169 of the Clean Air Act (42 U.S.C. 7470-7479))

Dated: October 1, 1987.

Charles H. Sutfin,

Acting Deputy Regional Administrator.

[FR Doc. 87-23721 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3275-9]

Science Advisory Board; Water Quality Advisories Subcommittee; Open Meeting

Under the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that a two day meeting of the Water Quality Advisories Subcommittee of the Science Advisory Board will be held on October 22 and 23, 1987. The meeting will begin at 9:00 a.m. on October 22, and will be held in the Laboratory Conference Room of EPA, Region 3, Annapolis Office at 839 Bestgate Road, Annapolis, MD. Adjournment on October 23 will take place no later than 3:00 p.m.

The main purpose of the meeting is to review draft guidelines developed for preparation of water quality advisories for both human health and aquatic life protection. Water quality advisories are intended to be used as a supplement to development of water quality criteria recommendations under section 304(a) of the Clean Water Act. Advisories are designed to fill the gap between the large number of pollutants and the limited number of criteria documents currently produced, and represent the best scientific judgement given the existing information.

The meeting will be open to the public; however, space is limited. Anyone who wishes to attend, present information to the Subcommittee, or obtain information concerning the meeting should contact Ms. Janis Kurtz, Executive Secretary, or Mrs. Lutithia Barbee, Staff Secretary, (A101-F), Environmental Effects, Transport and Fate Committee, Science Advisory Board, U.S. Environmental Protection Agency, 401 M. Street SW., Washington, DC 20460, Telephone (202) 382-2552 or FTS 8-382-2552. Written comments will be accepted, and can be sent to Ms. Kurtz at the above address. Persons interested in making statements before the Subcommittee must contact Ms. Kurtz no later than October 19, 1987, in order to be assured of space on the agenda.

Date: October 5, 1987.

Kathleen Conway,

Deputy Director, Science Advisory Board.

[FR Doc. 87-23722 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3276-1]

Announcement of a Public Hearing on the Proposed Determination To Prohibit or Restrict the Specification of an Area for Use as a Disposal Site

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: A public notice entitled "Proposed Determination to Prohibit or Restrict the Specification of an Area for Use as a Disposal Site" was published in the **Federal Register** and the New Jersey *Star Ledger* on August 7, 1987. (Request for a copy of that notice should be made to the person listed in the section below entitled **FURTHER INFORMATION.**) The August 7, 1987 notice announced the Environmental Protection Agency's (EPA) Region II Administrator's proposed determination to prohibit or restrict the discharge of dredged or fill material into wetlands owned by the Russo Development Corporation—71 Hudson Street, Hackensack, New Jersey. The Russo Development Corporation has sought after-the-fact Department of the Army authorization to maintain 52.5 acres of fill and authorization to discharge additional fill material into the remaining five wetland acres on site in Carlstadt, New Jersey (Block 131.1, Lots 59, 64.01-64.06) for the purpose of constructing warehouses. The Regional Administrator has reason to believe that the unauthorized discharge of fill and the proposed discharge of fill into the subject wetlands may have unacceptable adverse effects on wildlife. The Russo site was/and remains wetlands and waters of the United States pursuant to 33 CFR 328.3 and 40 CFR 230.3. The site therefore is subject to regulations under section 404 of the Clean Water Act and a Department of the Army 404 permit is required to discharge fill onto the site.

The Corps of Engineers (COE) advised EPA of its intention to issue a permit as requested by the Russo Development Corporaton. Section 404(c) of the Clean Water Act authorizes EPA to prohibit or restrict the discharge of fill material at defined sites in waters of the United States (including wetlands) if EPA determines, after notice and opportunity for hearing, that the use of the site for discharge of dredged or fill material would have an unacceptable adverse effect on various resources, including wildlife. The purpose of this notice is to announce the scheduling of a hearing to provide the opportunity to comment on the Regional Administrator's proposed determination to prohibit or restrict the discharge of dredged or fill material onto the subject site pursuant to section 404(c) of the Clear Water Act.

Public Hearing

A public hearing is scheduled for November 5 1987 at the Hackensack Meadowlands Development Commission's auditorium at One De Korte Park Plaza, Lyndhurst, New Jersey from 3 pm to 5:30 pm and continuing at 7 pm after a dinner break. Written comments may be submittd prior to the hearing. Any person may appear at the hearing and present oral or written statements and may be represented by counsel or other authorized representative. Participants will be afforded an opportunity for rebuttal. The Regional Administrator's designee will be the Presiding Officer at the hearing. The Presiding Officer will establish reasonable limits on the nature and length of the oral presentations. No cross examinations of any hearing participant will be permitted, although the Presiding Officer may make appropriate inquiries of any such participant. The hearing record will remain open for the submittal of written

comments until November 20, 1987, 15 days from the close of the public hearing. A record of the hearing proceeding shall be made by a verbatim transcript. Copies of the transcript of the proceedings may be purchased by any person from EPA after the close of the comment period. Copies will be available for public inspection at the Region II EPA office, 26 Federal Plaza, New York, NY after the close of the comment period. The cost of a copy will correspond directly to the number of pages enclosed within the transcript.

All written statement and information offered in evidence at the hearing will constitute a part of the hearing file which will become part of the administrative record of the Regional Administrator's determination.

DATES: All written comments should be submitted to the person listed under ADDRESSES, below, no later than November 20, 1987, 15 days from the close of the public hearing. Written comments may be submitted to the Presiding Officer at the time of the hearing.

ADDRESSES: Comments should be sent to Mr. Mario Del Vicario, Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency Region II, 26 Federal Plaza, New York, NY 10278. The public hearing will be held in the Hackensack Meadowlands Development Commission's auditorium located at One De Korte Park Plaza, Lyndhurst, New Jersey.

FOR FURTHER INFORMATION CONTACT: Mr. Mario Del Vicario, Chief, Marine and Wetlands Protection Branch, U.S. EPA Region II, 26 Federal Plaza, New York, NY 10278, (212) 264-5170. If you wish to receive a copy of the public notice entitled "Proposed Determination to Prohibit or Restrict the Specification of an Area for Use as a Disposal Site" published on August 7, 1987, please contact Mr. Del Vicario and a copy will be mailed to you.

SUPPLEMENTARY INFORMATION: The August 7, 1987 public notice entitled "Proposed Determination to Prohibit or Restrict the Specification of an Area for Use as a Disposal Site: reviewed the section 404(c) process, provided a description of the subject wetland site, reviewed the proceedings to date on the subject action, discussed the basis for the proposed determination and, solicited comments.

During the scheduled hearing, EPA would like to obtain comments on: (1) Whether the impacts of the subject discharge would represent an unacceptable adverse effect as described in section 404(c) of the Clean Water Act; (2) the vegetative and hydrologic characteristics of the subject site and, observations of our information concerning wildlife on the site prior to and after the placement of fill material; (3) observations of or information concerning wildlife in wetlands similar to the subject site and in the Hackensack Meadowlands in general (4) what corrective action, if any, could be taken to reduce the adverse impacts of the discharge; (5) whether the Regional Administrator should recommend to the Assistant Administrator for Water the determination to prohibit or restrict the discharge of dredged or fill material on the site. Comments should be submitted no later than November 20, 1987 to the person listed above under **ADDRESSES.** All comments received will be fully considered by the Regional Administrator in making his determination to prohibit or restrict filling of the Russo site or to withdraw this proposed determination.

Christopher J. Dagget,

Regional Administrator.

[FR Doc. 87-23712 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3275-S]

Water Pollution; Final NPDES General Permit for Private Domestic Discharges in East Baton Rouge Parish in the State of Louisiana

AGENCY: Environment Protection Agency.

ACTION: Notice of Final NPDES General Permit.

SUMMARY: The Regional Administrator of Region IV is today issuing a Final NPDES General Permit for certain dischargers who treat private domestic wastes. This final NPDES general permit establishes effluent limitations, standards, prohibitions and other conditions on these discharges. The facilities covered by this permit are located in East Baton Rouge Parish within the State of Louisiana. A copy of the permit is reprinted as required by 40 CFR 122.28.

EFFECTIVE DATE: This NPDES general permit shall become effective November 13, 1987.

ADDRESSES: Notifications required under this permit should be sent to the Director, Water Management Division (6W), U.S. Environmental Protection Agency, Region VI, Allied Bank Tower, 1445 Ross Avenue, Dallas Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell (6W-PS), U.S. Environmental Protection Agency, Region VI, Allied Bank Tower, 1445 Ross Avenue, Dallas Texas 75202-2733, (214) 655-7190.

SUPPLEMENTARY INFORMATION: Public notice of the draft permit was published in the **Federal Register** on July 29, 1987 (52 FR 28337). The comment period closed on August 28, 1987. One comment received from the Louisiana Department of Environmental Quality (LDEQ) who submitted several significant comments on the draft permit. In accordance with 40 CFR 124.17(a)(2), EPA describes and responds to these comments as follows. This response supplements the fact sheet which was published with the draft permit and is incorporated by reference. Changes have been made to the permit as noted in this response.

Comment: LDEQ suggested that EPA should extend coverage of the general permit to public owned treatment works (POTWs) as well as private facilities, because East Baton Rouge Parish has a policy of taking over new subdivision treatment facilities for operation and maintenance after they have been permitted.

Response: EPA clearly states in the fact sheet and the permit that this general permit applies only to private domestic treatment works and not to POTWs. Furthermore, a consent decree is presently being issued in East Baton Rouge Parish to require that most small POTWs be connected to central treatment plants. Therefore, this general permit will not be applied to POTWs. If a private domestic treatment works becomes a POTW, it will no longer be covered by this permit and must be covered by an individual NPDES permit.

Comment: LDEQ points out that the area policy on which the general permit is based covers only facilities discharging to water in the Amite/Comite drainage system and questions if EPA wishes to extend the coverage of the general permit beyond the area policy.

Response: The area policy also applies to the Bayou Manchac drainage system. However, under best professional judgment (BPJ), EPA has applied the limitations under the area policy to the entire East Baton Rouge Parish.

Comment: LDEQ requests that the flow based for assigned limitatinos be changed from "facility design flow" to "expected flow."

Response: EPA concurs and has made the change.

Comment: LDEQ requests that the permittee be given the choice of fecal coliform limits of 200/100 ml average

and 400/100 ml maximum or total residual chlorine limits of 0.8 mg/1 minimum and 2.0 mg/1 maximum.

Response: EPA will retain only the fecal coliform limits which allow the permittees to apply any of several types of disinfection which may be most appropriate.

Comment: LDEQ requests that flow ranges be modified to:

2,500≤ flow < 10,000;
10,000≤ flow < 25,000;
25,000≤ flow < 100,000;
100,00 ≤ flow <1,000,000

Response: EPA concurs and has made the changes.

Comment: LDEQ requests that annual reports of monitoring data contain the monthly average and monthly maximum data.

Response: EPA modified the reporting to require that the monthly data also be submitted to the LDEQ with the annual reports.

Comment: LDEQ requests that the time period for submission of a request for exclusion/application for an individual permit for existing facilities be unlimited because many permittees may remain unaware of a general permit until it is called to their attention.

Response: EPA retains the time to request an individual permit to 90 days after publication.

Comment: LDEQ requests that the requirement for requests for coverage under the general permit be changed from fourteen to sixty days prior to commencement of discharge.

Response: EPA concurs and has made the change.

Comment: LDEQ questions the need for new applications for individual permits from those not wishing to be covered by the general permit.

Response: As an administrative matter EPA retains this requirement for a new application.

Paperwork Reduction Act

No comments were received on the information collection requirements contained in this final permit.

Dated: September 18, 1987.

Robert E. Layton Jr.,

Regional Administrator, Region VI.

[Permit No. LAG550000]

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et. seq.; the "Act"), within East Baton Rouge Parish, Louisiana, operators engaged in the gneration of private domestic wastes with design flows equal to or greater than 2500 gpd and less than 1 MGD are authorized to discharge to various storm sewers, tributaries, stream segments are river basins, which are waters of the United States as defined in 40 CFR 122.2, in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

Operators within the general permit area must make a written notification to the Regional Administrator that they intend to be covered by this general permit (See Part III.B.)

This permit shall become effective on November 13, 1987.

This permit and the authorization to discharge shall expire at midnight, November 12, 1992.

Signed this 18th day of September, 1987.

Kenton Kirkpatrick,

Acting Director, Water Management Division (6W).

Part I—Requirements for NPDES Permits

Section A. Effluent Limitations and Monitoring Requirements

Outfall 101

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 101-treated sanitary wastes from private domestic facilities with expected flows equal to or greater than 2500 gpd and less than 10,000 gpd.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent characteristic	Discharge limitations—units (specify)	
	Daily avg	Daily max
Flow (MGD)	(1)	(1)
Total Suspended Solids.	30 mg/l (4)	45 mg/l (4)
Biochemical Oxygen Demand (5-day).	30 mg/l	45 mg/l
Fecal Coliform.	200/100 ml (3)	400/100 ml

Effluent charcteristic	Monioring requirements	
	Measurement frequency	Sample type
Flow (MGD)	1/Quarter (2)	Estimate.
Total Suspended Solids.	1/Quarter	Grab.
Biochemical Oxygen Demand (5-day).	1/Quarter	Grab.
Fecal Coliform.	1/Quarter	Grab.

(1) Report.
(2) When discharge occurs.
(3) Monthy log mean.
(4) For facilities in which waste stabilization ponds are the primary treatment, 90 mg/l daily average and 135 mg/l daily maximum.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitered 1/ guarter by grab sample.

Sample taken in complaince wih the monitoring requirements specified above shall be taken at the following location(s): At the point of discharge from the treatment plant.

Outfall 201

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 101-treated sanitary wastes from private domestic facilities with expected flows equal to or greater than 10,000 gpd and less than 25,000 gpd.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent characteristic	Discharge limitations—units (specify)	
	Daily avg	Daily max
Flow (MGD)	(1)	(1)
Total Suspended Solids.	30 mg/l (4)	45 mg/l(4)
Biochemical Oxygen Demand (5-day).	30 mg/l	45 mg/l
Fecal Coliform.	200/100 ml (3)	400/100 ml

Effluent charcteristic	Monioring requirements	
	Measurement frequency	Sample type
Flow (MGD)	1/Month (2)	Estimate.
Total Suspended Solids.	1/Month	Grab.
Biochemical Oxygen Demand (5-day).	1/Month	Grab.

Effluent charcteristic	Monioring requirements	
	Measurement frequency	Sample type
Fecal Coliform.	1/Month	Grab.

(1) Report.
(2) When discharge occurs.
(3) Monthy log mean.
(4) For facilities in which waste stabilization ponds are the primary treatment, 90 mg/l daily average and 135 mg/l daily maximum.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitered 1/month by grab sample.

Sample taken in complaince wih the monitoring rquirements specified above shall be taken at the following location(s): At the point of discharge from the treatment plant.

Outfall 301

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 301-treated sanitary wastes from private domestic facilities with expected flows equal to or greater than 25,000 gpd and less than 100,000 gpd.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent charactristic	Discharge limitations units (specify)	
	Daily Avg	Daily max
Flow (MGD)	(1)	(1)
Total Suspended Solids.	30 mg/l (5)	45 mg/l (5).
	15 mg/l (2)	23 mg/l (2).
Biochemical Oxygen Demand (5-day).	30 mg/l	45 mg/l.
	10 mg/l (2)	15 mg/l (2).
Fecal Coliform.	200/100 ml (4)	400/100 ml (4).

Effluent characteristic	Monitoring requirements	
	Measurement frequency	Sample type
Flow (MGD)	1/Week (3)	Estimate.
Total Suspended Solids.	1/Month	Grab.
Biochemical Oxygen Demand (5-day).	1/Month	Grab.

Effluent characteristic	Monitoring requirements	
	Measurement frequency	Sample type
Fecal Coliform.	1/Month	Grab.

(1) Report.
(2) Applicable to facilitries schedule (a) from the permit effective date for facilities which were built, modified or upgraded after September 30, 1986, or schedule (b) by October 1, 1991, for facilities existing as of September 30, 1986.
(3) When discharge occurs.
(4) Monthly log mean.
(5) For faiclities in which waste stabilization ponds are the primary treatment, 90 mg/l daily average and 135 mg/l daily maximum.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/month by grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the point of discharge from the treatment plant.

Outfall 401

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 401-treated sanitary wastes from private domestic facilities with expected flows equal to or greater than 100,000 gpd and less than 1 MGD.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent charactristic	Discharge limitations units (specify)	
	Daily Avg	Daily max
Flow (MGD)	(1)	(1)
Total Suspended Solids.	30 mg/l (5)	45 mg/l (5).
	15 mg/l (2)	23 mg/l (2).
Biochemical Oxygen Demand (5-day).	30 mg/l	45 mg/l.
	10 mg/l (2)	15 mg/l (2).
Fecal Coliform.	200/100 ml (4)	400/100 ml (4).

Effluent characteristic	Monitoring requirements	
	Measurement frequency	Sample type
Flow (MGD)	5/Week (3)	Instantaneous.
Total Suspended Solids.	1/Week	Grab.

Effluent characteristic	Monitoring requirements	
	Measurement frequency	Sample type
Biochemical Oxygen Demand (5-day).	1/Week	Grab.
Ammonia (as N).	1/Week	Grab.
Fecal Coliform.	1/Week	Grab.

(1) Report.
(2) Applicable to facilitries schedule (a) from the permit effective date for facilities which were built, modified or upgraded after September 30, 1986, or schedule (b) by October 1, 1991, for facilities existing as of September 30, 1986.
(3) When discharge occurs.
(4) Monthly log mean.
(5) For faiclities in which waste stabilization ponds are the primary treatment, 90 mg/l daily average and 135 mg/l daily maximum.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/week by grab sample.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the point of discharge from the treatment plant.

Section B. Other Discharge Limitations

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Section C. Permit Area

The area covered by this general permit includes all areas within East Baton Rouge Parish, Louisiana.

Section D. Schedule of Compliance

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the requirements of Section A of Part I.

Part II—Standard Conditions for NPDES Permits

Section A. General Conditions

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

The Clean Water Act provides that any person who violates sections 301,

302, 306, 307, 308, 318, or 405 or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act is subject to a civil penalty not to exceed $25,000 per day for each violation provided that a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation. The Act also provides for criminal penalties.

3. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this permit;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or,

d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under section 301(b)(2)(C), and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

b. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

4. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Section B, paragraph 4.b. and "Upsets" Section B, paragraph 5.b., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Clean Water Act.

6. State Laws

Nothing in this permit shall be construed to preclude the institution of any lagal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulatiaon under authority preserved by section 510 of the Clean Water Act.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

8. Severability

The provisions of this permit are severable, and if any provision of this permit or a the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

9. Definitions

The following definitions shall apply unless otherwise specified in this permit:

a. "Daily Average" discharge limitation means the highest allowable average of discharges over a calendar month, calculated as the sum of all discharges measured during a calendar month divided by the number of discharges measured during that month.

b. "Daily Maximum" discharge limitation means the highest allowable discharage during the calendar month.

c. The term "mg/1" shall mean milligrams per liter or parts per million (ppm).

Section B. Operation and Maintenance of Pollution Controls

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facialities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Duty of Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B, paragraphs 4.c. and 4.d. of this section.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, paragraph 6 (24-hour notice).

d. Prohibition of bypass

(1) Bypass is prohibited, and the Director Administrator may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is

not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occured during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required under Section B, paragrpah 4.c.

(2) The Regional Administrator may approve an anticipated bypass, after cosidering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in Section B, paragraph 4.d.(1)

5. Upset Conditions

a. Definition. "Upset" means and exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brough for noncompliance with such technology-based permit effluent limitations if the requirements of Section B, paragraph 5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permitted who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Section D, paragraph 6.

(4) The permitee complied with any remedial measures required under Section B, paragraph 3.

d. Burden of proof. In any anforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

Section C. Monitoring and Records

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. False Statements

Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintanined under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

4. Reporting of Monitoring Results

Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report (DMR) From (EPA No. 3320-1). The annual average reported shall be the average for the twelve months of the highest sample for each month. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration. In addition, for each of the twelve preceeding months a DMR Form shall be submitted only to the LDEQ, reporting the monthly average and maximum data for that month.

The first report is due on the 28th day of the 13th month month from the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein, shall be submitted to EPA and to the State at the following addresses:

Director Water Management Division (6W), Regional, VI, U.S. Environmental Protection Agency, P.O. Box 50625, Dallas, Texas 75250

J. Dale Givens, Assistant Secretary for Water, Office of Water Resources, Louisiana Department of Environmental Quality, P.O. Box 44091, Baton Rouge, Louisiana 70804-4091

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than reqired by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring in the DMR. Such increased monitoring frequency shall also be indicted on the DMR.

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. Retention of Records

The permittee shall retain records of all monitoring information, inlcuding all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Administrator at any time.

8. Record Contents

Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analyses;

e. The analytical techniques or methods used; and,

f. The results of such analyses.

9. Inspection and Entry.

The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

Section D. Reporting Requirements

1. Planned Changes

The permittee shall give notice to the Regional Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is requried only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b) [48 FR 14153, April 1, 1983, as amended at 49 FR 38046, September 26, 1984]; or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants wich are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1) (48 FR 14153, April 1, 1983, as amended at 49 38046, September 26, 1984).

2. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the Regional Administrator. The Regional Administrator may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Section C, paragraph 5 (Monitoring).

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

6. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The following shall be included as information which must be reported within 24 hours:

a. Any unanticipated bypass which excees any effulent limitation in the permit.

b. Any upset which exceed any effluent limitation in the permit.

c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Administrator in Part III of the permit to be reported within 24 hours.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D, paragraphs 4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section D, paragraph 6.

8. Changes in Discharges of Toxic Substances

The permittee shall notify the Regional Administrator as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, in a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR 122.42(a)(1) i & ii.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the premit, if that discharge will exceed the highest of the "notification levels" described in 40 CFR 122.42(a)(2) i & ii.

9. *Duty to Provide Information*

The premittee shall furnish to the Regional Administrator, within a reasonable time, any information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The premittee shall also furnish to the Regional Administrator upon request, copies of records to be kept by this permit.

10. *Signatory Requirements*

All applications, reports, or information submitted to the Regional Administrator shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation—by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasure, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

(ii) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or havings gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) For a partnership or sole proprietorship: by general partner or the proprietor, respectively.

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(i) The chief executive officer of the agency, or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. All reports required by the permit and other information requested by the Regional Administrator shall be signed by a person described above or by a duly authorized representative of that person.

A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above.

(2) The authorization specifies either an individual or a positon having responsibility for the over operation of the regulated facility or activity, such as the postion of plant manager, operation of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and,

(3) The written authorizatons is submitted to the Regional Administrator.

c. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under may direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, on my inquiry of the person or person who manage the system, or those persons directly responsible for gathering the information, the informatoin submitted is, to the best of my knowledte and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false infomation, including the possibility of fine and imprisonment for knowing violations.

11. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared inaccordance with the terms of this permit shall be availble for public inspection at the office of the Director. As required by the Clean Water Act, the name and address of any permit applicant or permittee, permit appliclations, permits, and effluent data shall not be considered confidential.

Section E. Notification Requirements

1. Commencement of Operations

Written notification of commencement of operations, including the legal name and address of the discharger and the name commonly assigned to the facility shall be submitted:

a. Within 45 days of the effective date of this permit by operators whose facilities are discharging into the general permit area on the effective date of the permit.

b. Sixty days prior to the commencement of discharge by operator whose facilities commence discharge subsequent to the effective date of this permit.

2. Termination of Operations

Operators shall notify the Regional Administrator upon the permanent termination of discharges from their facilities.

Section F. Additional General Permit Conditions

1. When the Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

(a) The discharge(s) is a significant contributor of pollution;

(b) The discharger is not in compliance with the conditions of this permit;

(c) A change has occured in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point sources;

(d) Effluent limitation guidelines are promulgated for point sources covered by this permit;

(e) A Water Quality Management Plan containing requirements applicable to such point source is approved;

or

(f) The point source(s) covered by this permit no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring;

and

(5) In the opinion of the Regional Administrator, are more appropriately controlled under a general permit than under individual NPDES permits.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

2. When an Individual NPDES Permit may be Requested

(a) Any operator authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than (90 days after the publication).

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to the owner or operator is automatically terminated on the effective date of the individual permit.

(c) A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

Part III—Other Conditions

A. Private Domestic Treatment Works means any device or system which is (a) used to treat domestic wastes and (b) is not a "POTW" as defined under 40 CFR 122.2

B. Operators requesting to be covered by this general permit shall notify the Regional Administrator of any prior application for an individual permit or issued individual permit and shall identify any NPDES number which was assigned to the application or individual permit. Operators who have applied for but have not been issued an individual NPDES permit, and not wishing to be covered by this general permit, shall also notify the Regional Administrator of the NPDES number for the prior application and shall be required to reapply for an individual NPDES permit.

C. With notification, operators requesting to be covered by this general permit shall report 1) the design flow of the facility and identify the outfall and schedule (where applicable) to their facilities, i.e., Outfall 101, Outfall 201, Outfall 301 schedule (a), Outfall 301 schedule (b), Outfall 401 schedule (a) or Outfall 401 schedule (b); and 2) identify if waste stabilization ponds are the primary treatment.

[FR Doc. 87-23571 Filed 10-13-87; 9:30 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 83-1376; RM-4436; FCC 87-299]

Intergration of Rates and Services for Provision of Communications

AGENCY: Federal Communications Commission.

ACTION: Order appointing commissioners.

SUMMARY: This order appoints two state commissions nominated by the National

Association of Regulatory Utility Commissioners to the Alaska Joint Board. The two commissioners are Susan M. Knowles of the Alaska Public Utilities Commission and Nels J. Smith of the Wyoming Public Service Commission.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-23591 Filed 10-13-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Guidance on Offsite Emergency Radiation Measurement Systems; Phase 2, the Milk Pathway, FEMA REP-12

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of availability of a guidance document on offsite emergency radiation systems for measurement of the potential radiation dose to the public from the milk pathway in the event of an accident at a light-water nuclear power plant and invitation for submittal of comments.

SUMMARY: The document, Guidance on Offsite Emergency Radiation Measurement Systems, Phase 2—The Milk Pathway, FEMA, REP-12, dated September 1987, will be available for public distribution and comment on October 30, 1987. Copies will be distributed to State and local government emergency planners with nuclear power plants operating or under construction, and other affected Federal agencies for review, comment, and interim use.

As lead Agency under a Memorandum of Understanding (MOU) with the Nuclear Regulatory Commission (NRC), the Federal Emergency Management Agency (FEMA) is responsible for the approval of offsite radiological emergency preparedness around nuclear power plants throughout the United States. FEMA's Rule 44 CFR Part 350 creates the regulatory framework by which FEMA will evaluate and assess State and local radiological emergency plans and preparedness of which offsite emergency radiation systems for measurements of the milk pathway are a part. The document, "Guidance on Offsite Emergency Radiation Measurements Systems, Phase 2—The Milk Pathway," FEMA REP-12, was developed to elaborate upon the requirements of 44 CFR 350 as related to offsite emergency radiation systems for measurement of the milk pathway. The guidance is intented to assist State and local planners and utilities in understanding standards that FEMA will use to assess the adequacy of offsite emergency radiation systems for measurement of the milk pathway and to assist FEMA personnel in uniformly interpreting and applying the applicable planning standards and criteria from NUREG-0654/FEMA-REP-1, Rev. 1 during plan reviews and exercises.

This is the second of a series of guidance documents of offsite emergency radiation measurements systems prepared by the Federal Radiological Preparedness Coordinating Committee, Subcommittee on Offsite Emergency Instrumentation. This report provides guidance on the selection and use of radiation instrumentation and methodologies that are currently available to detect and measure the dose commitment to individuals from the milk pathway.

Protective action levels recommended by the Food and Drug Administration (FDA) for milk are used as the basis for monitoring requirements. Measurement of radionuclides in milk should be made at the earliest practical point in the production chain: Dairy farms, receiving and transfer stations, processing plants or marketing facilities. Early monitoring will provide data to keep significantly contaminated milk out of distribution and will provide the basis for the most timely emergency response action. Radioiodine plus four other radionuclides, cesium-134, cesium-137, strontium-89, and strontium-90, contribute significantly to dose via the milk pathway. For the most severe potential accident, the short-term dose via the milk pathway from the radioiodine is significantly greater than that of cesium or strontium.

There is no emergency field monitoring instrumentation available for accurately monitoring cesium and strontium, particularly in the presence of radioiodine. Radioiodine can be a potential contamination problem in liquid milk, whereas radiocesium and radiostrontium can be a contamination problem is processed milk products. Monitoring for the long half-life nuclides such as cesium and strontium requires sophisticated equipment or chemistry procedures which are only available in a laboratory.

This document is intended for interim use until a final edition can be published early next calendar year. Comments received by FEMA on this document will be analyzed with the results being used to develop the final edition. Single copies of this document may be requested in writing from the Federal Emergency Management Agency, P.O. Box 70274, Washington, DC 20024. Please reference FEMA-REP-12 and the title of the document in your request.

Comments on this document will be accepted through January 31, 1988, and should be addressed to : Rules Docket Clerk, Federal Emergency Management Agency, Room 835, 500 C Street Southwest, Washington, DC 20472.

Dated: September 30, 1987.

For the Federal Emergency Management Agency.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 87-23694 Filed 10-13-87; 8:45 am]

BILLING CODE 6718-20-M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, *et seq.*). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Room 12211, Washington, DC 20573, telephone number (202) 523-5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review

Fact Finding Investigation 15 Voluntary Questionnaire

FMC requests clearance for a voluntary, one-time questionnaire to be sent pursuant to Fact Finding Investigation 15. Information will be sought from approximately 22 shippers' associations regarding their organizational structure, membership composition, service contract negotiations, physical cargo handling, and documentation methods.

Information will be sought from approximately 80 carriers/conferences relating to their dealings with shippers' associations and any difficulties they may have experienced with the definition of "shipper" in the Shipping Act of 1984. The Commission estimates a 102 manhour burden to respondents. Total cost to the Federal Government, including overhead, is estimated at $1600; total cost to respondents, is estimated at $2600.

Joseph C. Polking,

Secretary.

[FR Doc. 87-23770 Filed 10-13-87; 8:45 am]

BILLING CODE 6730-01-M

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.: 224-011080-001.

Title: Philadelphia Port Corporation Terminal Agreement.

Parties:

Philadelphia Port Corporation

I.T.O. Corporation

Synopsis: The proposed agreement amendment extends the term for the agreement 90 days as provided for under Article 2.4 of the basic agreement.

Agreement No.: 224-200044.

Title: Port of Tacoma Lease and Operating Agreement.

Parties:

Port of Tacoma

Moller Steamship Company, Inc.

Synopsis: The proposed agreement provides for the lease of approximately 22 acres of land adjacent to Pier 4, Berth B, and the preferential non-exclusive use of 850 foot Berth B, Pier 4, Port of Tacoma piers. The agreement also provides for the preferential non-exclusive use of two Sumitomo container cranes. The initial term shall be until December 31, 1990.

Agreement No.: 224-200043.

Title: Port of Long Beach Preferential Assignment Agreement.

Parties:

City of Long Beach (City)

Forest Terminals Corporation (Assignee)

Synopsis: The proposed agreement provides that the City grants to Assignee a nonexclusive preferential assignment of the wharf and contiguous wharf premises together with improvements located at Pier I, Berth 50, in the Harbor District of the City of Long Beach.

Agreement No.: 224-200042.

Title: Ryan-Walsh Stevedoring Company Terminal Agreement.

Parties:

Ryan-Walsh Stevedoring Company, Inc. (Ryan-Walsh)

Cooper/T. Smith Stevedoring Company, Inc. (Cooper)

Synopsis: The proposed agreement provides that Ryan-Walsh will provide terminal services to Cooper at Ryan Walsh's terminal at Nashville Avenue in New Orleans, Louisiana. The terminal services will include: Clerking for the receipt and delivery of cargo handled by Cooper; unloading/loading of inland conveyances; tiering, stacking, recoopering, etc, of cargo within the terminal; security services and other miscellaneous services.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: October 8, 1987.

[FR Doc. 87-23771 Filed 10-13-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisitions of Shares of Banks or Bank Holding Companies; Crawford A. Bishop et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 29, 1987.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Crawford A. Bishop,* St. Amant, Louisiana; to retain an additional 2.50 precent of the voting shares of Bank of Gonzales Holding Co., Gonzales, Louisiana, and thereby indirectly acquire Bank of Gonzales, Gonzales, Louisiana.

2. *Errol Cautreau,* Baton Rouge, Louisiana, trustee for Bank of Gonzales Employee Stock Ownership Plan; to retain an additional 2.92 percent of the voting shares of Bank of Gonzales Holding Co., Gonzales, Louisiana, and thereby indirectly acquire Bank of Gonzales, Gonzales, Louisiana.

3. *Kenneth A. Jewell,* Lake Worth, Florida; to acquire an additional 7.67 percent of the voting shares of Gold Coast Bancshares, Inc., Hypoluxo, Florida, and thereby indirectly acquire Bank of South Palm Beaches, Lake Worth, Florida.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Ellis and Nancy Clark,* Hiawatha, Kansas; to acquire an additional 17.65 percent of the voting shares of Morrill & Janes Bancshares, Inc., Hiawatha, Kansas, and thereby indirectly acquire Morrill & Janes Bank, Hiawatha, Kansas.

2. *Robert Minter,* Wichita, Kansas, to acquire 11.6; D. Michael Case, Wichita, Kansas, to acquire 4.97; Douglas W. Gugler, Howard, Kansas, to acquire 16.48; Gene Kelly, Severy, Kansas, to acquire 16.48; and Neal Osborn, Elk Falls, Kansas, to acquire 16.49 percent of the voting shares of Elk County Bancshares, Inc., Howard, Kansas, and thereby indirectly acquire Howard State Bank, Howard, Kansas.

Board of Governors of the Federal Reserve System, October 7, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23675 Filed 10-13-87; 8:45 am]

BILLING CODE 6210-01-M

Applications to Engage de Novo in Permissible Nonbanking Activities; The Fuji Bank, Ltd., et al.

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation

Y (12 CFR 225.21(a)) to commence or to engage do novo, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 4, 1987.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Fuji Bank, Ltd.*, Tokyo, Japan; to engage *de novo* in providing data processing and data transmission services pursuant to § 225.25(b)(7) of the Board's Regulation Y. Comments on this application must be received by October 26, 1987.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Bank Holding Company*, Coos Bay, Oregon; to engage *de novo* through its subsidiary, Security Mortgage Company, Coos Bay, Oregon, in making, acquiring, or servicing loans or other extensions of credit for the subsidiary's account or the account of others, such as would be made by mortgage companies pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 7, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23676 Filed 10-13-87; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Southwest Financial Group of Iowa, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.12) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 4, 1987.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Southwest Financial Group of Iowa, Inc.* Red Oak, Iowa; to become a bank holding company by acquiring at least 98.73 percent of the voting shares of Houthton State Bank, Red Oak, Iowa.

B. **Federal Reserve Bank of St. Louis** (Randall C. Summer, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. **First Commercial Corporation**, Little Rock Arkansas; to acquire at least 80 percent of the voting shares of First Security Corporation, Harrison, Arkansas, and thereby indirectly acquire The Security Bank, Harrison, Arkansas.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23677 Filed 10-13-87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 091787 AND 100587

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(1) United Stockyards Corporation, PON Partners, L.P., ESI Meats, Inc	87-2166	09/17/87
(2) TFBA Limited Partnership, Taft Broadcasting Company, Taft Broadcasting Company	87-2212	09/17/87
(3) WGHP Limited Partnership, American Financial Corporation, Taft Broadcasting Company	87-2246	09/17/87
(4) American Financial Corporation, TBFA L.P., TBFA, L.P	87-2247	09/17/87
(5) S.A. Vicat, Lafarge Coppee S.A., Lafarge Coppee S.A	87-2288	09/17/87
(6) Acadia Partners, L.P., Lear Siegler Holdings Corp., Precision Products Group	87-2307	09/17/87
(7) Carson Pirie Scott Company, Mr. Robert Campeau, Donaldsons Inc. and Donaldson's Distributing Corp	87-2314	09/17/87
(8) Sencorp, Joy Technologies, Inc., Joy Finance Company	87-2344	09/17/87
(9) Reed International P.L.C., Mr. Syd Silverman, Variety, Inc	87-2362	09/17/87
(10) Fresenius AG, Delmed, Inc., Delmed, Inc	87-2364	09/17/87
(11) Nikols spa, BMF Services, Inc., BMF Services, Inc	87-2365	09/17/87
(12) United States Leasing International, Inc., Southwest Airlines Co, TranStar Airlines Corporation	87-2384	09/17/87
(13) PS Group, Inc., Southwest Airlines Co., TranStar Airlines Corporation	87-2385	09/17/87
(14) Kubota, Ltd., MIPS Computer Systems, Inc., MIPS Computer Systems, Inc	87-2331	09/18/87
(15) Aon Corporation, Adams & Porter International, Inc., Adams & Porter International, Inc	87-2387	09/1w/87
(16) David F. Bolger, Cleveland-Cliffs Inc., Cleveland-Cliffs Inc	87-2287	09/22/87

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 091787 AND 100587—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(17) National Education Corporation, Mr. Kamal Alsultany, SCS Business & Technical Institute, Inc	87-2321	09/23/87
(18) GATX Corporation, Mobil Corporation, Wyco Pipe Line Company	87-2322	09/23/87
(19) North American Housing Corp., The Marley Company, Continental Home Division of The Marley Company	87-2370	09/23/87
(20) Cargill, Incorporated, The Quaker Oats Company, ACCO Feeds Holding Corp., ACCO Feeds, Inc	87-2279	09/24/87
(21) N.V. Koninklije Nederlandsche Petroleum Maatschappij, General Bio-Synthetics B.V., General Synthetics B.V	87-2315	09/24/87
(22) Koninklijke Gist-brocades, N.V., General Bio-Synthetics B.V., General Bio-Synthetics B.V	87-2316	09/24/87
(23) American Home Products Corporation, VLI Corporation, VLI Corporation	87-2318	09/24/87
(24) Kubota, Ltd., Dana Computer, Inc., Dana Computer, Inc	87-2332	09/24/87
(25) Crossland Savings, Donald L. Modglin, four subsidiaries	87-2345	09/24/87
(26) K mart Corporation, American Stores Company, Osco Drug, Inc	87-2366	09/24/87
(27) Tonka Corporation, Kenner Parker Toys Inc., Kenner Parker Toys Inc	87-2386	09/24/87
(28) Tonka Corporation, Kenner Parker Toys Inc., Kenner Parker Toys Inc	87-2388	09/24/87
(29) BBA Group Plc., Joy Technologies Inc., Ozone Industries Division	87-2393	09/24/87
(30) Ronald O. Perelman, Medical Laboratory Associates, Inc., Medical Laboratory Associates, Inc	87-2394	09/24/87
(31) Kirk Kerkorian, The Estate of Howard R. Hughes, Jr., The Estate of Howard R. Hughes, Jr	87-2396	09/24/87
(32) Hooker Corporation Limited, Domenico De Sole, B.A. Holdings, Inc	87-2398	09/24/87
(33) Melton Bank Corporation, American Savings and Loan Association of Florida, American Savings and Loan Association of Florida	87-2402	09/24/87
(34) Prudential-Bache Energy Income Ltd. Partnership VP-18, Edwin L. Cox, Sr., Edwin L. Cox, Sr	87-2404	09/24/87
(35) Canadian National Railway Company, Alco Standard Corporation, Relco Financial Corp	87-2410	09/24/87
(36) Warburg, Pincus Capital Company, L.P., Herbert N. Somekh, and Denise D. Somekh, Hosiery Manufacturing Corp. of Morgantown	87-2415	09/24/87
(37) General American Life Insurance Company, Sanus Corp. Health Systems, Sanus Health Plan, Inc	87-2421	09/24/87
(38) New York Life Insurance Company, Sanus Corp. Health Systems, Sanus Corp. Health Systems	87-2422	09/24/87
(39) Grolier Incorporated, Lawrence A. Krames, M.D., Krames Communications	87-2430	09/24/87
(40) Warburg, Pincus Capital Company, L.P., Communications Satellite Corporation, Communications Satellite Corporation	87-2297	09/25/87
(41) IC Industries, GenCorp Inc, RKO Enterprises, Inc	87-2335	09/25/87
(42) "Investing in Success" Equities PLC, Munford, Inc., Munford, Inc	87-2376	09/25/87
(43) Konishiroku Photo Industry Co., Ltd., Powers Chemco, Inc., Powers Chemco, Inc	87-2389	09/25/87
(44) 716107 Ontario Limited, The Cadillac Fairview Corporation Limited, The Cadillac Fairview Corporation Limited	87-2397	09/25/87
(45) Landis & Gyr AG, Marks Controls Corporation, Mark Controls Corporation	87-2399	09/25/87
(46) Prudential-Bache Energy Income Ltd. Partnership VP-19, Mr. Edwin L. Cox, Sr., Mr. Edwin L. Cox, Sr	87-2403	09/25/87
(47) Trafalgar House Public Limited Company, NHP, Inc., Capital Homes, Inc	87-2439	09/25/87
(48) F.W. Woolworth Co., Armel, Inc., Armel, Inc	87-2448	09/25/87
(49) Meredith Corporation, Garrett Scollard, MMT Sales, Inc	87-2461	09/25/87
(50) F.W. Woolworth Co., Armel, Inc., Armel, Inc	87-2486	09/25/87
(51) SouthernNet, Inc., Southland Communications Corporation, Southland Communications Corporation	87-2306	09/28/87
(52) Mr. Alan Bond, Fluor Corporation, St. Joe Gold Corporation, et al	87-2299	09/29/87
(53) General Investments Australia Limited, Forstmann & Company, Inc., Forstmann & Company, Inc	87-2334	09/29/87
(54) Nitto Electric Industrial Co., Ltd., Rohm & Haas Company, Hydranautics	87-2367	09/29/87
(55) Weyerhaeuser Company, Timberland Industries, Inc., Timberland Industries, Inc	87-2392	09/29/87
(56) Cook Inlet Region, Inc., Richard E. and Nancy P. Marriott, First Media Corporation	87-2420	09/29/87
(57) The Trust created under Article Seven-John Hay Whitney, Richard E. and Nancy P. Marriott, First Media Corporation	87-2426	09/29/87
(58) The Laird Group P.L.C., Bailey Corporation, Bailey Corporation	87-2429	09/29/87
(59) National Semiconductor Corporation, Schlumberger Limited, Fairchild Semiconductor Corporation	87-2309	09/30/87
(60) Panfida, Limited, Munford, Inc., Munford, Inc	87-2375	09/30/87
(61) Mr. James D. Harper, Jr. and Mr. William Lyon, Pacific Lighting Corporation, Pacific Lighting Real Estate Group	87-2406	09/30/87
(62) Paul J. Ramsay, Healthcare Services of America, Inc., Healthcare Services of America, Inc	87-2418	09/30/87
(63) Saatchi & Saatchi Company PLC, Peterson Investment Partners, Peterson Investment Partners	87-2427	09/30/87
(64) Frank J. Pasquerilla, Snyder's Inc., Snyder's Inc	87-2428	09/30/87
(65) Mobil Corporation, Aristech Chemical Corporation, Aristech Chemical Corporation	87-2338	10/01/87
(66) Stanadyne, Inc., AIL Corporation, AMBAC S.p.A. et al	87-2361	10/01/87
(67) Taft Broadcasting Company, John R.E. Lee, Silver Star Communications—Detroit, Inc. WRIF-FM	87-2479	10/01/87
(68) Peter C. Toigo, Campbell Soup Company, Pietro's Corp	87-2304	10/02/87
(69) Marmon Holdings, Inc., Richmond Tank Car Company, Richmond Tank Car Company	87-2313	10/02/87
(70) Ferruzzi Finanziaria SpA, Roy E. and Patricia A. Disney, SMRK Equity Holdings, Inc. or Central Soya Company, Inc	87-2351	10/02/87
(71) ARA Holding Company, Grand Metropolitan Public Limited Company, New Services, Inc	87-2381	10/02/87
(72) Ladbroke Group PLC, Allegis Corporation, Hilton International Co	87-2419	10/02/87
(73) S.A. Louis Dreyfus et Cie, Scheuer Management Corporation, Scheuer Management Corporation	87-2433	10/02/87
(74) Guinness PLC, Meshulam Riklis, Schenley Industries, Inc	87-2442	10/02/87
(75) Westinghouse Electric Corporation, S&ME, Inc., S&ME, Inc	87-2444	10/02/87
(76) Feltex International Limited, Super Sky International, Inc., Super Sky International, Inc	87-2460	10/02/87
(77) International Multifoods Corporation, Douglas S. Pueringer, Pueringer Distributing, Inc	87-2464	10/02/87
(78) Sea Containers Ltd., Orient-Express Hotels, Inc., Orient-Express Hotels Inc	87-2466	10/02/87
(79) Narragansett First Fund, J.L. Prescott Company, J.L. Prescott Company	87-2477	10/02/87
(80) The Dow Chemical Company, Lamaur Inc., Lamaur Inc	87-2487	10/02/87
(81) The Dow Chemical Company Lamaur Inc., Lamaur Inc	87-2488	10/02/87
(82) Pacific Dunlop Limited, GNB Holdings, Inc., GNB Incorporated	87-2378	10/05/87
(83) Barclays Bank (1964) Pension Trust Fund, Bernard A. Osher, Del Monte Shopping Center	87-2383	10/05/87
(84) Siebe plc, Barber-Colman Company, Barber-Colman Company	87-2400	10/05/87
(85) Wisconsin Energy Corporation, Cleveland-Cliffs Inc., Upper Peninsula Power Company	87-2445	10/05/87
(86) Goldome, Security Pacific Corporation, Rainier Mortgage Company	87-2459	10/05/87

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 87-23725 Filed 10-13-87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87F-0277]

The Stroh Brewery Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Stroh Brewery Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of aspartame as a sweetener in malt beverages of less than 7 percent ethanol by volume and containing fruit juice.

FOR FURTHER INFORMATION CONTACT: Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 7A4029) has been filed by The Stroh Brewery Co., 100 River Place,

Detroit, MI 48207–4291, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetner in malt beverages of less than 7 percent ethanol by volume and containing fruit juice.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: October 5, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87–23690 Filed 10–13–87; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[OACT-015-N]

Medicare Program: Medicare Economic Index for 1988

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces that the increase in the Medicare Economic Index for fee screen year (FSY) 1988, beginning on January 1, 1988, is 3.6 percent.

EFFECTIVE DATE: This notice is effective on January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Ross H. Arnett III, (301) 594–6714.

SUPPLEMENTARY INFORMATION: Payment under Medicare Part B for a physician's service is based on a reasonable charge which, under section 1842(b) of the Social Security Act (the Act), may not exceed the lowest of: (1) The physician's actual charge for the service, (2) his or her customary charge for that service, (3) the prevailing charges of physicians for similar services in the locality adjusted for the Medicare Economic Index (MEI), or (4) a special reasonable charge limit for a service or category of services that a carrier or the Health Care Financing Administration (HCFA) determines results in grossly excessive charges when the rules previously mentioned are applied. (In a case where the use of the customary and prevailing charges results in a payment that is grossly deficient, a higher reasonable charge may be recognized.)

The prevailing charge for a service, before adjustment by the MEI, is calculated at the 75th percentile of physicians' customary charges for a similar service in the same locality. (In computing prevailing charges, the carrier uses the customary charges of all physicians in the locality, weighted by frequency. However, for payment purposes, the prevailing charge for non-participating physicians is 96 percent of the computed MEI adjusted prevailing charge.) Section 1842(b)(3) of the Social Security Act, and our regulations at 42 CFR 405.504(a)(3)(i), require that the prevailing charge for a physician service furnished before January 1, 1988 not exceed the level in effect for that service in the locality determined for the fiscal year ending on June 30, 1973, except to the extent justified on the basis of appropriate indicators of economic change as discussed below. The prevailing charge for a physician service furnished on or after January 1, 1988 must not exceed the level in effect for that service in the locality, determined for the previous year, except to the extent justified on the basis of appropriate indicators.

We have established an MEI for the purpose of adjusting prevailing charge levels in light of economic changes. The basis for this index is set forth in § 405.504(a)(3)(i). The basic methodology for the calculation of the MEI has not changed and can be reviewed in detail in our September 30, 1985 notice (50 FR 39941). Section 9331(c)(4) of the Omnibus Budget Reconciliation Act of 1986, Pub. L. 99–509, prohibits the Secretary from changing the methodology for the MEI until consultation with experts and completion of a study. To date, we have consulted with experts and are working on a study, but are not yet prepared to propose changes to the MEI methodology. We will afford public notice and an opportunity for comment prior to changing that methodology.

The MEI is comprised of two components: One measuring changes in general earnings levels (attributable to factors other than changes in productivity) and the other measuring changes in expenses of the kind incurred by physicians in office practice (42 CFR 405.504(a)(3)(i)(A) and (B)). The physician practice expense portion is currently composed of six components: (1) Salaries and wages; (2) office space; (3) drugs and supplies; (4) automobile expense; (5) malpractice insurance premiums; and (6) all other miscellaneous expenses. A detailed explanation of the calculation of weights for each type of practice expense can be found in the above-mentioned notice of September 30, 1985. The table found in this notice shows the factors and weights used in calculating the MEI for fee screen year (FSY) 1988; that is, the 12 month period beginning January 1, 1988. Items 1 through 6 in the table are the elements used to compute the increase in the physician practice expense component of the economic index. Item 9, the net income component, is derived from information contained in items 7 and 8 and reflects increases in general earnings levels exclusive of productivity increases.

The MEI reflects a base year of calendar 1971. Prior to enactment of Pub. L. 99–509, the cumulative effects of subsequent changes in the MEI for past periods were implemented prospectively. That is, any changes in the measure (based on more accurate data, for example) required recomputing the MEI back to its 1971 base period. This was done to ensure the computation of the most accurate percentage change in the MEI for prospective application in a given fee screen year (FSY). However, section 9331(c)(1) of Pub. L. 99–509 provides that for FSY 1987 the Medicare economic index (as defined in section 1842(b)(4)(E)(ii) of the Act) is 3.2 percent for physicians' services. The fourth sentence of section 1842(b)(3) of the Act, as amended by section 9331(c)(3) of Pub. L. 99–509, additionally provides that for subsequent fee screen years the MEI will be revised only to reflect year-to-year economic changes.

In accordance with this requirement, we have determined that the "annualized" MEI increase for FSY 1988 beginning on January 1, 1988 is 3.6 percent.

A major portion of the 1988 MEI increase is due to the large rate of increase in malpractice insurance premiums. The satute requires us to use the MEI methodology published on October 1, 1985 to determine the malpractice portion, as well as all other portions, of the 1988 MEI. Our previously mentioned study of the MEI will include an analysis that reflects recent economic changes regarding premiums for malpractice insurance.

The Congress is considering various proposals that may affect the MEI, as it did last year. If proposals are implemented that affect the MEI, we will advise the Medicare contractors through an appropriate manual issuance and the general public by means of a notice published in the **Federal Register.**

ANNUAL PERCENT CHANGE OF THE COMPONENTS OF THE MEDICARE ECONOMIC INDEX [1]

	Percent change [2]
1. Hourly earnings of non-supervisory workers in finance, insurance, & real estate [3]	4.9
2. Housing component of the consumer price index	2.3
3. Private transportation component of the consumer price index	−3.6
4. Drugs and pharmaceutical component of the consumer price index	6.8
5. All other, miscellaneous, expenses (tied to the entire consumer price index)	1.9
6. Premiums for malpractice insurance [4]	42.7
7. Average weekly earnings of production and nonsupervisory workers [3]	1.7
8. Index of output per man hour of employed nonfarm workers [3]	0.7
9. Change in average weekly earnings net of change in output per man hour	1.0

[1] The weights for the MEI components, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1982. The values are 0.47, 0.23, 0.07, 0.09, 0.04, and 0.10 for components one through six, respectively. In addition to the above weights, a 40–60 percent breakdown of gross income between physician practice expenses and physicians' earnings was used.

[2] The rates of change are for the 12-month period ended June 30, 1987. The same base period is used for computing customary and prevailing charges.

[3] Figures are published monthly in the Bureau of Labor Statistics' Monthly Labor Review.

[4] Derived from a survey of several major insurers (latest available percent change data are for calendar year 1986). This is consistent with prior computations of the malpractice insurance component of the MEI.

Regulatory Impact Statement

This notice merely announces the MEI percentage increase for participating physicians' services. (By law, the prevailing charge for non-participating physicians is 96 percent of the prevailing charge for participating physicians.) This notice is not a proposed rule or a final rule issued after a proposal, and does not alter any regulations. Therefore, we have determined and the Secretary certifies that no analyses are required under Executive Order 12291 or the Regulatory Flexibility Act (5 U.S.C. 601 through 612).

Paperwork Reduction Act

The changes in this notice do not impose information collection requirements. Consequently, they need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Waiver of Public Comment Procedures

We are not publishing this notice for public comment prior to its taking effect since it merely announces the rate of change in the MEI required by legislation. As noted above, the basic methodology for the calculation of the figures has not changed. In order for carriers to complete the calculation of the 1988 prevailing charges they need to be furnished with an MEI factor. Carriers must have this factor immediately in order to complete the update process and initiate a timely participation enrollment in accordance with section 1842(h) of the Act. Thus, we find it impracticable and not in the public interest to publish this document in proposed form with a prior public comment period.

(Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u); 42 CFR 405.504)

(Catalog of Federal Domestic Assistance, Program No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: September 24, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-23845 Filed 10-9-87; 1:42 pm]

BILLING CODE 4120-03-M

Public Health Service

National Commission on Orphan Diseases; Public Hearing and Public Meeting

AGENCY: Office of the Assistant Secretary for Health; HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing a meeting and hearing of the National Commission on Orphan Diseases scheduled on November 5 and 6, 1987 respectively.

DATE: Date, time and place: Commission meeting on November 5, 1987, 1:30 p.m.; Public Hearing, November 6, 1987 at 8:30 a.m.; Sheraton International at O'Hare, 6810 North Mannheim Rd., Salon A of the O'Hare Ballroom, Chicago/Rosemont, IL 60018. The entire proceedings are open to the public.

FOR FURTHER INFORMATION CONTACT: Written requests to participate in the public hearing should be sent to: Mary C. Custer, Ph.D., Executive Secretary, National Commission on Orphan Diseases, Office of the Assistant Secretary for Health, 5600 Fishers Lane, Room 18-38, Rockville MD 20857, 301-443-6156. Persons desiring more information regarding the responsibilities and activities of the Commission should contact Stephen C. Groft, Pharm. D., Executive Director, National Commission on Orphan Diseases, at the same address and phone number.

Agenda: Open Public Meeting (November 5)

The Commission will discuss the availability of health insurance for patients with rare diseases and reimbursement policies of the Health Care Financing Adminsitration. The Commission will also discuss reports from workgroups on the liability issue and the peer review process for grants in the Federal sector. Other workgroups established to review the rare disease research activities of drug and medical device manufacturers, voluntary support groups, and private foundations will present their information gathering plans.

Agenda: Open Public Hearing (November 6)

The Commission has identified a series of issuance and questions to be addressed at the public hearings. These issues were published in the **Federal Register** notice announcing the Commission's first public hearing (52 FR 23083, June 17, 1987). Copies of these issues may be obtained from the contact persons listed above.

Persons desiring to make oral presentations that address these issues should notify either of the contact persons before October 26, 1987 and submit a written copy of the statement to be presented to the Commission. Oral presentations will be limited to ten minutes. Longer presentations should be summarized orally and submitted in writing in their entirety. Any person attending the hearing who did not request an opportunity to speak in advance ma be allowed to make an oral presentation at the conclusion of the hearing, if time permits, at the chairperson's discretion.

Persons who are not able to attend the public hearing, but want to submit information, may do so in writing. These statements should be forwarded to the Executive Secretary. Other issues indentified by the participants may also be included. Such information should be mailed to either of the contact persons at the address shown above.

The Commission has scheduled one additional public hearing, in Dallas, Texas, on February 4, 1988.

SUPPLEMENTARY INFORMATION: Meetings of the Commission will be conducted, as far as it is practical in accordance with the agenda published in this **Federal Register** notice. Any changes in the agenda will be announced at the beginning of the meeting.

Persons interested in specific agenda items may contact Mary Custer, Ph.D., Executive Secretary of the Commission, for the approximate time of discussion.

A list of Commission members and the charter of the Commission will be available at the meeting. Interested persons who are unable to attend the meeting may request this information or summary minutes of the meeting from the Executive Secretary.

This notice is issued under 10(a)(1) and (2) of the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I).

Dated: October 5, 1987.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 87-23695 Filed 10-13-87; 8:45am]

BILLING CODE 4140-01-M

Office of Refugee Resettlement

Refugee Resettlement Program; Statement of Goals, Priorities, Standards, and Guidelines for the Unaccompanied Minor Refugee and Cuban/Haitian Entrant Programs

ACTION: Final notice.

SUMMARY: This notice establishes goals, priorities, standards, and guidelines for the Unaccompanied Minor Refugee and Cuban/Haitian Entrant Programs. The Standards are amplifications of Office of Refugee Resettlement (ORR) child welfare regulations (45 CFR Part 400, Subpart H, §§ 400.110-400.120). The Guidelines in most cases reflect recommendations of a National Interagency Work Group on Unaccompanied Minors.

A proposed statement was published in the **Federal Register** of November 5, 1986 (51 FR 40260). This final statement reflects changes made in response to the public comments received, which are discussed below.

EFFECTIVE DATE: October 14, 1987.

ADDRESS: Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: William R. Eckhof, (202) 245-0980.

SUPPLEMENTARY INFORMATION:

Authority

Section 412(a)(6) of the Immigration and Nationality Act (the "INA), as amended by the Refugee Act of 1980 (the "Act"), 8 U.S.C. 1522(a)(6):

> As a condition for receiving assistance under this section, a State must * * * (B) meet standards, goals, and priorities, developed by the Director [of the Office of Refugee Resettlement], which assure the effective resettlement of refugees * * * and the effective provision of services * * *.

Section 412(d)(2)(A) of the INA, 8 U.S.C. 1522(d)(2)(A):

> The Director is authorized to provide assistance, reimbursement to States, and grants to and contracts with public and private nonprofit agencies, for the provision of child welfare services, including foster care maintenance payments and services and health care * * *

Section 412(d)(2)(B) of the INA, 8 U.S.C. 1522(d)(2)(B):

> (i) In the case of a refugee child who is unaccompanied by a parent or other close adult relative (as defined by the Director), the services described in subparagraph (A) may be furnished until the month after the child attains eighteen years of age (or such higher age as the State's child welfare services plan under part B of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State).
>
> (ii) The Director shall attempt to arrange for the placement under the laws of the States of such unaccompanied refugee children, who have been accepted for admission to the United States, before (or as soon as possible after) their arrival in the United States. During any interim period while such a child is in the United States or in transit to the United States but before the child is so placed, the Director shall assume legal responsibility (including financial responsibility) for the child, if necessary, and is authorized to make necessary decisions to provide for the child's immediate care.

Title V of the Refugee Education Assistance Act of 1980, enacted on October 10, 1980, provides for Federal assistance and services to individuals having Cuban/Haitian Entrant status. Under this Act, the President is required to exercise authorities identical to those under chapter 2 of title IV of the Immigration and Nationality Act (INA) with respect to Cuban/Haitian entrants.

Background

On January 30, 1986, ORR published final regulations (45 CFR Part 400, Subpart H, Child Welfare Services), prescribing requirements concerning grants to States under section 412(d)(2)(B) of the INA for child welfare services to unaccompanied minor refugees. In addition, between February 14, 1985, and June 12, 1986, an interagency work group composed of institutional entities active in the Unaccompanied Minors Program met periodically and developed a series of criteria against which individual agencies could be evaluated, and as a basis for determining allocation of future cases. A Proposed Statement of Program Goals, Priorities, Standards, and Guidelines evolved from these two documents, the Standards being elaboration of Subpart H of the Regulations, and the Guidelines reflecting recommendations adopted by the work group. The Proposed Statement was published in the **Federal Register** of November 5, 1986, inviting public comments until December 22, 1986. In addition, the Proposed Statement was distributed and explained at a Naitonal Conference on Unaccompanied Minor Refugees November 17, 1986, in Philadelphia, with attendees given the opportunity to comment verbally at that time; their verbal comments were transcribed and considered, along with the written comments received, in the development of this final Statement.

Discussion of Comments

ORR received 18 letters from State government agencies, national and local voluntary agencies, and service providers. In addition, seven persons representing similar agencies offered comments at the Philadelphia conference. The following sections address specific points which commenters raised:

1. 90-Day Parental Reunion

Comment: Fifteen commenters expressed the concern that the proposed 90-day period during which ORR would support services to unaccompanied minor refugees following arrival of a parent in the United States was inadequate in some particularly difficult cases. Most acknowledged that for the vast majority of such cases, 90 days was sufficient, but they cited instances in which difficulties were encountered in reuniting a child, who had been separated from his or her parents and placed in a new environment during a particularly volatile stage of development, with his or her newly arrived parent who was unprepared for the cultural and developmental changes of the child. They urged flexibility in implementing this provision.

Response: ORR expects that the overwhelming majority of cases involving parental reunification can be accommodated under the 90-day period, or through foster care assistance under title IV-E of the Social Security Act, or through Refugee Child Welfare Services. However, in order to take into consideration the rare case that might

not be accommodated by these means, we have amended the policy statement to provide that the Director of ORR may extend the 90-day period in a compelling case with the objective of encouraging family reunion and strengthening the refugee family. This change appears in the section on Legal Considerations, Standard B, Criterion 3.

2. Parental Reunification

Comment: One commenter stated that he believed that parental reunification is not always the best option for unaccompanied minor refugees and that unaccompanied minor status should be continued in such instances.

Response: While recognizing that this may be the case in a very limited number of instances, ORR notes congressional intent to provide funding for unaccompanied minors in the absence of their parents who normally would be expected to provide for them.

ORR's concern for the well-being of the child in such an instance must be weighed against the limitations of statutory authority and legislative intent which limit our ability to continue to provide funding for formerly unaccompanied minors whose parent or parents have reached the United States.

Two other avenues of funding for cases where there is a barrier to parental reunification are: (1) Possible conversion of the case to funding under the foster care authority of title IV-E of the Social Security Act; or (2) payment of support costs (from ORR's social service grant to the State) through the authority for refugee child welfare services, as outlined in 45 CFR Part 400, Subpart H, if the child has been in the United States less than 36 months.

Unaccompanied minor refugees normally are not eligible for support under title IV-E because reunion with their parents is not possible due to geographic considerations. The arrival of a child's parent(s) may make such eligibility possible if reunification is not in the best interest of the child.

3. Program Services and Benefits

Comment: Eight commenters objected to the proposed Administration/Management Standard B, Criterion 2, which required that "State rules and regulations provide the same child welfare services and benefits for refugee children, to the same extent, as those which are provided to other children of the same age in the State under a State's title IV-B plan, and in accordance with the State's child welfare standards, practices, and procedures." The commenters cited special needs of unaccompanied minor refugees, which they felt would not be met under this standard.

Response: This standard is based on program regulations at 45 CFR 400.116(a). It is intended to insure that refugee children, at a minimum, receive such services, consistent with their legal rights in the U.S. Section 400.116(b) allows additional services, if reasonable and necessary, if the ORR Director authorizes them. The language "at a minimum" has been inserted in Criterion 2 to clarify our intent and to address the commenters' concern.

4. Ethnically Matched Foster Parents

Comment: Three commenters stressed the desirability of placing unaccompanied minor refugees with ethnically matched foster parents. One of these commenters expressed the view that all other types of placement should be excluded.

In contrast, two other commenters objected to the guideline which calls for placing children under age 12 in ethnically matched foster homes "to the maximum extent feasible."

Response: The National Work Group recognized the importance of the availability of ethnically matched foster parents, as evidenced by Guidelines C. 1 and 2. Moreover, Guideline E focuses on efforts to help a child retain an understanding of, and respect for, his or her native culture and religion.

The National Work Group on several occasions regarded its approach as described in Guideline C.1 as adequate, and ORR is not persuaded to change this approach which we believe provides a needed measure of flexibility while emphasizing the importance of ethnically matched foster parents.

5. Adoption Procedures

Comment: Several commenters expressed concern that inasmuch as attempts to contact natural parents were discouraged by both the standards and 45 CFR Part 400 Subpart H, it would be difficult for a court to assure the protection of parental rights as specified in Legal Considerations, Criterion 5. One commenter opposed any adoption of unaccompanied minor refugees, and another asked for more detailed guidelines to assist the court in determining if parental rights might be terminated.

Response: In most cases, termination of parental rights will not be legally possible. These children were generally separated from their parents by forces beyond their control—by war and by political and social upheaval—and reunification is the basic objective of the program.

However, 45 CFR 400.115(c) allows for adoption when it is (1) in the best interest of the child and (2) there is termination of parental rights as determined by the appropriate State court, as when parents are dead or are missing and presumed dead. ORR, taking into consideration the wide number of variables in State law throughout the country, believes that such cases must be decided on their own merit, on a case-by-case basis, by local courts empowered to make such decisions based on State law and the best evidence available.

6. Bilingual Workers

Comment: Three commenters stated that bilingual workers might not always be available or be cost-effective to utilize.

Response: The National Work Group felt strongly about the need for good communication with the children under care as a cornerstone of an effective program, a view which ORR strongly supports. For this communication, bilingual workers are clearly required.

7. Caseworker Training

Comment: Three commenters felt that the proposed 50 hours per year of caseworker training would be excessive and unnecessary. A fourth commenter stated that no special training for caseworkers working with refugee youths was being provided in his State.

Response: The National Work Group expressed great concern during its deliberations about the need for training in order to meet the special needs of refugee children. At a time of program constriction, however, and in response to comments, ORR has lowered this period to 30 hours, with the understanding that this represents a minimum, and not necessarily a maximum, of training time, which should be determined by the specific needs of caseworkers.

8. Replacement Rates

Comment: The proposed guideline on placement options specified that (with certain exceptions for temporary care) no more than 30% of a provider agency's existing caseload have had more than two placements and no more than 10% have had more than three placements. Six commenters expressed concern that this guideline would counter-productively encourage agencies to leave children in unsuitable care rather than exceed the recommended replacement rates.

Response: In adopting this guideline, the National Work Group weighed such potential counter-productivity against

the importance of agency care in selecting foster parents. Work-group members, including provider-agency representatives, felt that the margins for change in placements which are permitted by the guideline are adequate to address the concern expressed by the commenters, and ORR is not persuaded to change this decision.

9. Cost-effective Program Size

Comment: Seven persons questioned the implications for the programs of public provider agencies of the guideline which stated that 30 children was the minimum-size program that could be expected to be cost-effective.

Response: The 30-child caseload was intended by the National Work Group to apply to contracted private provider agencies, and not to whatever size caseload might be under the care of a public child welfare agency. We have revised the wording of this criterion to make clear that it refers to "private, voluntary provider-operated local programs."

ORR envisions that private provider agencies whose caseloads are expected to drop below the 30 level within the next 12 months will plan for appropriate administrative adjustments to assure continued cost-effectiveness.

With respect to public agencies, good child welfare practice would seem to require that public agencies with an unaccompanied minor refugee caseload maintain culturally appropriate resources for as long as necessary, regardless of the number of children served.

10. Reunification of Amerasian Unaccompanied Minors

Comment: Three persons requested a statement of ORR policy with respect to reunification of Amerasian unaccompanied minors with their (American) fathers, when the names and whereabouts of the fathers are known.

Response: ORR has no intent to press for such reunifications unless they are desired by both the child and the father. When they do occur, unaccompanied minor status would terminate and the father would be expected to assume legal (and financial) responsibility.

11. "Least Restrictive Care Settings"

Comment: Two commenters asked ORR to clarify the meaning of the term "least restrictive care settings" as it appears in the section of the Statement entitled "Priorities for State Program Administration."

Response: The term "least restrictive care setting" in the child welfare context refers to the smallest and most open type of placement that is manageable, considering the needs of the child being served.

12. Completion of High School

Comment: Two commenters suggested that ORR funding for well-motivated unaccompanied minors should be allowed to enable them to complete high school, even if it required them to remain in care beyond their 21st birthday. A third commenter proposed that the age limit be reduced to age 17 to conform with AFDC-FC age requirement regulations.

Response: The Refugee Act requires that eligibility for unaccompanied minor status be consistent with the State's title IV-B plan "for the availability of such services to any other child in that State." (Section 412(d)(2)(B)(i) of the INA.) Therefore ORR cannot set higher or lower ages of eligibility that differ from a State's title IV-B plan.

13. Case Planning

Comment: One commenter noted that Programmatic Standard A, Case Planning, is not consistent with his State's procedure, policy, and program guidelines for administration of the unaccompanied minors program, and asked for clarification.

Response: This standard is based upon regulations governing operation of the unaccompanied minors program at 45 CFR 400.118 which carries with it the force of law.

14. Applicability of Title IV-E

Comment: One commenter stated that the reference to title IV-E in Administration/Management Standard B, Criterion 3, was irrelevant because, in most cases, unaccompanied minor refugees are ineligible for services under that title.

Response: This criterion is based on ORR child welfare regulations at 45 CFR 400.112(c). ORR recognizes that most unaccompanied minors will not be eligible under title IV-E but feels that in the few instances where such eligibility can be established, funding should be through that mechanism, with ORR providing the share of costs that normally would be borne by the State or local government.

15. Establishing Legal Responsibility

Comment: Three commenters asked for clarification of Legal Considerations Standard A, Criterion 1, which requires that, within 30 days of a child's arrival, the State or State-authorized child welfare agency petition an appropriate court to establish legal responsibility (if action by a court is required by State law).

Response: ORR recognizes that a variety of State legal mechanisms are used to establish responsibility for unaccompanied minor refugees. In some States, responsibility is established within hours of arrival, while, in others, backlogged dockets and court procedures can delay formal establishment of legal responsibility for weeks. ORR's intent is to assure that the process ultimately leading to legal responsibility is commenced promptly (within 30 days) while allowing sufficient flexibility for the State legal system to function normally.

16. Filing of Reports

Comment: One commenter stated that the Administrative/Management Standard C, Criterion 4, requiring the filing of a placement report within 30 days of a child's arrival, provided an unrealistically brief period.

Response: This standard is based on existing regulations at 45 CFR 400.120(a). In view of the Refugee Act's requirement for maintaining current lists of unaccompanied minor refugees, ORR considers this requirement to be both justified and important.

17. Tracking of Children

Comment: One commenter suggested that ORR should require semi-annual, rather than annual, progress reports (ORR-4) on unaccompanied minors to improve tracking of the children.

Response: ORR believes that properly filed ORR-3 Placement Reports together with annual ORR-4 Progress Reports will permit adequate tracking, and that doubling the progress-report workload would yield little aggregate national information while increasing the workload of caseworkers.

18. Religious Heritage

Comment; One commenter questioned the reference, in Programmatic Standard A, Criterion 1, relating to "preservation of * * * religious heritage," expressing the belief that the unaccompanied minor should be accorded "freedom to attend or not attend religious ceremonies."

Response: The language of this standard is taken from existing program regulations at 45 CFR 400.118(b)(6), and ORR is not persuaded of the need for changing the regulatory language.

19. Health and Mental Health Plans

Comment: One commenter asked how frequently ORR expected that the health/mental health plan described in the Health and Mental Health Guideline would be updated.

Response: ORR expects that the plan would be current, in order to be available in case of emergency.

20. Program Audit

Comment: One commenter proposed that the statement include a section defining standards and responsibility for program audits, in order to assess cost-effectiveness.

Response: ORR believes that the financial records currently required, which must meet HHS grant requirements, are adequate for effective audit purposes.

Statement of Goals, Priorities, Standards, and Guidelines for the Unaccompanied Minor Refugee and Cuban/Haitian Entrant Programs

Introduction

Basis and Purpose of the Program

It is the basis and purpose of the program to provide appropriate care, consistent with State and Federal child welfare laws and practices, for unaccompanied minor refugees and entrants and to prepare them for productive lives in the United States.

To ensure the most effective possible resettlement of unaccompanied minor refugees in the United States consistent with and as mandated by the applicable provisions of the Refugee Act of 1980, as well as compliance with 45 CFR Part 400, Subpart H, "Child Welfare Services," the Office of Refugee Resettlement (ORR) establishes the following program goals, priorities, standards, and guidelines for the State-administered refugee resettlement program (RRP) for FY 1988 and the following fiscal years. These goals and standards will be applied to the Cuban/Haitian Entrant Unaccompanied Minor Program, for the States which participate in that program.

Definitions

The provider agency. An organization, either public or private, which provides placement and direct service to the unaccompanied minor.

The supervising agency. The public agency, either State or local, which supervises the provider agency.

The contracting agency. The public agency which either contracts with a private contractor or a county for care of the child.

I. Program Goals

The goals of the program for unaccompanied minor refugees and entrants are:

To reunify unaccompanied refugee children with their parents or, within the context of State child welfare practice, with non-parental adult relatives.

To help unaccompanied minors develop appropriate skills to enter adulthood and to achieve economic and social self-sufficiency, through delivery of child welfare services in a culturally sensitive manner.

II. Priorities for State Program Administration

To place unaccompanied minor refugees and entrants in least restrictive care settings as soon as possible, and to establish legal responsibility in such a way, under State law, as to ensure that these children receive the full range of assistance, care, and services to which all children in the State are entitled, and to designate a legal authority to act in place of the child's unavailable parent(s).

To encourage reunification of minors with their parents, or other appropriate adult relatives, and to work with supportive resources, such as voluntary refugee resettlement agencies, at the State and local levels, to facilitate such reunion.

To provide child welfare services and refugee-specific services that will help children adjust to their communities, with emphasis on those services most likely to help children prepare for emancipation/self-supporting status, appropriate to their age and development. States should strive to ensure provision of services in a cost-effective manner. Cost should generally parallel those of the State's regular domestic child welfare program, except where consideration given to unique cultural, language, and psychological needs of the refugee clientele mandates different costs.

In attempting to arrange placement of unaccompanied minor refugees under State child welfare laws, to make every effort to ensure a cooperative and effective working relationship between the State, voluntary agencies, and provider agencies participating in the Refugee and Entrant Unaccompanied Minors Programs.

III. Program Standards

The program for unaccompanied minor refugees requires a unique blend of services and program management, with specific cognizance of both refugee resettlement concerns and child welfare practices. Likewise, it requires a high degree of cooperation, coordination, and planning among numerous entities at various levels.

In requiring the Director of the Office of Refugee Resettlement to "attempt to arrange for the placement under the laws of the State * * *" of unaccompanied minor refugees, the Refugee Act implies an effort by the Director to effect this cooperation, coordination, and planning. In consequence, the Director of the Office of Refugee Resettlement hereby establishes the following standards for operation of the State-administered unaccompanied minor refugee and entrant program. Compliance with these standards is mandatory.

Administration/Management

A. Annual Planning

Standard: A cooperative, effective, well-coordinated, and culture-sensitive working relationship exists among agencies involved in the unaccompanied minors program.

Criterion: A State or county supervising and/or contracting agency for refugee children confers at least annually with provider agencies therein to discuss program needs and problems, and to establish numbers of children to be served in the coming year within the State.

B. State Leadership Role

Standard: The State provides adequate organizational leadership and administrative support for the State unaccompanied minors program.

Criteria: 1. Basic requirements of 45 CFR 400.5 (Refugee Resettlement Program State Regulations) and 45 CFR 400.110–400.120 are in place and are adhered to.

2. State rules or regulations provide at a minimum the same child welfare services and benefits for refugee children, to the same extent, as those which are provided to other children of the same age in the State under a State's title IV–B plan, and in accordance with the State's child welfare standards, practices, and procedures.

3. The State provides foster care maintenance payments under the State's title IV–E program to any refugee children eligible under that program.

4. Rules, regulations, and procedures are in place whereby the State assumes program accountability for all aspects of the program, including fiscal and program reporting.

5. The program is structured within State government in such a way that meaningful input into programmatic issues is provided by *both* the State's refugee program and child welfare staffs.

6. State goals and objectives do not alter or infringe upon program goals of ORR as set forth herein.

7. Child welfare services, assistance procedures, and facilities meet

recognized standards consistent with the State Plan pursuant to title IV–B of the Social Security Act.

C. Monitoring and Reporting

Standard: The State effectively monitors services to unaccompanied minor refugees and entrants.

Criteria: 1. Written State procedures, consistent with the State's Refugee Resettlement Plan, ensure that the appropriate supervising child welfare agency monitors activity of the provider agency at least annually.

2. The monitoring instruments reflect regular State standards for foster care, and ORR standards for unaccompanied minors care as applicable.

3. Corrective actions are taken promptly on problems identified during fiscal and program monitoring.

4. All ORR–3 (Placement) Reports are filed with ORR within 30 days of the date of placement, and within 60 days of a change of status (e.g., change of placement or legal responsibility, reunification with adult relatives, and termination from the program (e.g., emancipation or reunification with parent(s))).

5. All ORR–4 (Progress) Reports are filed with ORR annually.

Legal Considerations

A. Legal Responsibility

Standard: Legal responsibility is established promptly under State child welfare laws.

Criteria: 1. The State or State-authorized child welfare provider agency petitions an appropriate court to establish legal responsibility within 30 days of the child's arrival at the location of resettlement and placement, if action by a court is required by State law.

2. The section of State law under which legal responsibility is established makes the unaccompanied minor eligible for the full range of assistance, care, and services to which all children in the State are entitled.

3. The section of State law under which legal responsibility is established designates a legal authority to act in place of the child's unavailable parent(s).

4. Procedures exist to ensure that mechanisms of the Interstate Compact on Placement of Children are utilized when an interstate placement is required subsequent to initial placement.

5. Procedural safeguards exist which ensure that the rights of the minor's unavailable parent(s) are protected, and are not terminated as long as reunification with the parents remains reasonably possible, as determined by an appropriate State court.

B. Family Reunion

Standard: Written State policy encourages the reunion in the United States of unaccompanied minor refugees with their parents or other appropriate relatives.

Criteria: 1. Programs for unaccompanied minor refugees are located in areas which have, or have ready access to, existing refugee resettlement agencies which are able to assist in family reunion.

2. Children are encouraged to apply for admission of their parents to the United States, and are assisted with preparation of the necessary documentation, including applications.

3. When reunion becomes possible following arrival of a parent or parents in the United States, the provider agency assists children and parent(s) in the process, as necessary, for up to 90 days after the agency has knowledge of the presence of the parents, after which ORR unaccompanied minor benefits cease, unless the Director of ORR has extended the time period beyond 90 days by specific waiver.

Programmatic

A. Case Planning

Standard: The unaccompanied minor is provided appropriate child welfare and refugee-specific services to develop the skills necessary for social, emotional, and economic self-sufficiency.

Criteria: 1. State regulations or rules provide that a written case plan for the care and supervision of each child, including a service plan, leading to non-dependent emancipation or family reunion, is developed, and reviewed for each child semi-annually. The case plan at a minimum addresses each of the following areas:

—Social adjustment
—English language training
—Career planning
—Education/training as appropriate
—Health needs
—Suitable mode of care in the least restrictive setting
—Development of socialization skills
—Family reunification
—Preservation of ethnic and religious heritage
—Mental health needs, if necessary.

IV. Guidelines for Program Development

The Director of the Office of Refugee Resettlement further establishes the following Guidelines for Program Development, developed by a special national work group of experts in care for unaccompanied minors, composed of representatives of national voluntary agencies, local provider agencies, State government, the Department of State, and ORR. These guidelines are strongly recommended by the Director as a yardstick against which current provider activities may be evaluated by State or county supervising/contracting agencies, and against which possible future placements may be planned by national voluntary agencies.

A. Cost-Effectiveness

Guideline: The program is administered in a cost-effective manner.

Criteria: 1. Costs for refugee children are consistent with costs for other children in care in the State.

2. Cost is a consideration when evaluating overall program effectiveness, but should not exist as an isolated criterion. Minimum program standards must be addressed at first as a context from which to evaluate the effectiveness and costs of unaccompanied minors programs.

3. To assure effective staff utilization and to provide a sufficiently broad range of services and types of care, at least 30 children are participating in private, voluntary provider-operated local programs.

4. The provider agency attempts to access non-ORR funded resources (such as the Job Training Partnership Act, Job Corps, vocational education, scholarships to preparatory schools and colleges).

B. Provider-Agency Staff Qualifications

Guideline: A well-qualified provider-agency staff is utilized to provide services.

Criteria: 1. Supervisors, at a minimum, meet established State standards for persons providing similar services in non-refugee child care agencies.

2. The provider agency has on-staff (a) bilingual, bicultural worker(s) specific to the clientele served.

3. The bilingual, bicultural worker(s) are utilized as an integral part of the program's service function, and not merely as translator(s).

4. Bilingual, bicultural workers are encouraged to actively pursue training opportunities that will help them to become qualified under State standards.

5. At least 30 hours, annually, of ongoing, planned staff development activities are provided for each staff member, including program supervisors, directly involved in provision of services.

6. The direct-services staff ratio of clients to service workers is not greater

than the State's standard for non-refugee child care.

C. Placement Options

Guideline: The provider agency maintains, or has access to, a range of suitable placement options.

Criteria: 1. Placement options include family foster homes, ethnically matched foster homes, group homes, and supervised independent living.

2. To the maximum feasible extent, children 12 years of age and younger are placed in ethnically matched foster homes to support their understanding of their native culture.

3. No more than 30 percent of the existing caseload have had more than two placements (exclusive of placements in reception centers, reception homes, temporary/emergency placements not exceeding 45 days, or planned independent living situations).

4. No more than 10 percent of the existing caseload have had more than three placements (same exclusions as item 3 above).

5. Before family foster care is utilized, the foster family receives training and information related to cultural sensitivities of the caseload.

D. Preparation for Emancipation

Guideline: The program actively and formally promotes the responsible emancipation of unaccompanied minors.

Criteria: 1. Program components provide independent living skills services to assist unaccompanied minors to prepare adequately for emancipation without reliance on public assistance.

2. The public cash assistance dependency rate for employable former unaccompanied minors, subsequent to their emancipation, is no greater than 10 percent of all the provider agency's refugee emancipees 90 days following emancipation.

3. State law is sufficiently flexible to permit an unaccompanied minor to remain in care through the completion of high school (but not beyond the 21st birthday).

E. Retention of Ethnic Heritage

Guideline: Children are encouraged to retain an understanding of, and respect for, their native culture and religion.

Criteria: 1. Programs for unaccompanied minor refugees are located in geographic areas which have ethnic communities similar to those of the children placed.

2. Children are placed within ethnically similar communities, or in areas that are readily accessible to the activities of those communities.

3. Provider agencies maintain a written plan and periodic schedule for exposure to and participation in appropriate cultural events.

F. Health and Mental Health

Guideline: Children are provided with necessary health and mental health services.

Criteria: 1. The provider agency maintains ongoing access to health and mental health services.

2. The provider agency has a written contingency plan involving identification of potential resources for coping with cases of severe mental health disorders.

Dated: September 24, 1987.

Bill Gee,

Director, Office of Refugee Resettlement.

[FR Doc. 87-23711 Filed 10-13-87; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-040-08-4322-12]

Ely District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the Ely District Advisory Council will be held on Wednesday, November 18, 1987.

The meeting will convene at 10:00 a.m. in the Conference Room of the Ely District Office located on the Pioche Highway one mile south of Ely, Nevada.

The main agenda items will be the status of various resource programs in the district, the status of the wildlife reintroduction and augmentation programs on Bureau administered lands in the Ely District and a discussion of the issues and conflicts in the Wilson Greek Allotment where a public scoping and planning process has been initiated by the Ely District.

Public comment time is scheduled for 1:00 p.m. The public is invited to attend this meeting and may, at the designated time, submit written or oral statements for the advisory council's consideration. Minutes of the meeting will be available for public inspection and reproduction during regular office hours within 30 days following the meeting.

DATE: October 2, 1987.

ADDRESS: Comment and suggestions should be sent to: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Terry Dailey, (702) 289-4865.

Date: October 2, 1987.

Kenneth G. Walker,

District Manager.

[FR Doc. 87-23707 Filed 10-13-87; 8:45 am]

BILLING CODE 4310-HC-M

Federal-State Coal Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice is to inform the public that the Federal-State Coal Advisory Board (Board) will meet in Denver, Colorado, December 2, 1987. The public is invited to attend. The Board will (1) review the status of the implementation of the Secretary's coal program decisions of February 21, 1986, (2) discuss the Department's policies and procedures for processing coal preference right lease applications (PRLAs), (3) review the Board's charter with respect to its renewal, and (4) formulate a recommendation to the Secretary on a Departmental long-range lease sale plan, based on information provided by the regional coal teams.

DATE: The Board will meet at 8:30 a.m. on December 2, 1987.

ADDRESS: The Board meeting will be held at the Clarion Hotel, 3202 Quebec Street, Denver, Colorado 80207, telephone 1-800-252-7466.

FOR FURTHER INFORMATION CONTACT: Walt Rewinski or John Carlson, Division of Solid Mineral Leasing, Bureau of Land Management (650), 18th and C Streets NW., Washington, DC 20240, telephone (202/FTS) 343-4636.

SUPPLEMENTARY INFORMATION: Implementation of the Secretary's coal program decisions of February 21, 1986, involved the drafting and publication of several rule changes and the development of a comprehensive set of instructions to the field for carrying out the Federal coal program. The Board will hear a presentation of the current status of these efforts along with a presentation on the Bureau's recently adopted procedures for processing coal preference right lease applications. Regional coal team representatives will provide the Board with an update on activities within their respective regions. Board members will also review and discuss proposed regional lease sale plans, provided by the regional coal teams, and develop a proposed long-range Departmental lease sale plan for submission to the Secretary.

Additionally, the Board will review its charter, which expires in October 1988, and discuss several proposed changes in anticipation of charter renewal, which is required every two years..

The public will have an opportunity to address the Board on agenda topics during the public comment periods, as noted on the agenda, below. Written copies of a speaker's remarks would be appreciated. Any comments will become a part of the record of the Board meeting. The Chairperson may impose a time limit on speakers' comments to ensure that all those wishing to address the Board are heard.

Agenda.— Federal-State Coal Advisory Board Meeting

December 2, 1987

Denver, Colorado

Welcome and Introductions
- —BLM Director
- —Assistant Director, Energy and Mineral Resources
- —Other Staff

—Review and Approval of Meeting Agenda
—Approval of 1986 Meeting Minutes
—Director's Remarks
—Status of Coal Program
- —Implementation of Program Changes
  - Revised Coal Leasing Regulations
  - Unsuitability Regulations
  - Competitive Coal Leasing Handbook
  - Lease Exchange Manuals
- —PRLA Processing Procedures
  - Negotiations
  - Final Regulations
  - Amended Court Order
  - PRLA Handbook
- —RCT Reports
  - Charters
  - Meeting Summaries
  - Data Adequacy
  - Status of Planning
  - PRLAs
  - Coal-related Exchanges
  - Other

Break Long-Range Lease Sale Plan
- —Background
- —Coal Demand/National Perspective
- —Summary of Leasing-Lease Relinquishments (1985–1987)
- —Summary of Regional Lease Sale Plans
- —Proposed Departmental Long-Range Lease Sale Plan
- —Discussion/Public Comment
- —Board Recommendation

Advisory Board Charter
- —Background
- —Proposed Changes
- —Discussion/Public Comment
- —Board Recommendation

Other Board Business (if any)
- —Discussion/Public Comment
- —Board Recommendation

Adjourn.

Robert F. Burford,

Director

[FR Doc. 87-23723 Filed 10-13-87; 8-45 am]

BILLING CODE 4310-87-M

[WY-920-08-4121-13]

Availability of Mudlogs and Geophysical Logs, Wyoming State Office; Campbell County, WY

ACTION: Public Notice of Availability of 13 Mudlogs and 14 Geophysical Logs from the Rawhide Village—Horizon Subdivision, Campbell County, Wyoming.

SUMMARY: Notice is hereby given that 13 mudlogs and 14 geophysical logs from 15 coal test holes located in the Rawhide Village—Horizon Subdivision, Campbell County, Wyoming are now available to the public.

The test holes, located in Township 51 North, Range 72 West, Section 20 were designed to provide additional information on the methane gas concentration within the Rawhide Village—Horizon Subdivision.

ADDRESS: Reproductions of the geophysical logs and mudlogs are available at cost. Contact: William H. Lee, Chief, Branch of Mining Law and Solid Minerals, Division of Mineral Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003. Telephone (307) 772-2567.

Hillary A. Oden,

State Director.

October 2, 1987.

[FR Doc. 87-23696 Filed 10-13-87; 8:45 am]

BILLING CODE 4310-22-M

[AZ-040-07-4212-14; A 22634]

Realty Action; Noncompetitive Sale of Public Land in Graham County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following lands have been examined and identified as suitable for disposal under the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at fair market value:

Gila and Salt River Meridian, Arizona

T. 6 S., R. 27 E.,
Sec. 35, S½SE¼NW¼SW¼.
Containing 5.0 acres, more or less.

The land is being offered to Mr. Lowell Hively to settle an unauthorized use of public lands.

The land is not required for any federal purpose. Conveyance of the parcel would best serve the public interest. This action is consistent with the Bureau's planning recommendations.

The patent issued as the result of the sale will be subject to all valid existing rights and reservations of record. It will contain the following reservations:

1. Rights-of-Way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat, 391; 43 U.S.C. 945.

2. All the oil and gas in the land so patented, and to it or persons authorized by it, the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits (30 U.S.C. 121–124; 186).

The patent will be issued subject to:

1. Such rights as Harold Carpenter, Tillie Carpenter, Hearold Elmer, Charleen Elmer, William Sorsen, Loraine Sorsen, Michael Maryott, Laura Maryott, Sean Maryott and Gillian Maryott may have to the Gem No. 67 mining claim (AMC 46188).

2. Such rights for water pipeline right-of-way purpose as the City of Safford may have. (A 19088)

3. Such rights for buried telephone cable right-of-way purpose as Mountain States Telephone and Telegraph Company may have. (A 11856)

4. Such rights for road right-of-way purpose as Graham County may have. (A 22710)

Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of the publication, whichever occurs first.

DATE: For a period of 45 days from the date of this notice in the **Federal Register**, interested parties may submit comments to the District Manager at the above address. Any adverse comments will be evaluated by the State Director who may sustain, vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: Detailed information concerning reservations, conditions, appraised other items may be obtained from the Safford District Office or by calling (602) 428-4040 during the office hours 7:45 to 4:15 MTS.

Dated: October 1, 1987.

Ray A. Brady,

District Manager.

[FR Doc. 87-23708 Filed 10-13-87; 8:45 am]

BILLING CODE 4310-32-M

[NV-930-08-4212-11; N-44619]

Realty Action; Lease Purchase for Recreation and Public Purposes; Clark County, NV

The following described public land in Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register.**

Mount Diablo Meridian, Nevada

T. 21 S., R. 61 E.,
Sec. 13, W½NE¼NE¼SE¼.

This parcel of land contains approximately 5 acres. The Clark County School District intends to use the land for an education center complex. The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mining leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas 89126. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register.**

Date: October 5, 1987.

Ben F. Collins,

District Manger, Las Vegas, NV.

[FR Doc. 87-23734 Filed 10-13-87; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Endangered and Threatened Species Permit; Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-721879

Applicant: William P. Thomas, Orlando, FL

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (Damaliscus dorcas dorcas), culled from the captive herd of F.W.M. Bowker, Grahamstown, Republic of South Africa, for the purpose of enhancement of propagation.

PRT-721915

Applicant: David S. Conant, Dept. of Biological Sciences, Dartmouth College, Hanover, NH

The applicant requests a permit to collect a total of 80 mature leaves from 40-80 elfin tree ferns (Cyathea druopteroides) to study hybyid specification.

PRT-721880

Applicant: San Diego Zoological Society, San Diego, CA

The applicant requests a permit to import one male and one female captive-born white eared pheasant (Crossoptilon crossoptilon) from Tierpark Berlin, German Democratic Republic, for the purpose of introducing new bloodlines to their captive propagation program.

PRT-721400

Applicant: San Diego Zoological Society, San Diego, CA

This is to amend the **Federal Register** notice, Vol. 52, No. 183, page 35593, published September 22, 1987, to allow theimport of five pairs of golden-shouldered parakeets (Psephotus chrysopterygius) from the Royal Zooloigical Society of South Australia.

Documents and other information submitted with these application are available to the public during normal business hours (7:45 a.m. to 4:15 p.m.) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: October 6, 1987.

Larry LaRochelle,

Acting Chief, Branch of Permits.

[FR Doc. 87-23768 Filed 10-13-87; 8:45 am]

BILLING CODE 4310-55-M

Klamath Fishery Management Council; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuanty to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Council meeting will be held from 9:00 a.m. to 4:00 p.m. Thursday, October 29, 1987.

ADDRESS: The meeting will be held at the Eureka Inn, 7th and F Streets, Eureka, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, Klamath Field Office, U.S. Fish and Wildlife Service, 1312 Fairlane Road, Yreka, CA 96097; telephone (916) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Klamath Fishery Management Council, please refer to the notice of its initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). During the October 29 meeting, the Council will discuss 1987 fall chinook harvest and escapement, enforcement of gillnet fishing regulations, amendments of the Klamath River Basin Fishery Resources Restoration Act under consideration.

Council operating procedures, appointments to the Council's Technical Advisory Team, in-season management measures to control fall chinook harvest reates, deficit accounting of salmon harvests, and other pertinent topics.

Dated: October 8, 1987.

Frank Dunkle,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 87-23767 Filed 10-13-87; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: October 23, 1987, 7:00 p.m.[1]

Inclement Weather Reschedule Date: None.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent; Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, NY 12764-0159; 717-729-8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation and implementation of the management plan, and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will surround the issue of the "strand" along the Upper Delaware Scenic and Recreational River.

The meeting will be open to the public.

Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, NY 12764.

[1] Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the Upper Delaware Scenic and Recreational River; River Road, 1¾ miles north of Narrowsburg, New York; Damascus Township, Pennsylvania.

Dated: October 5, 1987.

Sandra C. Rosencrans,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 87-23736 Filed 10-13-87; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 3, 1987. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 29, 1987.

Carol D. Shull,

Chief of Registration, National Register.

CONNECTICUT

Litchfield County

Canaan, *Music Mountain*, Music Mountain Rd.

New Haven County

West Haven, *Union School*, 174 Center St.

Tolland County

Coventry, *Sprague, Elias, House*, 2187 South St.

Coventry, Strong House, 2382 South St.

GEORGIA

Ben Hill County

Fitzgerald, *Holtzendorf Apartments*, 105 W. Pine St.

Decatur County

Bainbridge, *Bainbridge Commercial Historic District*, Roughly bounded by Water, Clark, Troupe, W. Broughton, & Clark Sts.

Bainbridge, *Bainbridge Residential Historic District*, Roughly bounded by Calhoun, Scott, Evans, College, & Washington Sts.

Fulton County

Atlanta, *St. Marks Methodist Church*, 781 Peachtree St.

Lowndes County

Valdosta, *First Presbyterian Church*, 313 N. Patterson St.

Stewart County

Richland, *Miller, Dr. Thomas B., House*, 97 Nicholson St.

IOWA

Black Hawk County

Waterloo, *Highland Historic District (Boundary Increase)*, Roughly bounded by the Railroad, Idaho St., Independence Ave., & Steely St.

KENTUCKY

Grayson County

Leitchfield, *Court square Historic District (Bonadary Increase)*, 106 & 104N. Main

Louisianage

Orleans Parish

New Orleans, *Carrollton Historic District*, Roughly bounded by Lowerline St., Mississippi River, Monticello Ave., & Earhart Blvd.

Mississippi

Copiah County

Hazlehurst, *Ellis, Issac Newton, House*, 258 S. Extension St.

New York

Franklin County

Saranac Lake, *Smith's, Paul, Electric Light and Power and Railroad Company Complex*, 2 Main St.

Suffolk County

Roosevelt, John Ellis, Estate

Montauk, *Bragg, Caleb, Estate*, Star Island Rd.

Wayne County

Lyons, *Hotchkiss, H.G., Essential Oil Company Plant*, 93—95 Water St.

Westchester County

Peekskill, *Beecher—McFadden Estate*, E. Main St.

North Carolina

Burke County

Morgantown, *Avery Avenue Historic District (Morganton MRA)*, Roughly along parts of Avery, Lenoir, Morehead, Walker, Evans, & Short Sts.

Morgantown, *Avery Avenue School (Morganton MRA)*, 200 Avery Ave.

Morgantown, *Broughton Hospital Historic District (Morganton MRA)*, Roughly bounded by Broughton Hospital campus, NC 18, Bickett St., & Enola Rd.

Morgantown, *Dale's, USB Market (Morganton MRA)*, Jct. of Enola Rd. & Dale St.

Morgantown, *Hunting Creek Railroad Bridge (Morganton MRA)*, Hunting Creek N of US 64 & 70 between jct. of Stonebridge Rd. & E. Union St.

Morgantown, *Jonesboro Historic District (Morganton MRA)*, Roughly bounded by W. Concord, Bay, Jones, Lytle, & S. Anderson Sts.

Morgantown, *Lackey, John Alexamder, House (Morganton MRA)*, 102 Camelot Dr.

Morgantown, *Morganton Downtown Historic District (Morganton MRA)*, E. Union, S. Green, N. & S. Sterling, King, & Queen Sts.
Morgantown, *North Green Street—Bouchelle Street Historic District (Morganton MRA)*, N. Greet, Bouchelle, & Patterson Sts.
Morgantown, *Quaker Meadows Cemetery (Morganton MRA)*, Off NC 126
Morgantown, *South King Street Historic District (Morganton MRA)*, S. King St.
Morgantown, *West Union Street Historic District (Morganton MRA)*, Roughly parts of W. Union St., Montrose St., & Riverside Dr.
Morgantown, *White Street-Valdese Avenue Historic District (Morganton MRA)*, White St. & Valdese Ave.

Edgecombe County

Tarboro vicinity, *Lone Pine*, SR 1207, S of US 64

Robeson County

Lumberton, *Planters Building*, 312 N. Chestnut St.

Ohio

Summit County

Vaughn Site (33 CU65)

Virgin Islands

St. Croix County

Fairplain Historic and Archaeological District
Lower Love Historic and Archaeological District
Christiansted Vicinity, *Strawberry Hill Historic District*, Queen's Quarter
Christiansted vicinity, *Bethlehem Middle Works Historic District*, King's Quarter
Christiansted vicinity, *Estate Richmond*, Company Quarter
Christiansted vicinity, *Slob Historic District*, King's Quarter
Christiansted, *Bethlehem Historic District:Old and New Works*, King's Quarter

[FR Doc. 87-23735 Filed 10-13-87; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30900; Finance Docket No. 30900 (Sub-No. 1]

Joint Application of CSX Corp. and Sea-Land Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343, the acquisition of control by CSX Corporation of two motor carrier subsidiaries of Sea-Land Corporation (Sea-Land Freight Service, Inc., and Intermodal Services, Inc.), subject to labor protective conditions for rail employees.

ADDRESSES: Send petitions referring to Finance Docket No. 30900 and Finance Docket No. 30900 (Sub-No. 1) to:

(1) Office of the Secretarty, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: G. Paul Moates, Sidley & Austin, 1722 Eye Street, NW., Washington, DC 20006

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245, TDD for hearing impaired (202) 275-1721.

SUPPLEMENTARY INFORMATION: This notice revises and supplements the previous notice in this proceeding published September 4, 1986 at 51 FR 31734-31735.

Additional information is contained in the Commission's decision. To purchase a copy of the decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423 or call (202 289-4357, (assistance for hearing impaired is available through TDD services, (202) 275-1721) of by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters.

Decided: October 2, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-23706 Filed 10-13-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31120]

Norfolk and Western Railway Co.; Trackage Rights; Southern Railway Co.; Exemption

Southern Railway Company has agreed to grant overhead trackage rights to Norfolk and Western Railway Company, beginning at milepost P-31.1 and ending at milepost F-32.6, a total distance of 1.5 miles in South Boston, VA. The trackage rights became effective on October 1, 1987.

This Notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The fining of a petition to revoke will not stay the transaction.

As a condition to use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: October 1, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR. Doc. 87-23506 Filed 10-13-87; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31102]

Wisconsin Central Ltd.; Exemption Acquisition and Operation; Certain Lines of Soo Line Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Vacation of stay.

SUMMARY: The Commission vacates its stay of September 11, 1987, published at 52 FR 35505 on September 16, 1987. This action allows the exemption from 49 U.S.C. 10901 to become effective on October 11, 1987. The Commission will issue a decision at a later date addressing in more detail the comments submitted as a result of its earlier request.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: By decision served September 11, 1987, we stayed until October 26, 1987, the effective date of an exemption that would allow Wisconsin Central Ltd. to acquire and operate certain properties of the Soo Line Railroad Company and requested comments from interested parties concerning the transaction. On September 22, 1987, we declined to consider a vacation of the stay until we had received the requested comments. Numerous parties filed comments. Upon consideration of the comments filed, the Commission vacates the stay, but continues to study the transaction.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 202-289-4357 or 289-4359 (assistance for the hearing impaired is available through TDD services (202) 275-1721) or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters.

Decided: October 7, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley and Commissioner Simmons

dissented with a separate expression which will be served at a later date.

Noreta R. McGee,

Secretary.

[FR Doc. 87-23705 Filed 10-13-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Notifications; Joint Venture of All-Terrain Vehicle Distributors; American Honda Motor Co., Inc., et al.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.*, written notice has been filed by the parties to a joint venture of all-terrain vehicle distributors (the "Venture") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the Venture and (2) the nature and objectives of the Venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Venture, and its general areas of planned activity, are given below.

The parties to the Venture are American Honda Motor Co., Inc., Kawasaki Motors Corp., U.S.C., U.S. Suzuki Motor Corporation, and Yamaha Motor Corporation, U.S.A. The objective of the Venture is to develop voluntary standards pursuant to section 9(b) of the Consumer Product Safety Act, 15 U.S.C. 2058(b), covering certain engineering aspects of All-Terrain Vehicles ("ATVs"). The above-mentioned parties have agreed to collaborate jointly with technical staff of the Consumer Product Safety Commission in research and development activities relating to the development of certain engineering aspects of a voluntary standard for ATVs.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-23773 Filed 10-13-87; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater New American Works Prescreening) to the National Council on the Arts will be held on October 27-29, 1987, from 9:00 a.m.-5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

October 2, 1987.

[FR Doc. 87-23765 Filed 10-13-87; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Pub.L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45, Part 670 of the Code of the Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 13, 1987. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Progams, National Science Foundation, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctic and designation of certain animals and certain geographic areas as required special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the **Federal Register** on July 24, 1987.

The application received is as follows:

1. Applicant

William L. Stockton, Scripps Institution of Oceanography, La Jolla, California 92093.

Activity for Which Permit Requested

Taking. The applicant will be making observations of *Catharacta maccormicki* (South Polar Skua) incidental to other NSF supported research. No specimens will be captured or handled.

Location

Explorers Cove, McMurdo Sound, Antarctica

Dates

November 1987—February 1988

Charles E. Myers,

Permit Office.

[FR Doc. 87-23709 Filed 10-13-87; 8:45 am]

BILLING CODE 7533-01-M

Advisory Committee for Atmospheric Sciences; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences (ACAS)

Date: October 30-31, 1986

Time: 9:00 a.m.-5:00 p.m. each day

Place: National Center for Atmospheric Research, P.O. Box 3000, Boulder, Colorado 80307

Type of Meeting: Open

Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation,

Washington, DC 20550, Telephone: (202) 357-9874

Minutes: May be obtained from the Contact Person listed above.

Purpose of Meeting: To provide advice and recommendations on long-range planning and oversight concerning support for research and research areas.

Agenda: Open: Site Visit at the National Center for Atmospheric Research, presentations on the National Science Foundation's Science and Technology Centers, Multi-user Facilities, review of Long-Range Plan for Atmospheric Sciences, and general discussion.

M. Rebecca Winkler,

Committee Management Officer.

October 8, 1987.

[FR Doc. 87-23731 Filed 10-13-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Co., Pilgrim Nuclear Power Station: Exemption

I

The Boston Edison Company (BECo), the licensee, is the holder of Operating License No. DPR-35 which authorizes operation of Pilgrim Nuclear Power Station. The license provides, among other things, that the Pilgrim Nuclear Power Station is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

The plant is a boiling water reactor at the licensee's site located in Plymouth County, Massachusetts.

II

On November 19, 1980, the Commission published a revised § 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 of 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 subsections, III.J., is the subject of the licensee's exemption request.

Section III.J., of Appendix R to 10 CFR Part 50, Emergency Lighting, requires emergency lighting units with a least an 8-hour battery power supply in areas needed for operation of safe shutdown equipment and along access and egress routs thereto.

III

By letter dated April 1, 1987 (BECo 87-053), the licensee requested an exemption from the specific technical requirements of section III.J of Appendix R to 10 CFR Part 50 pertaining to the installation of our 8-hour battery powered lighting units in the yard area outside the process buliding (which includes the reactor building).

Section III.J of Appendix R states, that, "Emergency lighting units with at least an 8-hour battery supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes threto." The yard area in questions is outside of the process building, and in the access/egress route to alternative shutdown stations located in the Emergency Diesel Rooms, the reactor building Auxiliary Bay, and other portions of the reactor building that would not be involved in a postulated fire.

Lighting is already provided throughout the outside yard area (including this part of the yard area which is the access route to the various alternative safe shutdown stations) to satisfy security requirements. This existing security lighting is powered by normal off-site power and by an emergency security diesel-generator unit, an independent on-site unit which starts automatically upon loss off-site power. The licensee states that the security lights are adequate to illuminate the access routes in the outside yard area and are as reliable as individual battery powered lights. The existing security lighting installation does not expressly satisfy the technical requirements of section III.J of Appendix R in the yard area outside of the process building, since individual 8-hour battery powered lighting units are not provided for safe shutdown access and egress routes.

The licensee states that granting this exemption would not present undue risk to the public health and safety because the yard area is adequately lighted by the existing security lighting system. The staff agree with the licensee's statement. The security lighting is sufficient to allow security surveillance of the yard area, and is adequate to allow safe passage by the plant operators to those buildings housing alternate safe shutdown panels. Since there are no alternative safe shutdown sations in the yard are, operators would be simply traversing the yard and not performing any safe shutdown actions in the yard area.

The licensee states that application of the requirements of section III.J of Appendix R regarding 8-hour battery powered lighting units would not serve the underlying purpose of the rule. The staff agrees with the licensee's statement. The standby security lighting system in the yard are provides lighting for a minimum of 8 hours and would serve the underlying purpose of Appendix R. It provides emergency lighting in the access and egress routes leading to the operation of safe shutdown equipment in the Diesel Generator Room and other loctions outside the process building. Providing emergency lighting units with a least an 8-hour battery power supply would not provide any additional protection to the provided by the Security lighting system.

Regarding reliability of the existing yard lighting, the security lighting is supplied from the security diesel, an independent on-site power source initiated automatically on loss of off-site power. The security diesel and the security lighting are located outside of the process building remote from any fire areas within the Plant. Also, the licensee states that the entire security yard-lighting system is installed and maintained to requirements at least as stringent as those contained in section III.J of Appendix R.

Based on the above evaluation, the staff concludes that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of Appendix R to 10 CFR Part 50.

Therefore, the licensee's request for an exemption to the requirements of section III.J of Appendix R for the yard area outside the process building should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), that (1) the exemption as described in section III 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) in this case, special circumstances are present in that application of the regulation is not necessary to achieve the underlying purpose of Appendix R to 10 CFR Part 50. Therefore, the Commission hereby grants the exemption from the requirements of section III.J of Appendix R to 10 CFR Part 50 regarding emergency lighting units with 8-hour battery power supply in the yard outside of the process building, including areas outside of the reactor building.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant environmental impact

(52 FR 32979 September 1, 1987). A copy of the licensee's request for exemption dated April 1, 1987 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360. Copies may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 6th day of October 1987.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 87-23739 Filed 10-13-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250-OLA-1 and 50-251-OLA-1]

Florida Power & Light Co., (Turkey Point Plant, Units 3 & 4); Vessel Flux Reduction

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license amendment proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members: Alan S. Rosenthal, Chairman, Dr. W. Reed Johnson, Howard A. Wilber.

Eleanor E. Hagins,

Secretary to the Appeal Board.

Dated: October 7, 1987.

[FR Doc. 87-23743 Filed 10-13-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Withdrawal of Application for Amendment to Facility Operating License; Niagara Mohawk Power Corp.

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Niagara Mohawk Power Corporation (the licensee) to withdraw its May 2, 1983 application for amendment to Facility Operating License No. DPR-63 issued to the licensee for operation of the Nine Mile Point Nuclear Station Unit 1 (NMP-1) located in Oswego County, New York. Notice of Consideration of Issuance of the amendments was published in the **Federal Register** on August 23, 1983 (48 FR 38409).

The request proposed changes to Section 4.2.2, Minimum Reactor Vessel Temperature for Pressurization, of the Appendix A Technical Specifications. The amendment was to reflect a change in the surveillance requirements for the Nine Mile Point Unit 1 reactor vessel material samples because one of the sample capsules had been inadvertently mispalced during a previous refueling outage. However, during the Spring 1986 refueling outage, additional surveillance capsules and material samples were installed in the reactor vessel. Since the current surveillance requirements can be met, the request for amendment is no longer required.

By letter dated January 29, 1986, the licensee requested, pursuant to 10 CFR 2.107, withdrawal of its May 2, 1983 application. The Commission has considered the licensee's request and has determined that withdrawal of the May 2, 1983 application for amendment should be granted.

For further details with respect to this action, see (1) the application for amendment dated May 2, 1983, (2) the licensee's request for withdrawal dated January 29, 1986, and (3) our letter dated September 30, 1987. All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the State University College at Oswego, Penfield Library Documents, Oswego, New York 13126.

Dated at Bethesda, Maryland, this 30th day of September, 1987.

For the Nuclear Regulatory Commission.

Robert A. Capra,

Acting Director Project Directorate I-1, Division of Reactor Projects, I/II.

[FR Doc. 87-23738 Filed 10-13-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445-OL2, 50-446-OL2; ASLBP No. 79-430-06AOL]

Texas Utilities Electric Co. et al, (Comanche Peak Steam Electric Station, Units 1 and 2); Prehearing Conference

October 7, 1987.

On October 20, 1987, beginning at 9 am, we will convene a Prehearing Conference in the Embassy West Room at the Downtown Dallas Hilton, 1914 Commerce Street, Dallas, Texas 75201, for the purpose of discussing the schedule for filings and hearings for the remainder of this case.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chair, Administrative Judge.

[FR Doc. 87-23744 Filed 10-13-87; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Instrumentation and Control Systems; Meeting

The ACRS Subcommittee on Instrumentation and Control Systems will hold a meeting on October 29, 1987, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Thursday, October 29, 1987—8:30 a.m. until the conclusion of business.*

The Subcommittee will discuss the NRC's proposed final resolution of USI A-47, "Safety Implications of Control Systems." In addition, the Subcommittee will discuss and consider the comments by Mr. Basdekas regarding the resolution of this USI.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Medhat El-Zeftawy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named

individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: October 8, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87-23741 Filed 10-13-87; 8:45am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Maintenance Practices and Procedures; Meeting

The ACRS Subcommittee on Maintenance Practices and Procedures will hold a meeting on October 30, 1987, Room 1046, 1717 H Street NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, October 30, 1987—8:00 a.m. until 11:00 a.m.

The Subcommittee will be briefed and will discuss the proposed Policy Statement on Maintenance of Nuclear Power Plants.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: October 7, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87-23742 Filed 10-13-87; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24995; File No. SR-NASD-86-22]

Self-Regulatory Organizations; Proposed Amended Rule Change by National Association of Securities Dealers, Inc.

On August 5, 1986, the NASD filed with the Commission proposed rule change SR-NASD-86-22 ("original proposed rule change") pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 ("Act").[1] In response to concerns raised by the public commentators and expressed by the Commission to the NASD, the NASD on May 15, 1987 filed with the Commission its first amendment (the "May 15 amendment") to the original proposed rule change.[2] Subsequently, the NASD filed this second amendment ("amended rule change") to the original proposed rule change, incorporating into this amended rule change the changes reflected in the May 15 amendment as well as additional changes formulated since May 15. For purposes of clarity, all references herein to the "amended rule change" shall refer to this filing.[3]

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 10, 1987, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed amended rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed amended rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the text of the proposed amendments to subsections 5(e) and (f) of Appendix F to Article III, section 34 of the Rules of Fair Practice ("Appendix F"). Additions are italicized; deletions are in brackets.

Section 5—Organization and Offering Expenses

(e) No [sponsor, affiliate of a sponsor (other than a member dealing with persons associated with member), or program] *member or person associated with a member* shall *directly or indirectly accept* [provide] any *non-cash compensation or* sales incentive item[,] *including, but not limited to, travel bonuses, prizes, and awards offered or provided to such member or its associated persons by any sponsor, affiliate of a sponsor or program. Notwithstanding the foregoing, a member may provide non-cash compensation or sales incentive items to its associated persons provided that no sponsor, affiliate of a sponsor or program, including specifically an affiliate of the member, directly or indirectly participates in or contributes to providing such non-cash compensation. Further, this section shall not prohibit* [directly to] a person associated with a member *from accepting any non-cash sales incentive item offered directly to that person by a sponsor, affiliate of a sponsor or program* [unless] *where*:

(1) The aggregate value of all such items [to be received] *paid* by *any sponsor or affiliate of a sponsor to* each associated person during any year does not exceed $50.00;

(2) The value of all such items to be made available in connection with an offering is included as compensation to be received in connection with the offering for purposes of subsection (b) of this section; and

(3) The proposed payment or transfer of all such items is disclosed in the prospectus or similar offering document.

(f) *Subject to the limitations on direct and indirect non-cash compensation provided in subsection (e) of this section,* [N]*no* [sponsor, affiliate of a sponsor, or program shall provide compensation to a [member, [in the form of sales incentives or bonuses] *shall accept any cash compension* unless all the following conditions are satisfied:

[1] The proposed rule change was published for comment in the **Federal Register** on August 20, 1986 (51 FR 29729).

[2] To permit the NASD to make further changes to that May 15 amendment and to incorporate those changes into an all-inclusive amended rule change, the Commission did not publish the May 15 amendment for public comment.

[3] Both the May 15 amendment and this current filing are available for inspection and copying at the Commission's Public Reference Room.

(1) All [sales incentives and bonuses are] *compensation is* paid directly to the member in cash and the distribution, if any, of [incentives or bonuses] *all compensation* to *the member's* associated persons in controlled solely by the member;

(2) The value of all [incentives and bonuses are] *compensation,* to be [made available] *paid* in connection with an offering is included as compensation to be received in connection with the offering for purposes of subsection (b) of this section;

(3) Arrangements relating to the proposed payment of all [incentives and bonuses] *compensation* are disclosed in the prospectus or similar offering document; [and]

(4) The value of all [incentives and bonuses] *compensation,* is reflected on the books and records of the recipient member as compensation received in connection with the offering; *and*

(5) No compensation paid in connection with an offering is directly or indirectly related to any non-cash compensation or sales incentive items provided by the member to its associated persons.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Amended Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of, and basis for, the proposed amended rule change and discussed any comments it received on the proposed amended rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Amended Rule Change

As noted above, on August 5, 1986, the NASD filed with the Commission SR-NASD-86-22, pursuant to Rule 19b-4 under the Act. The original rule change proposed to amend subsections 5 (e) and (f) of Appendix F to Article III, section 34 of the NASD's Rules of Fair Practice. The original rule change to subsection 5(e) of Appendix F proposed to prohibit a sponsor, affiliate of a sponsor (other than a member dealing with persons associated with that member) or a program from directly or indirectly offering or providing non-cash compensation with a value in excess of $50.00 in the form of sales incentive items to any member or its associated persons, including but not limited to travel bonuses, prizes and awards. In addition, members and their associated persons were proposed to be prohibited from accepting such non-cash compensation. Finally, the original rule change proposed to clarify that souvenir-type non-cash sales incentives given by a sponsor directly to a person associated with a member may not exceed $50.00 per year per associated person for all programs of that sponsor.

The Commission published the original rule change for pulic comment in Release No. 34-23527 on August 13, 1986 (51 FR 29729, August 20, 1986).

As a result of comments received by the NASD to Notice to Members 85-17 (March 15, 1985) and by the Commission in response to the publication of the original rule change in the **Federal Register**, the NASD is proposing to amend the original rule change to address concerns of commentators regarding the provision that would permit member firms to continue to offer non-cash compensation to their associated persons in connection with sales of direct participation programs sponsored by affiliates of the member.[4] A number of commentators, both in favor of and opposed to the original rule change, urged that the proposal would be anticompetitive and discriminatory with respect to sponsors unaffiliated with a member firm which utilized unaffiliated member firms to distribute their product. The NASD does not believe that the original rule change results in a competitive advantage to members affiliated with program sponsors nor to sponsors affiliated with members. The original rule change to subsections 5(e) and 5(f) of Appendix F was intended to prohibit any sponsor, affiliate of a sponsor or program from providing non-cash sales incentives to any member and/or their associated persons. However, in response to the comments received, the NASD is amending the original rule change to ensure that a member's own internal sales incentive program is funded entirely by the member and to ensure that no sponsor, including an affiliate of a member, will directly or indirectly participate in or contribute to such internal sales incentive program.

Therefore, the NASD is proposing to amend section 5(e) of the original rule change to clarify that members may provide non-cash compensation or sales incentive items to the members' associated persons, provided that no sponsor, affiliate of a sponsor or program, including specifically an affiliate of the member, directly or indirectly participates in or contributes to providing such non-cash compensation. Pursuant to the proposed amendment, no sponsor or program would be permitted to participate in or contribute to any member's non-cash internal sales incentive program, including the internal sales incentive program of a member affiliated with that program or sponsor. The language "participates in" is intended to prohibit a sponsor, affiliate of a sponsor, or program (including an affiliate of the member), from participating in the selection of and arrangements for any trip or merchandise sales incentive provided by a member to its associated persons as part of the member's internal sales incentive program. The language "contributes to" is intended to prohibit a sponsor, affiliate of a sponsor, or program (including an affiliate of a member), from contributing monetarily to any non-cash sales incentive provided by a member to its associated persons as part of the member's internal sales incentive program.

Further, the NASD is concerned that subsection 5(f) as amended by the original rule change may appear to permit the payment of compensation in a manner not permitted by the provisions of subsection 5(e). In particular, the NASD is concerned that subsection 5(f) may appear to permit members to request sponsors to reimburse their expenses related to internal non-cash sales incentive programs. As stated in the original rule filing, at page 21, the language of subsection 5(e) of Appendix F was not only intended to prohibit sponsors from directly or indirectly offering, providing or paying for non-cash compensation to members and their associated persons, but was also intended to prohibit members from directly or indirectly requiring sponsors to pay in cash for the member's internal non-cash sales incentive programs. Rather, a member is permitted to utilize any cash compensation it may receive, including a cash sales incentive, to defray the expenses of the member's internal non-cash sales incentive program.

Therefore, the NASD is proposing to amend subsection 5(f) by the addition of new introductory language and a new subprovision to clarify that any payment of cash compensation is subject to the limitations on non-cash compensation in subsection 5(e). The proposed introductory language provides that any payment in cash to a member pursuant to subsection 5(f) is subject to the limitations on direct and indirect non-cash compensation under subsection

[4] *See* SR-NASD-86-22, at 13, 16-17, 18, 21.

5(e). Further, new subprovision 5(f)(5) provides that no compensation paid in connection with an offering may be directly or indirectly related to any non-cash compensation or sales incentive items provided by a member to its associated persons. The NASD believes that the foregoing amendments will ensure that affiliated and non-affiliated sponsors may not offer and that affiliated and non-affiliated members may not request participation in or contribution to the member's internal noncash sales incentive program.

The proposed amendments to the original rule change are consistent with the underlying rationale of the rule change to ensure the member's supervisory control over its sales force and to ensure that no sponsor participates in or contributes to any member's internal program of compensation. The NASD continues to believe that with respect to a member's internal compensation program, the member has control over the suitability of the product sold by its associated persons and is in a position to exercise control over the sales practices of its associated persons where such persons are free from the influence of an outside sponsor. It is the influence of entities outside the member which has acted to undermine the ability of members to control their sales force.

Further, the NASD determined that the focus of the prohibitions contained in subsections 5(e) and 5(f) should be on members and persons associated with members, rather than on sponsors, affiliates of sponsors or programs. Therefore, the NASD proposes to amend the original rule change to clarify in subsections 5(e) and 5(f) that the prohibition on the receipt of compensation from a sponsor, affiliate of a sponsor or program is directed to members and persons associated with such members.

The NASD is also concerned that it may not be clear that subsection 5(f) as amended by the original rule change is intended to regulate compensation other than that permitted under subsection 5(e) of Appendix F, which permits persons associated with a member to receive non-cash items of compensation not in excess of $50.00 per year directly from a sponsor. Therefore, the NASD is proposing to amend subsection 5(f) to clarify that the provision is applicable to cash compensation, while Subsection 5(e) is applicable to non-cash compensation. Finally, subsection 5(f) is proposed to be amended to delete references to cash sales incentives as unnecessary, and to otherwise make minor grammatical changes.

The proposed amended rule change is consistent with the provisions of section 15A(b)(6) of the Securities Exchange Act of 1934, as the proposal will strengthen the ability of member firms to supervise their associated persons, thereby providing greater protection to the public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The amendments to the proposed original rule change are intended to address concerns regarding a potential competitive advantage afforded members affiliated with sponsors of direct participation programs and sponsors affiliated with members. The NASD continues to believe that such competitive advantage does not, in fact, exist and that the rule change presents no impact on competition which is not in furtherance of the purposes of the Securities Exchange Act of 1934, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Amended Rule Change Received From Members, Participants, or Others

No comments were requested or received with respect to the proposed amended rule change. The original rule change was proposed for comment in NASD Notice to Members 85-17 (March 15, 1985). *See* SR-NASD-86-22, at 22-27.

III. Date of Effectiveness of the Proposed Amended Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, at the above address. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by November 4, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Jonathan G. Katz,

Secretary.

Dated: October 5, 1987.

Exhibit 1—Copy of Proposed Rule Change as Originally Filed Marked To Show Amendments Filed Herein

Section 5

Organization and Offering Expenses

(e) No [sponsor, affiliate of a sponsor (other than a member dealing with persons associated with that member), or program] *member or person associated with a member* shall directly or indirectly [offer or provide] *accept any* non-cash compensation or sales incentive item[s] including, but not limited to, travel bonuses, prizes, and awards [to a member or a person associated with a member and no member or person associated with a member shall agree to accept such compensation.] *offered or provided to such member or its associated persons by any sponsor, affiliate of a sponsor or program. Notwithstanding the foregoing, a member may provide non-cash compensation or sales incentive items to its associated persons provided that no sponsor, affiliate of a sponsor or program, including specifically an affiliate of the member, directly or indirectly participates in or contributes to providing such non-cash compensation. Further,* [T]*this* section shall not prohibit [a sponsor, affiliate of a sponsor, or program from providing any sales incentive items directly to] a person associated with a member *from accepting any non-cash sales incentive item offered directly to that person by a sponsor, affiliate of a sponsor or program* where:

(1) The aggregate value of all such items paid by any sponsor or affiliate of a sponsor to each associated person during any year does not exceed $50.00;

(2) The value of all such items to be made available in connection with an offering is included as compensation to be received in connection with the offering for purposes of subsection (b) of this section; and

(3) The proposed payment or transfer of all such items is disclosed in the prospectus or similar offering document.

(f) *Subject to the limitations on direct and indirect non-cash compensation provided in subsection (e) of this section,* [N] *no* [sponsor, affiliate of a sponsor, or program shall provide compensation to a] member *shall accept any cash compensation,* [including cash sales incentives] unless all of the following conditions are satisfied:

(1) All compensation is paid directly to the member in cash and the distribution, if any, of *all* compensation [, including cash sales incentives,] to *the member's* associated persons is controlled solely by the member;

(2) The value of all [items of] compensation [, including cash sales incentives,] to be made available in connection with an offering [are] *is* included as compensation to be received in connection with the offering for purposes of subsection (b) of this section;

(3) Arrangements relating to the proposed payment of all [items of] compensation [, including cash sales incentives,] are disclosed in the prospectus or similar offering document; [and]

(4) The value of all items of compensation [, including cash sales incentives, are] *paid in connection with an offering is* reflected on the books and records of the recipient member as compensation received in connection with the offering*; and*

(5) No compensation paid in connection with an offering is directly or indirectly related to any non-cash compensation or sales incentive item provided by the member to its associated persons.

[FR Doc. 87-23699 Filed 10-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16041; File No. 812-6850]

Anchor National Life Insurance Co.; Application for Exemption

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("the Act").

Applicants: Anchor National Life Insurance Company ("Company") and American Pathway II—Separate Account of Anchor National Life Insurance Company ("Separate Account").

Relevant Sections of the Act: Order requested pursuant to section 26(b) of the Act.

Summary of Applications: Applicants seek an order to permit them to substitute shares of Anchor Pathway Fund ("Proposed Fund") for shares of the American Pathway Fund ("Present Fund") held by the Separate Account.

Filing Date: The application was filed on August 25, 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 request must be received by the SEC by 5:30 p.m., on October 28, 1987. Any interested person must request a hearing in writing, giving the nature of the interest, the reason for the request, and the issues to be contested. A person requesting a hearing must serve the Applicants with the request, either personally or by mail, and send it to the Secretary of the SEC, along the proof of service by affidavit, or, for lawyers, by certificate. Notification of the date of a hearing may be requested by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549; Anchor National Life Insurance Company, 2201 East Camelback Road, Phoenix, Arizona 85016.

FOR FURTHER INFORMATION CONTACT: Financial Analyst Denise M. Furey, (202) 272-2067 or Special Counsel Lewis B. Rich, (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available from either the SEC's Public Reference Branch in person or, for a fee, from the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicant's Representations

1. The Separate Account was established by the Company to fund deferred variable annuity contracts. The Separate Account is registered as a unit investment trust under the Act. The contracts funded in the Separate Account are registered under the Securities Act of 1933. The Separate Account is divided into five divisions, each of which invests its assets in the shares of a designated series of the Present Fund. The Present Fund is organized as a Massachusetts business trust and is registered under the Act as a diversified, open-end management investment company. It is advised by Capital Research and Management Company ("Capital").

2. It is proposed that shares of the Proposed Fund be substituted for shares of the Present Fund. The Proposed Fund is organized as a Massachusetts business trust, and is registered under the Act as a diversified, open-end management investment company. The Proposed Fund consists of five series with the same investment objectives, policies and restricitons as the series of the Present Fund. Capital will serve as the adviser and Anchor Investment Adviser, Inc., a subsidiary of the Company, will administer the business affairs of the Proposed Fund.

3. Applicants state that the creation of the Proposed Fund is in keeping with a formal Agreement of Settlement and Mutual Release ("Agreement") disposing of a dispute between Applicants and Capital with respect to a proposal to offer shares of the Present Fund to variable annuity and variable life separate accounts of both affiliated ("mixed funding") and unaffiliated ("shared funding") life insurance companies.

Under the terms of the Agreement, the parties agreed that the Company would establish the Proposed Fund, which would serve as the underlying investment medium solely for the insurance products of Anchor National and that SEC approval would be sought to substitute shares of the Proposed Fund for shares of the Present Fund.

4. Applicants represent that investment in shares of the Present Fund is no longer appropriate in view of the purpose of the Separate Account.

5. Applicants that the fees and charges will be the same under the proposed arrangement as existed in regard to the Present Fund prior to the proposed substitution.

6. Applicants represent that the rationale for effecting the substitution is to avoid the potential conflicts of interest inherent in shared funding arrangements and therefore such substitution is not contrary to the interests of Anchor National contractowners.

7. Applicants represent that the substitution of Proposed Fund shares for Present Fund shares represents a negotiated settlement of a dispute between the parties which has been acknowledged by all such parties.

Applicants represent that the proposed substitution would be consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

Dated: October 8, 1987.

[FR Doc. 87-23766 Filed 10-13-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-17302]

Citicorp; Application and Opportunity for Hearing

October 6, 1987.

Notice is hereby given that Citicorp (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York (the "Trust Company" or the "Trustee") under four existing indentures, and two pooling and servicing agreements each dated May 1, 1987, under which certificates evidencing interests in a pool of mortgage loans have been issued, are 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 the Trust Company from acting as Trustee under any of such indentures or agreements. Section 310(b) of this 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 ninety days after ascertaining that it has such a conflicting interest, either eliminate the conflicting interest or resign.

Subsection (1) of section 310(b) provides, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under which securities of an obligor upon the indenture securities are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of the subsection another indenture under which the other securities of the same obligor are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under both the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interst or for the protection of investors to disqualify such trustee from acting as trustee under such other indenture. The Applicant alleges that:

(1) The Trust Company currently is acting as Trustee under four indentures under which the Applicant is the obligor. The Indenture dated February 15, 1972 involved the issuance of Floating Rate Notes due 1989; the Indenture dated March 15, 1977 involved the issuance of various series of unsecured and unsubordinated Notes; the Indenture dated August 25, 1977 involved the issuance of Rising-Rate Notes, Series A; and the Indenture dated April 21, 1980 involved the issuance of various series of unsecured and unsubordinated Notes. Said indentures were filed as, respectively, Exhibits 4(a), 2(b), and 2(a) to Applicant's respective Registration Statements Nos. 2-42915, 2-58355, 2-59396 and 2-64862 filed under the Securities Act of 1933, and have been qualified under the Trust Indenture Act of 1939. The four indentures are hereinafter called the "Indentures" and the Securities issued pursuant to the Indentures are hereinafter called the "Notes."

(2) The Applicant is not in default in any respect under the Indentures or under any other existing indenture.

(3) On May 26, 1987, the Trust Company entered into a Pooling and Servicing Agreement dated May 1, 1987 (the "1987-3 Agreement") with Citicorp Mortgage Securities, Inc. ("CMSI"), Packager and Servicer, and Citicorp Homeowners, Inc., under which there were issued on May 26, 1987 Mortgage Pass-Through Citicertificates Series 1987-3 9.00% Pass-Through Rate (the "Series 1987-3 Certificates"), which evidence fractional undivided interest in a pool of conventional one-to-four-family mortgage loans (the "1987-3 Mortgage Pool") originated and serviced by Citibank, N.A. and having adjusted principal balance aggregating $77,982,439.31 at the close of business on May 1, 1987, which mortgage loans were assigned to the Trust Conpany as Trustee simultaneously with the issuance of the Series 1987-3 Certificates. On May 26, 1987, Applicant, the parent of CMSI, entered into a guaranty of even date (the "1987-3 Guaranty") pursuant to which Applicant agreed, for the benefit of the holders of the Series 1987-3 Certificates, to be liable for 7.75% of the initial aggregate principal balance of the 1987-3 Mortgage Pool and for lesser amounts in later years pursuant to the provisions of the 1987-3 Guaranty. The 1987-3 states that Applicant's obligations thereunder rank *pari passu* with all unsecured and unsubordinated indebtedness of Applicant, and accordingly, in enforced against Applicant, the 1987-3 Guaranty would rank on a parity with the obligations evidenced by the Notes. The Series 1987-3 Certificates were registered under the Securities Act of 1933 (Registration Statements on Forms S-11 and S-3, File No. 33-123788) as part of a delayed or continuous offering of $2,000,000,000 aggregate amount of Mortgage Pass-Through Certificates pursuant to Rule 415 under the 1933 Act. The Series 1987-3 Certificates were offered by a prospectus supplement dated May 8, 1987, supplemental to a prospectus dated May 8, 1986. The 1987-3 Agreement has not been qualified under the Trust Indenture Act of 1939.

(4) On May 26, 1987, the Trust Company entered into a Pooling and Servicing Agreement dated May 1, 1987 the "1987-4 Agreement") with CMSI, Packager and Servicer, and Citicorp Homeowners, Inc., under which there were issued on May 26, 1987 Mortgage Pass-through Citi-Certificates, Series 1987-4 9.00% Pass-Through Rate (the Series 1987-4 Certificates"), which evidence fractional undivided interests in a pool of conventional one-to-four-family mortgage loans (the "1987-4 Mortgage Pool") originated and serviced by Citibank, N.A. and have adjusted principal balances aggregating $102,405,896.20 at the close of business on May 1, 1987. On May 26, 1987, Applicant entered into a guaranty of even date (the "1987-4 Guaranty") pursuant to which Applicant agreed, for the benefit of the holders of the Series 1987-4 Certificates, to be liable for 7.00% of initial aggregate principal balance of the 1987-4 Mortgage Pool and for lesser amounts in later years pursuant to the provisions of the 1987-4 Guaranty. The 1987-4 Guaranty states that Applicant's obligations thereunder rank *pari passu* with all unsecured and unsubordinated indebtedness of Applicant, and accordingly, if enforced against Applicant, the 1987-4 Guaranty would rank on a parity with the obligations evidenced by the Notes. The 1987-4 Certificates were registered under the Securities Act of 1933 (Registration Statements on Forms S-11 and S-3, File No. 33-12788) as part of a delayed or continuous offering of $2,000,000,000 aggregate amount of Mortgage Pass-Through CitiCertificates pursuant to Rule 415 under the Act. The Series 1987-4 Certificates were offered by a prospectus supplement dated March 8, 1987 supplemental to a prospectus dated May 8, 1987. The 1987-4 Agreement has not been qualified under the Trust Indenture Act of 1939. The 1987-3 Agreement and the 1987-4 Agreement are hereinafter called the "1987 Agreements" and the 1987-3 Guaranty and the 1987-4 Guaranty are hereinafter called the "1987 Guarantees."

(5) The obligations of Applicant under the Indentures and the 1987 Guarantees are wholly unsecured, are unsorbinated and rank *pari passu*. Any differences that exist between the provisions of the Indentures and the 1987 Guarantees are unlikely to cause any conflict of interest in the trusteeship of the Trust Company under the Indentures and 1987 Agreements.

(6) The Applicant has waived notice of hearing, hearing, and any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice in connection with this matter.

For a more detailed statement of the matter of fact and law asserted, all persons are referred to said application, File No. 22-17302, which is a public document on file in the Commission's Public Reference Section, 450 5th Street, NW., Washington, DC 20549.

Notice is further given that an interested person may, not later than November 1, 1987, request in writing that a hearing be held on such matter, stating the nature of the interest, the reasons for such request, and the issues of law or fact raised by said application that are controverted or request notification if the Commission should order such a hearing.

Any such request should be addressed: Secretary, Securities and Exchange Commission, 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. 87-23698 Filed 10-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16035; File No. 811-3798]

Providentmutual Variable Life Bond Account; Application

October 6, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an order pursuant to section 8(f) of the Investment Company Act of 1940 (the "1940 Act") declaring that Applicant has ceased to be an investment company.

Applicant: Providentmutual Variable Life Bond Account.

Relevant 1940 Act Sections: Order requested under section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: August 19, 1987.

Hearing or Notification of Hearing: If no hearing is ordered the application will be granted. Any interested person may request a hearing on the 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 November 2, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the applicant with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. Request notifications of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Provident Mutual Variable Life Bond Account, 1600 Market Street, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Ulness, Attorney, at (202) 272-2026 or Lewis B. Reich, Special Counsel, at (202) 272-2061

Summary 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. Applicant states that on July 8, 1983, it registered under the Act on Form N-8A, and filed a registration statement on Form N-1 pursuant to section 8(b) of the Act. Applicant was a separate account formed to serve as a funding vehicle for certain scheduled premium variable life insurance policies issued by Providentmutual Variable Life Insurance Company ("PVLICO").

2. Pursuant to an Agreement and Plan of Reorganization ("Plan"), on December 12, 1985, Applicant ceased to function as a diversified management investment company and was converted to unit investment trust ("Bond Account"). Applicant, Providentmutual Variable Life Growth Account, and Providentmutual Variable Life Money Market Account (the "Accounts") were registered with the Commission as a single unit investment trust. In accordance with the Plan, PVLICO, acting on behalf of Applicant, transferred all of Applicant's assets to the Market Street Fund, Inc. (the "Fund"), in exchange for shares of the Fund's Bond Portfolio. PVLICO then recorded and held on its records the shares received issued by the Fund's Bond Portfolio as assets of the Bond Account. Thus, the policyowners' interest in the Bond Account was equivalent to their interest in Applicant prior to its reorganization.

3. The number of shares of the Fund's Bond Portfolio received by PVLICO was determined by dividing the value of the net assets of the Applicant on close of business on the first business day preceding the reorganization by the net asset value per share of the Bond Portfolio ($10.00). Accordingly, the assets of Applicant were exchanged for an aggregate of 44,622,703 shares of the Bond Portfolio, having a total value of $446,227.03.

4. Applicant represents that it has no security holders and is not now engaged in, nor does it propose to engage in, any business activities and has ceased to function as a diversified management investment company. However, the Bond Account, into which applicant was converted, does continue to act as an investment company as part of a registered unit investment trust. Applicant further represents that it has retained no assets, no debts or other liabilities, and it is not a party to any litigation or administrative proceedings.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-23693 Filed 10-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16034; File No. 811-3797]

Providentmutual Variable Life Money Market Account; Application

October 6, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an order pursuant to section 8(f) of the Investment Company Act of 1940 (the "1940 Act") declaring that Applicant has ceased to be an investment Company.

Applicant: Providentmutual Variable Life Money Market account.

Relevant 1940 Act Sections: Order requested under section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: August 19, 1987.

Hearing or Notification of Hearing: If no hearing is ordered the application

will be granted. Any interested person may request a hearing on the 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 November 2, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the applicant with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. Request notifications of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Provident Mutual Variable Life Money Market Account, 1600 Market Street, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Ulness, Attorney, at (2020 272-2026 or Lewis B. Reich, Special Counsel, at (202) 272-2061.

Summary 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. Applicant states that on July 8, 1983, it registered under the Act on Form N-8A, and filed a registration statement on Form N-1 pursuant to section 8(b) of the Act. Applicant was a separate account formed to serve as a funding vehicle for certain scheduled premium variable life insurance policies issued by Providentmutual Variable Life Insurance Company ("PVLICO").

2. Pursuant to an Agreement and Plan of Reorganization ("Plan"), on December 12, 1985, Applicant ceased to function as a diversified management investment company and was converted to unit investment trust ("Money Market Account"). Applicant, Providentmutual Variable Life Growth Account, and Providentmutual Variable Life Bond Account (the "Accounts") were registered with the Commission as a single unit investment trust. In accordance with the Plan, PVLICO, acting on behalf of Applicant, transferred all of Applicant's assets to the Market Street Fund, Inc. (the "Fund"), in exchange for shares of the Fund's Money Market Portfolio. PVLICO then recorded and held on its records the shares received issued by the Fund's Money Market Portfolio as assets of the Money Market Account. Thus, the policyowners' interest in the Money Market Account was equivalent to their interest in Applicant prior to its reorganization.

3. The number of shares of the Fund's Money Market Portfolio received by PVLICO was determined by deviding the value of the net assets of the Applicant on close of business on the first business day proceeding the reorganization by the net asset value per share of the Bond Portfolio ($1.00). Accordingly, the assets of Applicant were exchanged for an aggregate of 2,188,537.40 shares of the Money Market Portfolio, having a total value of $2,188,537.40.

4. Applicant represents that it has no securityholders and is not now engaged in, nor does it propose to engage in, any business activities and has ceased to function as a diversified management investment company. However, the Money Market Account, into which applicant was converted, does continue to act as an investment company as part of a registered unit investment trust. Applicant further represents that it has retained no assets, no debts or other liabilities, and it is not a party to any litigation or administrative proceedings.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-23700 Filed 10-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16036; (811-2732)]

Short-Term Yield Securities, Inc.; Application

October 6, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for De-Registration under the Investment Company Act of 1940 ("1940 Act").

Applicant: Short-Term Yield Securities, Inc.

Relevant 1940 Act Sections: Application filed pursuant to section 8(f).

Summary of Application: Applicant requests an order declaring that it has ceased to be an investment company under the 1940 Act.

Filing Date: The application was filed on August 12, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on November 2, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549; Applicant, Eleven Greenway Plaza, Suite 1919, Houston, TX 77046.

FOR FURTHER INFORMATION CONTACT: Thomas Mira, Staff Attorney, (202) 272-3033, or Brion R. Thompson, Special Counsel, (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The 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 commerical copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is an open-end, diversified management investment company registered under the 1940 Act. Organized under the laws of the State of Maryland, Applicant filed its Notification of Registration on Form N-8A and its registration statement pursuant to section 8(b) of the 1940 Act on February 25, 1977. Applicant also filed a registration statement under the Securities Act of 1933, which was declared effective on May 25, 1978, and an initial public offering of Applicant's stock commenced on May 25, 1978.

2. Applicant's Board of Directors resolved on May 16, 1987, to approve Applicant's Plan of Liquidation and Dissolution, which in turn was approved by Applicant's shareholders on June 30, 1987. Subsequently, a distribution was made to its shareholders of the Applicant's remaining assets after payment of all costs and expenses associated with the winding up of Applicant's affairs.

3. There was thirty-four shareholders to whom checks were mailed in complete liquidation of their interests at their address of record whose whereabouts Applicant could not ascertain after diligent efforts. Those checks which were returned unclaimed remain with Applicant's transfer agent in its outstanding check file and will remain there during the applicable escheatment period.

4. Applicant has no assets, no outstanding debt, and is not a party to any litigation or administrative proceeding. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, and is not now engaged, nor does it propose to engage, in any business activity other than that necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-23701 Filed 10-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16038; 811-4241]

Thomson McKinnon Global Trust; Application

October 6, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Thomson McKinnon Global Trust ("Applicant").

Relevant 1940 Act Section: Section 8(f) and Rule 8f-1 thereunder.

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application on Form N-8F was filled on June 30, 1987 and amended on October 6, 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 November 2, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549 Applicant, One New York Plaza, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Paul J. Heaney, Financial Analyst, (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 on Form N-8F is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who may be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant registered under the 1940 Act on February 27, 1985 as a diversified, open-end management investment company and was initially named the Thomson McKinnon Government Securities Fund. Thomson McKinnon Global Fund (the "Fund") is the sole series of Applicant.

2. Applicant is a voluntary association with transferable shares, organized and existing under and by virtue of the laws of The Commonwealth of Massachusetts.

3. Applicant sold all of the Fund's assets to the Thomson McKinnon Global Fund series (the "Series") of Thomson McKinnon Investment Trust, a Massachusetts business trust ("TMIT") pursuant to an Agreement and Plan of Reorganization dated July 31, 1986 (the "Plan"). Each share of the Fund was converted into one share of the Series. A total of 8,434,070.644 shares of the Series having a total net asset value of $103,781,970 ($12.31 per share) were issued to the Fund's shareholders pursuant to the Plan adopted on July 31, 1986 by Applicant's then sole shareholder.

4. Applicant has no outstanding assets or liabilities. Applicant, to the best of its knowledge, is not a party to any litigation or administrative proceeding.

5. Applicant is not engaged, nor does it propose to engage, in any business activities other than those necessary to wind up its affairs. Applicant will file a Notice of Termination of Trust with the Secretary of State of The Commonwealth of Massachusetts.

6. Applicant has no security holders. There are no former security holders to whom disbursements in complete liquidation of their interests in Applicant have not been made.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-23702 Filed 10-13-87; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Increase in the Level of Permissible Imports of Certain Articles From the European Community

AGENCY: Office of the United States Trade Representative.

SUMMARY: This notice increases the level of permissible imports for 1987 and subsequent years of certain articles the product of member countries of the European Community (EC) that are subject to limitation under Presidential Proclamation 5478 of May 15, 1986.

EFFECTIVE DATE: October 14, 1987.

FOR FURTHER INFORMATION CONTACT: Laura Kneale, ((202) 395-3074) or John C. Kingery, ((202) 395-6800), Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506.

SUPPLEMENTARY INFORMATION: On May 15, 1986, the President determined pursuant to section 301(a) of the Trade Act of 1974, that certain restrictions imposed by the EC on imports of grain and oilseeds deny benefits to the United States under the General Agreement on Tariffs and Trade (GATT), are unreasonable and constitute a burden or restriction on U.S. commerce. In Proclamation 5478 (51 FR 18294), the President proclaimed quantitative restrictions on imports into the United States of specified articles the product of any member country of the EC, effective May 19, 1986. In that proclamation, the President authorized the United States Trade Representative (USTR) to suspend, modify or terminate any of the quantitative restrictions upon publication in the **Federal Register** of the USTR's determination that such action is justified by actions of the EC or is otherwise appropriate.

The intent of the U.S. quantitative restrictions is to have an effect on EC trade comparable to the EC's restrictions imposed on imports following Portugal's entry into the EC. The EC has not been willing to remove or significantly ease its restrictions with respect to oilseeds. However, pursuant to negotiations under Article XXIV(6) of the GATT, the EC agreed on January 30, 1987, not to apply quantitative restrictions respecting grain imports into Portugal. The EC has also adjusted the level of the EC quotas on soybean oil consumption in a manner that alleviates the immediate risk of damage to U.S. export interests from these measures in 1987.

In response to these actions of the EC, it is appropriate to adjust the level of U.S. restrictions in order to avoid a more

damaging effect on EC trade than is warranted by the current operation of the EC restrictions in Portugal.

Action

Pursuant to the authority delegated to me in Proclamation 5478 of May 15, 1986, I have determined that a modification of the quantitative restrictions provided for in that proclamation is justified by actions taken by the EC with respect to this matter and is otherwise appropriate, taking into account the interests of the United States.

Accordingly, for calendar year 1987 and any subsequent calendar year, the level of permissible imports under the quantitative restrictions provided for in items 946.08 through 946.13, inclusive, of Subpart B of Part 2 of the Appendix to the Tariff Schedules of the United States (TSUS), is increased, and effective on the date of publication of this notice and determination in the **Federal Register**, the quantities specified in those TSUS items are modified to read as follows:

946.08	Chocolate, sweetened, in bars or blocks weighing 10 pounds or more each (provided for in item 156.25, Part 10A, schedule 1).	14,128 thousand lbs.
946.09	Candy, and other confectionery, not specifically provided for (provided for in item 157.10, Part 10C, schedule 1).	235,287 thousand lbs.
946.10	Apple or pear juice, not mixed and not containing over 1.0 percent of ethyl alcohol by volume (provided for in item 165.15, Part 12A, schedule 1).	140,339 thousand gals.
	Ale, porter, stout and beer:	
946.11	In containers other than glass each holding not over 1 gallon (provided for in item 167.05, Part 12C, schedule 1).	4,766 thousand gals.
946.12	In containers each holding over 1 gallon (provided for in item 167.05, Part 12C, schedule 1).	14,218 thousand gals.
946.13	White still wines produced from grapes, containing not over 14 percent of alcohol by volume, in containers each holding not over 1 gallon, valued over $4 per gallon (provided for in item 167.30, Part 12C, schedule 1).	48,369 thousand gals.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 87-23674 Filed 10-13-87; 8:45 am]

BILLING CODE 3190-01-M

Trade Policy Staff Committee; Generalized System of Preferences (GSP) Subcommittee Notice of Withdrawal of Petition Under the 1987 Annual Review

This publication provides notice that the Ullman Company has withdrawn their petition (Case numbers 87-51 and 52 and 87-HS-33 and 34) concerning TSUS items 772.06 and 772.09 and proposed Harmonized System subheadings 3924.10.20 and 3924.10.30 from consideration. These cases were being considered in the 1987 Annual Review of the GSP. The TPSC had formally initiated the review of these cases in a notice of August 4, 1987 (52 FR 28896). The GSP is provided for in the Trade Act of 1974, as amended (19 U.S.C. 2461-2465).

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 87-23790 Filed 10-13-87; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Center Advisory Committee to be he held Monday, November 16, 1987, at 5:30 p.m. at the Hyatt Regency Miami, 400 SE 2nd Avenue, Tuttle Room South, Miami, FL 33131. The agenda for the meeting is as follows:

—Overview of the OSDBU Short-term Loan and Bonding Assistance Programs

—The Historically Black Colleges and Universities Business Management Skills Training Program

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Josie Graziadio, Office of Small and Disadvantaged Business Utilization, 400 7th Street, SW., Washington, DC 20590, telephone (202) 366-1930. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on October 7, 1987.

Amparo B. Bouchey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 87-23746 Filed 10-13-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 163, Unintentional or Simultaneous Transmissions that Adversely Affect Two-Way Radio Communications, 3rd Meeting to Take Place on November 5-6, 1987

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of RTCA Special Committee 163 on Unintentional of Simultaneous Transmissions that Adversely Affect Two-Way Radio Communications to be held on July 21-22, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of Second Meeting Minutes; (3) Review Task Assignments; (4) Review Section 1.0 of the MOPS; (5)

Further Development of the MOPS; (6) Develop Committee Work Programs and Schedules; (7) Assignment of Tasks; (8) Other Business; and (9) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statments at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 7, 1988.

Herbert P. Goldstein,

Designated Officer.

[FR Doc. 87-23685 Filed 10-13-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: October 7, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0130.

Form Number: IRS Form 1120S and Schedule D (Form 1120S).

Type of Review: Resubmission.

Title: Capital Gains and Losses and Built-In Gains.

Description: Form 1120S and Schedule D (Form 1120S) are used by an S Corporation to figure its tax liability and income and other tax-related information to pass through to its shareholders.

Respondents: Farms, Businesses or other for-profit, Small businesses or organizations.

Estimated Burden: 10,239,435 hours.

OMB Number: 1545-1008.

Form Number: IRS Form 8582.

Type of Review: Resubmission.

Title: Passive Activity Loss Limitations.

Description: Under section 469, losses from passive activities, to the extent that they exceed income from passive activities, cannot be deducted against nonpassive income. Form 8582 is used to figure the activity loss allowed and the loss to be reported on the tax return. The worksheets 1 and 2 in the instructions are used to figure the amount to be entered on lines 1 and 2 of Form 8582 and worksheet 3 through 6 are used to allocate the loss allowed back to individual activities.

Respondents: Individuals or households, Farms, Businesses or other for-profit.

Estimated Burden: 18,285,326 hours

Clearance Officer: Garrick Shear, (202) 535-4297 Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Managament and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 87-23691 Filed 10-13-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: October 7, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0068.

Form Number: 2441.

Type of Review: Resubmission.

Title: Credit for Child and Dependent Care Expenses.

Description: Internal Revenue Code section 21 allows a credit for certain child and dependent care expenses to be claimed on Form 1040. The information on Form 2441 is used to help verify that the credit is properly figured.

Respondents: Individuals or households.

Estimated Burden: 1,120,487 hours.

OMB Number: 1545-0687.

Form Number: 990-T.

Type of Review: Resubmission.

Title: Exempt Organization Business Income Tax Return.

Description: Form 990-T is needed to compute the section 511 tax on unrelated business income of a charitable organization. IRS uses the information to enforce the tax.

Respondents: Non-profit institutions.

Estimated Burden: 293,756 hours.

Clearance Officer: Garrick Shear, (202) 535-4297, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 87-23692 Filed 10-13-87; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 198
Wednesday, October 14, 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).

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES, INSTITUTE OF MUSEUM SERVICES

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government in the Sunshine Act (Pub. L. No. 94-409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME AND DATE: 10:00 a.m., Wednesday, October 21, 1987.

STATUS: Open.

ADDRESS: 1100 Pennsylvania Avenue, NW., Room MO-9, Washington, DC 20506 (202) 786-0536.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Forbes, Executive Assistant to the National Museum Services Board, Room 510, 1100 Pennsylvania Avenue NW., Washington, DC 20506, (202) 786-0536.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under the Museum Services Act, Title LL of the Arts, Humanities, and Cultural Affairs Act of 1976, Pub. L. 94-462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities invested in the Institute under this Title. Grants are awarded by the Institute of Museum Services after review by the Board. If you need special accommodations due to a disability, please contact Institute of Museum Services, 1100 Pennsylvania Avenue NW., Washington, DC, (202) 786-0536, TDD (202) 682-5496 at least seven (7) days prior to the meeting.

National Museum Services Board

October 21, 1987 Meeting Agenda

I. Approval of Minutes of July 17, 1987 Meeting
II. Director's Report
III. Legislative and Regulatory Update
IV. Other Business
V. Program Report
  A. Museum Assessment Program
  B. Conservation Support Program
  C. General Operating Support
VI. Discussion of Peer Review Process

Dated: October 8, 1987.

Lois Burke Shepard,

Director.

[FR Doc. 87-23780 Filed 10-9-87; 10:09 am]

BILLING CODE 7036-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 12, 19, 26, and November 2, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of October 12

Friday, October 16

9:30 a.m.
  Discussion of Pending Investigations (Closed—Ex. 5 & 7)
10:00 a.m.
  Briefing on Status of Rancho Seco (Public Meeting)
11:30 a.m.
  Affirmation/Discussion and Vote (Public Meeting)
  a. Final Rulemaking "Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues" (Tentative)
  b. Commission Review of ALAB-832 (Shoreham) (Tentative)

Week of October 19—Tentative

Wednesday, October 21

10:00 a.m.
  Briefing on Status of Unresolved Safety/Generic Issues (Public Meeting)
2:00 p.m.
  Briefing on the Federally Funded Research Development Center (FFRDC) (Public Meeting)

Thursday, October 22

10:00 a.m.
  Briefing on Emergency Planning Rule (Public Meeting)
3:30 p.m.
  Affirmative/Discussion and Vote (Public Meeting) (if needed)

Week of October 26—Tentative

Wednesday, October 28

2:00 p.m.
  Discussion/Possible Vote on Full Power Operating License for Palo Verde-3 (Public Meeting)

Thursday, October 29

3:30 p.m.
  Affirmative/Discussion and Vote (Public Meeting) (if needed)

Week of November 2

Tuesday, November 3

10:00 a.m.
  Briefing on the Status of High Level Waste Issues (Public Meeting)

Wednesday, November 4

2:30 p.m.
  Briefing on Integrated Safety Assessment Program (ISAP) (Public Meeting)

Thursday, November 5

2:00 p.m.
  Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
  Affirmative/Discussion and Vote (Public Meeting) (if needed)

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Andrew Bates, (202) 634-1410.

Andrew L. Bates,

Office of the Secretary.

October 9, 1987.

[FR Doc. 87-23875 Filed 10-9-87; 3:49 am]

BILLING CODE 7590-01-M

Corrections

Federal Register
Vol. 52, No. 198
Wednesday, October 14, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Low-Level Radioactive Waste; Procedures for Submitting Documentation and Guidelines for Evaluating State and Regional Compliance With the January 1, 1988, Milestone

Correction

In notice document 87-22427 beginning on page 36540 in the issue of Tuesday, September 29, 1987, make the following corrections:

1. On page 36542, in the second column, in the third complete paragraph, in the fourth line, "compact" was misspelled.

2. On the same page, in the third column, in the first line, "*Evaluation*" should read "*Evaluating*".

3. On the same page, in the same column, in the second complete paragraph, in the eighth line, after "legal" insert "basis for identifying that State, or (2) the site developer, site to be developed, and the legal"

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 233

Aid to Families With Dependent Children; Essential Persons

Correction

In proposed rule document 87-22769 beginning on page 37183 in the issue of Monday, October 5, 1987, make the following correction:

On page 37183, in the second column, in the second complete paragraph, in the fifth and sixth lines, remove the words "The definition and categories of essential persons."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 85N-0223]

Obstetrical and Gynecological Devices; Effective Date of Requirement for Premarket Approval; Contraceptive Tubal Occlusion Device (TOD) and Introducer

Correction

In rule document 87-22651 beginning on page 36882 in the issue of Thursday, October 1, 1987, make the following corrections:

1. On page 36882, in the first column, in the last line, "515(b)(2)(H)" should read "515(b)(2)(A)."

2. On the same page, in the third column, in the third complete paragraph, in the 10th line, "515(d)(3)" should read "515(b)(3)."

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-943-07-4220-10; A-22923]

Proposed Withdrawal of Federal Land; Opportunity for Public Meeting

Correction

In notice document 87-20227 beginning on page 33297 in the issue of Wednesday, September 2, 1987, make the following corrections:

1. On page 33298, under T.6 S., R.3 W., "Sec. 14, all" should read "Sec. 14, E½."

2. Also under T.6 S., R.3 W., "Sec. 23, all" should read "Sec. 23, E½."

3. In the same column, under T.7 S., R.1 W., in Sec. 6, the second entry reading "SE¼NE¼" should read "SE¼NW¼."

4. Also under T.7 S., R.1 W., the ninth line reading "Sec. 7, all," should be removed.

BILLING CODE 1505-01-D

federal register

Wednesday
October 14, 1987

Part II

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Urban Development Action Grants; Revised Minimum Standards for Large Cities and Urban Counties; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-87-1726; FR-2401]

Urban Development Action Grants; Revised Minimum Standards for Large Cities and Urban Counties

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR 570.452(b)(1), the Department is providing Notice of the most current minimum standards of physical and economic distress for large cities (metropolitan cities and other cities over 50,000 population), and urban counties for the Urban Development Action Grant (UDAG) program.

This Notice supersedes the Notice published on February 13, 1986 (51 FR 5413).

The minimum standards of distress have changed primarily as a result of applying new data from the Bureau of the Census, the Bureau of Labor Statistics, and the Employment Training Administraton of the Department of Labor.

The Notice contains three lists: The first list identifies all those cities and urban counties which qualify as distressed communities based upon the new minimum standards. The second list identifies those cities and urban counties which did not qualify when the February 13, 1986 list was published but which do qualify now. The third list identifies those cities and urban counties which were classified as distressed on the February 13, 1986 list, but which no longer qualify under the new minimum standards.

EFFECTIVE DATE: October 2, 1987.

FOR FURTHER INFORMATION CONTACT: Jean Samuels, Office of Urban Development Action Grants, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Telephone: 202/755-6784. For information on minimum distress standards or the data used to determine whether a community qualifies as distressed contact: Larry Blume, Telephone: 202/755-7390.

SUPPLEMENTARY INFORMATION: On February 13, 1986 we published a Notice that provided the minimum standards of physical and economic distress which were applicable up to the effective date of this Notice for large cities and urban counties.

Part I of this Notice specifies the new minimum standards of physical and economic distress. Part II contains a revised list of all the large cities and urban counties which meet the new standards. Part III lists those large cities and urban counties which, based upon the new minimum standards, appear on the list in Part II, but did not qualify when the February 13, 1986 list was published. Part IV is a list of those cities which were classified as distressed on the February 13, 1986 list, but which no longer qualify under the new minimum standards. These cities listed in Part IV have a specified period of time during which they may submit UDAG applications.

The seven minimum standards of distress have been changed as a result of new data from the Bureau of the Census, the Employment Training Administration, and the Bureau of Labor Statistics. The data cover units of government incorporated through June, 1986. The updated Census data are 1984 population, 1983 per capita income, 1980 housing and poverty (adjusted for boundary changes through 1983), and retail and manufacturing jobs created from 1977 to 1982. The previous Census data were 1982 population, 1981 per capita income, 1980 housing and poverty (reflecting boundary changes through 1982), and 1977-1982 retail and manufacturing jobs. The Bureau of Labor Statistics data are updated from 1984 unemployment rates to 1986 unemployment rates. The updated data from the Employment and Training Administration are Labor Surplus Areas designated as of April 1, 1987. The specified unemployment rate for the 1984—1985 period is 9 percent. A list of eligible labor surplus areas was published in the **Federal Register** on March 26, 1987 (52 FR 9727). The previous Labor Surplus Areas were designated as of October 1, 1984.

1. A large city or urban county must pass three minimum standards of physical and economic distress, except if the percentage of poverty is less than half the minimum standard identified in paragraph 1.F. below, then the city or urban county must pass four standards. The minimum standards of distress for age of housing, per capita income change, population growth lag/decline, unemployment, job lag/decline, and poverty are based on the median for all large cities. The minimum standards of distress for Labor Surplus Area is based on the national average unemployment rate over a two year period. The most current minimum standards of physical and economic distress are:

A. *Age of Housing.* At least 20.2 percent of the applicant's year-round housing units must have been constructed prior to 1940, based on the 1980 U.S. Census data, in order to meet this minimum standard;

B. *Per Capita Income Change.* The net increase in per capita income for the period of 1969-1983 must have been $6,203 or less, based on Census Bureau data, in order to meet this minimum standard;

C. *Population Growth Lag/Decline.* For the period 1960-1984 the percentage rate of population growth (based on corporate boundaries) in 1960 and as of 1984 must have been 25.3 percent or less, based on Census Bureau data, in order to meet this minimum standard;

D. *Unemployment.* The average rate of unemployment for 1986 must have been 6.5 percent of greater, based on data compiled by the Bureau of Labor Statistics, in order to meet this minimum standard;

E. *Job Lag/Decline.* The rate of growth in retail and manufacturing employment for the period 1977-1982 must have increased by 3.3 percent or less, based on Census Bureau data, in order to meet this minimum standard. If data are not available for both retail and manufacturing employment, the percentage used will be the median for either retail employment (8.5 percent) or manufacturing employment (0.0 percent), based upon the data available. If neither data source is available, this standard will not be considered.

F. *Poverty.* The percentage of persons within the applicant's jurisdiction at or below the poverty level must be 12.3 percent or more, based on the 1980 Census Bureau data, in order to meet this minimum standard;

G. *Labor Surplus Area.* The city or urban county must be at least partially within an area which meets the criteria for designation as a Labor Surplus Area as of April 1, 1987. These areas include cities with populations of 25,000 or more, counties, or county balances with an unemployment rate of 9 percent for calendar years 1984-1985.

II. A. The following cities and urban counties meet the current minimum standards of physical and economic distress:

State and Place

AL	Anniston	AR	Jacksonville
AL	Bessemer	AR	Pine Bluff
AL	Birmingham	AR	Texarkana
AL	Dothan	AR	West Memphis
AL	Florence	CA	Alhambra
AL	Gadsden	CA	Baldwin Park
AL	Mobile	CA	Bellflower
AL	Montgomery	CA	Berkeley
AL	Tuscaloosa	CA	Chico
AR	Fort Smith	CA	Compton

CA El Monte
CA Fresno
CA Huntington Park
CA Inglewood
CA Lodi
CA Lompoc
CA Long Beach
CA Los Angeles
CA Lynwood
CA Merced
CA Modesto
CA National City
CA Norwalk
CA Oakland
CA Oxnard
CA Pasadena
CA Pico Rivera
CA Pomona
CA Porterville
CA Richmond
CA Sacramento
CA Salinas
CA San Bernadino
CA San Francisco
CA Santa Cruz
CA Santa Maria
CA Seaside
CA South Gate
CA Stockton
CA Tulare
CA Turlock
CA Visalia
CA Woodland
CA Yuba
CA Fresno County
CA Kern County
CA San Joaquin County
CO Denver
CO Greeley
CO Pueblo
CT Bridgeport
CT Hartford
CT Moriden
CT New Britain
CT New Haven
CT New London
CT Norwich
CT Waterbury
DE Wilmington
DC Washington
FL Bradenton
FL Cocoa
FL Fort Pierce
FL Hialeah
FL Lakeland
FL Miami
FL Miami Beach
FL Panama City
FL Pensacola
FL Tampa
FL Titusville
FL West Palm Beach
FL Winterhaven
FL Polk County
GA Albany
GA Athens
GA Atlanta
GA Augusta
GA Columbus
GA Macon
GA Savannah
HI Hawaii County
IL Alton
IL Aurora
IL Belleville
IL Berwyn
IL Champaign
IL Chicago
IL Chicago Heights
IL Cicero
IL Decatur
IL East St. Louis
IL Elgin
IL Evanston
IL Granite City
IL Joliet
IL Kankakee
IL Moline
IL North Chicago
IL Perkin
IL Peoria
IL Rantoul
IL Rockford
IL Rock Island
IL Springfield
IL Urbana
IL Waukegan
IL Madison County
IL St. Clair County
IN Anderson
IN Bloomington
IN East Chicago
IN Elkhart
IN Evansville
IN Fort Wayne
IN Gary
IN Hammon
IN Indianapolis
IN Kokomo
IN Lafayette
IN Mishawaka
IN Muncie
IN New Albany
IN South Bend
IN Terre Haute
IA Cedar Falls
IA Cedar Rapids
IA Council Bluffs
IA Davenport
IA Des Moines
IA Dubuque
IA Sioux City
IA Waterloo
KS Kansas City
KS Lawrence
KS Leavenworth
KY Ashland
KY Covington
KY Hopkinsville
KY Louisville
KY Owensboro
KY Jefferson County
LA Alexandria
LA Baton Rouge
LA Houma
LA Lafayette
LA Lake Charles
LA Monroe
LA New Orleans
LA Shreveport
LA Thibodaux
ME Auburn
ME Bangor
ME Lewiston
ME Portland
MD Baltimore
MD Cumberland
MD Hagerstown
MA Attleboro
MA Boston
MA Brockton
MA Cambridge
MA Chycopee
MA Fall River
MA Fitchburg
MA Haverhill
MA Holyoke
MA Lawrence
MA Lecminster
MA Lowell
MA Lynn
MA Malden
MA New Bedford
MA Northampton
MA Pittsfield
MA Quincy
MA Salem
MA Somerville
MA Springfield
MA Waltham
MA Westfield
MA Worcester
MI Ann Arbor
MI Battle Creek
MI Bay City
MI Benton Harbor
MI Detroit
MI Flint
MI Grand Rapids
MI Holland
MI Jackson
MI Kalamazoo
MI Lansing
MI Lincoln Park
MI Muskegon
MI Muskegon Hts
MI Norton Shores
MI Pontiac
MI Port Huron
MI Roseville
MI Saginaw
MI Taylor
MI Genesee County
MN Duluth
MN Minneapolis
MN St. Cloud
MN St. Paul
MS Biloxi
MS Gulfport
MS Moss Point
MS Pascagoula
MO Columbia
MO Joplin
MO Kansas City
MO St. Joseph
MO St. Louis
MO Springfield
MT Great Falls
NE Omaha
NH Manchester
NJ Asbury Park
NJ Atlantic City
NJ Bayonne
NJ Bridgeton
NJ Camden
NJ East Orange
NJ Elizabeth
NJ Hoboken
NJ Irvington
NJ Jersey City
NJ Long Branch
NJ Millville
NJ Newark
NJ New Brunswick
NJ Passaic
NJ Patterson
NJ Perth Amboy
NJ Trenton
NJ Union City
NJ Vineland
NJ Hudson County
NM Las Cruces
NY Albany
NY Binghamton
NY Buffalo
NY Elmira
NY Glen Falls
NY Middletown
NY Mount Vernon
NY Newburgh
NY New Pochelle
NY New York
NY Niagara Falls
NY Poughkeepsie
NY Rochester
NY Rome
NY Schenectady
NY Syracuse
NY Troy
NY Utica
NY White Plains
NY Yonkers
NY Erie County
NC Asheville
NC Concord
NC Durham
NC Fayetteville
NC Gastonia
NC High Point
NC Kannapolis
NC Salisbury
NC Wilmington
OH Akron
OH Barberton
OH Bowling Green
OH Canton
OH Cincinnati
OH Cleveland
OH Cleveland Heights
OH Columbus
OH Dayton
OH Elyria
OH Hamilton City
OH Kent
OH Lakewood
OH Lancaster
OH Lima
OH Lorain
OH Mansfield
OH Marietta
OH Massillon
OH Middletown
OH Newark
OH Springfield
OH Steubenville
OH Toledo
OH Warren
OH Youngstown
OK Shawnee
OR Eugene
OR Medford
OR Portland
OR Salem
OR Springfield
OR Multnomah County
PA Allentown
PA Altoona
PA Bethlehem
PA Bristol Twp.
PA Carlisle
PA Chester
PA Easton
PA Erie
PA Harrisburg
PA Hazleton
PA Johnstown
PA Lancaster
PA Lebanon
PA McKeesport
PA Norristown
PA Philadelphia
PA Pittsburgh
PA Reading
PA Scranton
PA Sharon
PA Upper Darby
PA Wilkes-Barre
PA Williamsport
PA York
PA Allegheny County
PA Beaver County
PA Luzerne County
PA Washington County
PA Westmoreland County
RI East Providence
RI Pawtucket
RIProvidence
RI Woonsocket
SC Anderson
SC Charleston
SC Columbia
SC Florence
SC Greenville
SC North Charleston
SC Rock Hill
SC Spartanburg
TN Bristol
TN Chattanooga
TN Clarksville
TN Jackson
TN Johnson City
TN Kingport
TN Knoxville
TN Memphis
TN Nashville-Davidson
TX Beaumont
TX Brownsville
TX Bryan
TX College Station
TX Denison
TX Edinburg
TX El Paso
TX Forth Worth
TX Galveston
TX Harlingen
TX Killeen
TX Laredo
TX McAllen
TX Marshall
TX Mission
TX Orange
TX Pharr
TX Port Arthur
TX San Antonio
TX San Benito
TX Sherman
TX Texarkana
TX Waco
TX Wichita Falls
UT Ogden
UT Provo
UT Salt Lake City
VT Burlington
VA Bristol
VA Danville
VA Hopewell
VA Lynchburg
VA Norfolk
VA Petersburg
VA Portsmouth
VA Richmond
VA Roanoke
VA Suffolk
WA Bellingham
WA Bremerton
WA Everett
WA Olympia
WA Pasco
WA Seattle
WA Spokane
WA Tacoma
WA Vancouver
WA Yakima
WA Pierce County
WV Charleston
WV Huntington
WV Parkersburg
WV Weirton
WV Wheeling
WI Beloit
WI Eau Claire
WI Green Bay
WI Kenosha
WI La Crosse
WI Madison
WI Milwaukee
WI Oshkosh
WI Racine
WI Sheboygan
WI Superior
WI Wausau
PR Aguadilla Municipio
PR Arecibo Municipio
PR Bayamaon Municipio
PR Caguas Municipio
PR Carolina Municipio
PR Fajardo Municipio
PR Guaynabo Municipio
PR Humacao Municipio
PR Mayaguez Municipio
PR Ponce Municipio
PR San Juan Municipio
PR Toa Baja Municipio
PR Trujillo Alto Municipio

III. A. The following large cities and urban counties which have been added to the list under Section II, above, meet the new standards of physical and economic distress:

State and Place

AR Fort Smith
AR Jacksonville
CA Huntington Park
CA Merced
CA Modesto
CAa Santa Maria
CA Visalia
FL Bradenton
FL Cocoa
FL Titusville
HI Hawaii County
IIL North Chicago
LA Baton Rouge
LA Lafayette
NC Kannapolis
OR Multnomah County
TX Bryan
TX College Station
TX Denison
TX Fort Worth
TX San Antonio
TX Sherman
TX Wichita Falls
WI Sheboygan
PR Humacao Municipio

IV. The following list contains the names of those large cities and urban counties which met the minimum standards of physical and economic distress on February 13, 1986 but which no longer meet those standards. The final date for submission of an application by the cities listed below is March 31, 1988.

State and Place

CA El Cajon
CA Napa City
CA San Bernardino County
CT Middletown
IL Bloomington
IN West Lafayette
MA Gloucester

MI	Dearborn Heights	NY	Orange County
MI	East Lansing	NC	Burlington
MI	Royal Oak	NC	Hickory
MI	Westland	PA	Bensalem Township
MI	Wyoming	PA	Penn Hills
NH	Dover	PA	State College
NH	Portsmouth	PA	York County
RI	Cranston	WA	Clark County
TN	Murfreesboro	WI	Waukesha
VA	Charlottesville	WI	West Allis
VA	Newport News		

Dated: October 1, 1987.

Jack R. Stokvis,

General Deputy Assistant Secretary for Community Planning and Development.

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Part III

Commission on Education of the Deaf

Second Set of Draft Recommendations; Notice

COMMISSION ON EDUCATION OF THE DEAF

Second Set of Draft Recommendations; Comment Solicitation

AGENCY: Commission on Education of the Deaf.

ACTION: Notice of draft recommendations.

SUMMARY: This notice contains a second set of draft recommendations on which the Commission on Education of the Deaf (Commission) solicits public comment. This set addresses comprehensive service centers and training programs; adult and continuing education; the Department of Education (ED) liaison officer to Gallaudet University (GU), the National Technical Institute for the Deaf (NTID) and the regional programs; program evaluation of GU and NTID; ED's Captioned Films Program; Kendall Demonstration Elementary School and the Model Secondary School for the Deaf; minority and deaf-blind education; language acquisition; early intervention; educational technology; professional certification; educational interpreters; American Sign Language; and employment of deaf persons at GU and NTID. In this notice, the Commission reprints, in amended form, its previous draft recommendation on GU's and NTID's research, development, and evaluation activities. It is also investigating the need for a clearinghouse.

DATE: To be accepted for consideration, comments must be in writing, refer to specific recommendations, and be received in the Commission office on or before November 13, 1987.

ADDRESS: Written comments should be sent to the Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets SW., Washington, DC 20407. For further information, contact Pat Johanson, Staff Director, or Robert J. Mather, Staff Counsel, (202) 453–4353 (TDD) or (202) 453–4684 (Voice). These are not toll free numbers.

SUPPLEMENTARY INFORMATION: In this notice, the Commission publishes the second of two sets of draft recommendations for written public input. The first set, published on August 28, 1987, addressed "appropriate education" under the Education of the Handicapped Act (EHA), parents' right to be informed about educational options, early identification of hearing impairment in infants and young children, the Regional Postsecondary Education Programs for the Deaf (RPEPD), student admission policies and research and dissemination activities at Gallaudet University (GU) and the National Technical Institute for the Deaf (NTID), and television captioning services.[1]

Clearinghouse

The Commission at its September meeting decided not to make any draft recommendations on the advisability and feasibility of establishing a national clearinghouse on deafness. Many people have noted a continuing problem in the dissemination and availability of information and materials in the field. Many national organizations provide clearinghouse services, for example: Alexander Graham Bell Association of the Deaf, American Deafness and Rehabilitation Association, American Society for Deaf Children, Gallaudet University, the National Association of the Deaf, Self-Help for Hard of Hearing People, Conference of Educational Administrators Serving the Deaf, Convention of American Instructors of the Deaf, Council on Education of the Deaf, and others.

The EHA Amendments of 1986 authorized two national clearinghouses, one on the education of handicapped children and youth and the other on postsecondary education for handicapped individuals.[2] In light of this information, the Commission asks whether new free-standing clearinghouses should be established or whether the current clearinghouses should be strengthened.

Previous Draft Recommendation on GU and NTID

In response to further inquiry about the previous draft recommendation on direct appropriations to GU and NTID for research, development, and evaluation activities,[3] the Commission decided to reprint this recommendation, along with further information, as *Draft Recommendation 21.* The Commission clarifies its intent that this recommendation applies to GU's pre-college programs (the Model Secondary School for the Deaf (MSSD) and the Kendall Demonstration Elementary School (KDES)), in addition to the other programs. The period for comment on this recommendation is extended to November 13, 1987.

As with the first set, the second set of draft recommendations was developed in part from public input received in response to the Notice of Inquiry and from public meetings held on the status of educational programs.[4] Approximately 4,000 responses were received from over 450 organizations, parents, educators, specialists, and consumers.

Established by the Education of the Deaf Act of 1986,[5] the Commission is directed to study infant, early childhood, elementary, secondary, postsecondary, adult, and continuing education programs for persons who are deaf. It must also study federally assisted programs relating to instructional media and captioning services. It must submit to Congress and to the President, no later than February 4, 1988, a final report of its study together with recommendations, including specific proposals for legislation, as the Commission deems advisable.

The Commission requests all interested persons and organizations to submit written comments and/or counterproposals on the draft recommendations listed below. Comments and counterproposals must be received in the Commission office by November 13, 1987.

I. Comprehensive Service Centers and Training Programs

A. Service Centers

Discussion: At least 500,000 of the estimated 2 million deaf persons in the U.S. became profoundly deaf before the age of 19. As many as 100,000 deaf individuals are severely limited in their ability to find employment or to pursue postsecondary education due to inadequate educational preparation.[6] Studies reveal that about 60 percent of deaf students who graduate or drop out of school every year go directly into the labor market in semi- or un-skilled jobs or remain unemployed. They are likely to have limited formal education, very limited English proficiency, poor vocational preparation, and sporadic employment histories. If intensive specialized training does not become available, a 70 percent rate of labor force nonparticipation or unemployment could be predicted for them as technological advances reduce the number and kinds of jobs they have traditionally filled.[7]

[1] 52 FR 32732–32737.

[2] Pub. L. 99–457, Title III, § 310, 100 Stat. 1168 (1986).

[3] *Draft Recommendation 8,* 52 FR 32735.

[4] 52 FR 10722 (1987).

[5] Pub. L. 99–371, 100 Stat. 781, 786–789 (20 U.S.C. 4341–4344).

[6] Task Force on Rehabilitation Centers for Deaf Individuals. *Guidelines for Rehabilitation Centers for Deaf Individuals. 1973.*

[7] Report of the Steering Committee on Activities for Low Achieving Deaf Post-School Population. Arkansas Rehabilitation Research Training Center. 1969.

Under the Education of the Deaf Act of 1986 (EDA), nearly $74.6 million was allocated in fiscal year 1986 to educate nearly 3,700 students who attended GU and NTID. Conversely, ED's Rehabilitation Services Administration (RSA) estimates it spent about half that amount to rehabilitate 26,200 clients who are deaf.

Since the late 1970s, no comprehensive service center for this under-served population has been funded by RSA. This means that for the past 10 years, over 60 percent of the adult deaf population has not received services appropriate for their unique needs.

Draft Recommendation 1: Congress should establish one comprehensive service center in each of the ten federal regions.

The comprehensive service centers would be funded through a competitive bid process, using a five-year funding cycle. A federal incentive to encourage cooperating states to support these centers after the five-year period has ended would be instituted. To be eligible for initial federal funds, applicants would have to:

(a) Provide comprehensive services, such as initial evaluation and diagnosis, general education, counseling and guidance, vocational training, work transition, supported employment, placement, follow-up, and outreach;

(b) Employ qualified personnel who are able to communicate in the clients' native language or mode of communication;

(c) Disseminate training techniques, instructional materials, results of program evaluations, and public information; and

(d) Demonstrate viability of continuation without direct federal subsidies.

B. Training Programs

Discussion: The pervasive and continuing shortage of qualified personnel to work with the population to be served in the comprehensive centers emphasizes the need for appropriate training programs for rehabilitation counselors.

Draft Recommendation 2: The Department of Education should require rehabilitation counselor training programs, which prepare deafness specialists, to offer additional coursework and internships on counseling the population to be served in the comprehensive centers.

To provide the necessary pool of professionals to staff the comprehensive service centers, the number of training programs offering coursework and internships in counseling this population will have to be increased, or the current programs will need to be expanded. Currently, there are seven training programs for rehabilitation counselors who work with persons who are deaf.

II. Adult and Continuing Education

Discussion: The next recommendation addresses the needs of deaf adults who are functioning fully in the labor market but who require continuing education, as do most adults, in order to keep up with the changes occurring in the workplace. Despite an apparent demand from deaf persons for adult education classes, many adult and continuing education programs do not provide needed support services or utilize teachers who are familiar with the educational, social, cultural, and communication needs of that population. In addition, input and direction from deaf adults in planning adult education courses is often lacking.

Draft Recommendation 3, which follows, recognizes the special considerations inherent in developing and improving programs in adult and continuing education for deaf persons. Such programs should include not only degree programs but also programs in career preparation, personal development, academic skills enhancement, and vocational training.

The Commission's previous draft recommendation on the RPEPD suggested that each of the participating schools provide a "broader range of educational options." [8] The intent of this recommendation was to encourage each RPEPD to provide technical assistance to existing universities and community colleges in order to furnish a full range of postsecondary education opportunities. The Commission now recommends that the mission of each RPEPD in offering postsecondary education to deaf students be expanded to include adult education.

Draft Recommendation 3: Congress should authorize funds for each RPEPD to provide adult and continuing education programs and to assist local educational institutions in providing such programs to adults who are deaf.

To be eligible for additional funding for adult and continuing education components, each RPEPD should meet the following criteria:

(a) Involvement and training of persons who are deaf as administrators, program planners, and instructors;

(b) Provision of adequate support services, including interpreters, notetakers, and tutors;

(c) Provision of outreach services to their communities and schools serving persons who are deaf;

(d) Design of programs to meet the unique needs of adults who are deaf; and

(e) Provision of inservice training on deafness to adult education providers.

III. Department of Education Liaison Officer for Federally Funded Postsecondary Programs

Discussion: The Education of the Deaf Act of 1986 directed ED to designate an individual to serve as liaison between ED and GU, NTID, and the four schools participating in the RPEPD. The duties of the liaison officer are to provide information to the programs regarding ED's activities which directly affect the operation of the institution's programs and to provide such support and assistance as the institutions may request and the Secretary considers appropriate.[9]

The original bill, the Education of the Deaf Act of 1985 (S. 1874), stipulated that this liaison officer: Coordinate the activities of GU, NTID, and the regional programs to ensure the provision of quality education of deaf individuals and avoid unnecessary duplication; to review and comment on plans and other materials submitted by GU and NTID relating to research and demonstration activities, technical assistance, and development of instructional materials; and to assist in the preparation of budget requests.[10] The Senate version was not included in the final bill. To ensure coordination and avoid duplication among the programs, especially in view of the Commission's draft recommendations for the expanding roles of the regional programs, the Commission proposes that the liaison officer should have those additional responsibilities as described in the original Senate bill.

Draft Recommendation 4: Congress should amend the Education of the Deaf Act to direct the Department of Education's liaison officer to: (1) Coordinate the activities of GU, NTID, and the regional programs to ensure quality of the programs and to avoid unnecessary duplication; (2) review and comment on workplans relating to research and demonstration activities, technical assistance, and development of instructional materials; (3) assist in the preparation of budget requests; and (4) serve as an ex-officio member of GU's Board of Trustees and the advisory groups of NTID and the RPEPD.

[8] *See Draft Recommendation 4,* 52 FR 32734.

[9] Pub. L. 99-371, § 406, 100 Stat. at 790 (20 U.S.C. 4356).

[10] S. 1874, 99th Cong., 2d Sess. 406 (1986).

It is the Commission's intent that the liaison not be involved in the management, policymaking process, or governance of any of these programs. The person selected for the position of liaison officer should be an acknowledged expert in the field of deafness.

IV. Evaluation of GU and NTID by the Department of Education

Discussion: The General Accounting Office (GAO) reported that although ED generally oversees financial and budgetary matters at GU and NTID, the institutions have not been subject to periodic program evaluation.[11] The Commission is aware that some of the programs are already subject to accreditation evaluation; however, there is still a need for more comprehensive evaluation of those programs that receive federal funds. The liaison officer and advisory boards do not provide evaluative information and do not provide direct information to the Federal government regarding the achievements of these institutions in fulfilling their national missions.

The EDA requires ED to monitor and evaluate the education programs and activities and the administrative operations of GU and NTID. In carrying out these responsibilities, ED is authorized to employ such consultants as may be necessary.[12] The Act does not prescribe how ED should carry out its monitoring and evaluation responsibilities.

Draft Recommendation 5: The Department of Education should conduct program evaluations at GU and NTID on a five-year cycle and submit a report of its evaluation with recommendations, including specific proposals for legislation, as it deems advisable, to the authorizing committees of the Congress. The evaluation team should consist of outside experts in the field of deafness, program evaluation, education, and rehabilitation.

Evaluation should coincide, as much as possible, with the accreditation activities at the two institutions to avoid unnecessary duplication of effort. This recommendation is separate from the other draft recommendations relating to ED's liaison officer [13] and to evaluation of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf.[14]

V. Membership of GU's Board of Trustees, NTID's National Advisory Group, and RPEPD Advisory Groups

Discussion: The Commission notes that GU's Board of Trustees is currently composed of 21 members, only 4 of whom are deaf; while NTID's National Advisory Group is composed of 16 members, 3 of whom are deaf. Rather than recommending legislative action, the Commission encourages these programs to take the lead by increasing the representation of deaf persons in the governing and policy making bodies which serve this population.[15] If a fifth RPEPD is funded,[16] it would be expected to follow this recommendation as well.

Draft Recommendation 6: At least 51 percent of GU's Board of Trustees and the NTID's National Advisory Group and similar guiding bodies at each school participating in the RPEPD should be deaf.[17]

VI. Captioned Films Program

Discussion: ED's Captioned Films program distributes captioned educational films through 58 depositories free of charge to any school or program that is registered for the service and has at least one child with impaired hearing. ED's 1987 projects include over $5 million for captioning and distributing films. Educational films average about 17,500 showings per month during the school year.

The current process of captioning and distributing films takes almost two years. This process includes: Film selection, negotiations with film producers to caption their films, producing the scripts for captioning, actual captioning of the films, and distribution of the films to the schools.

Draft Recommendation 7: Congress should continue federal funds for the Department of Education's (ED) Captioned Films program (including captioning and distribution of educational and entertainment films). ED should require certain administrative improvements in the program. The use of current technology should be investigated to enhance the production of captioned films and media.

The Commission recognizes the importance of the captioned films program. At the same time, it notes several administrative problems in this program, which could include: Using current technology in the captioning and distribution process; keeping the distribution system on school campuses; lessening the gap between costs incurred and reimbursements; involving the deaf community and other professionals knowledgeable about deafness in all aspects of the program; making more prints available to depositories on the basis of information gathered from unfilled FILMSHARE bookings nationwide; increasing the number of new titles distributed each year; eliminating old films while updating others; and shortening the length of time now required for film distribution. The Commission is also considering a recommendation to ED that an independent contractor conduct a needs assessment on school use of captioned educational films.[18]

VII. Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD)

Discussion: The KDES Act [19] and the MSSD Act [20] directed the two schools to "provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation." Both of these programs were established in their present form as a result of the 1964 Babbidge Report, which deplored the lack of systematic education for the majority of preschool deaf children, the limited secondary opportunities for deaf students nationwide, the low level of educational achievement attained by many secondary school graduates who were deaf, and the low allocation of funding for research.[21]

Thus, KDES was authorized to provide elementary-level educational facilities for individuals who are deaf "in order to prepare them for high school and other secondary study,"[22] while

[11] *Oversight of Gallaudet College and the National Technical Institute for the Deaf: Hearing before the Subcomm. on the Handicapped of the Sen. Comm. on Labor and Human Resources.* 99th Cong. 1st Sess. 3–5 (statements of William J. Gainer, GAO).

[12] Pub. L. 99–371, 405, 100 Stat. at 790 (20 U.S.C. 4355).

[13] *See Draft Recommendation 4* above.

[14] *See Draft Recommendation 8* below.

[15] As a precedent, at least 5 of the 12 members of the Commission must be deaf. 20 U.S.C. 4341(b)(4). *See also* 29 U.S.C. 796d–1(b) (a majority of the members of state independent living council must be handicapped individuals and parents or guardians of handicapped individuals).

[16] *See* previous *Draft Recommendation 4*, 52 FR 32734 (the Commission proposed a fifth regional program in the Southwest, in addition to the four existing programs).

[17] The Commission has not reached full consensus on this recommendation.

[18] It should be noted that the first notice of draft recommendations contains those relating to closed captioned television. *See Draft Recommendations 12–18*, 52 *FR* 32737.

[19] Pub L. 91–587, 84 Stat. 1579 (1970).

[20] Pub. L. 89–694, 80 Stat. 1027 (1966).

[21] The House report accompanying the MSSD Act cited the Babbidge findings of "significant inadequacies in the educational services for the deaf, particularly noting the lack of a genuine secondary school program for deaf persons." H.R. No. 2214, 91st Cong. 2d Sess. 2, *reprinted in* 1966 U.S. Code & Admin. News 3527, 3528.

[22] 20 U.S.C. 4311(a)(1).

MSSD was authorized to provide day and residential facilities for secondary education for individuals who are deaf "in order to prepare them for college and for other advanced study."[23] In carrying out its function to prepare students for college, MSSD has adopted an admissions policy which stipulates "potential students to demonstrate reading levels of third grade or higher."[24] GU reports that 78 percent of former MSSD students continued their education beyond high school, with nearly one-fourth of that number completing programs of advanced study.[25]

A number of educators stated to this Commission that they are able to adequately serve the academically oriented students, but they expressed a need for programs, products, technical assistance, and outreach efforts designed for students who are not achieving satisfactory academic progress. Such students may be average or above average in terms of intelligence, but due to unsuccessful educational methodology, they are functioning at the first, second, or third grade levels in terms of academic achievement. In addition, many professionals expressed a need for other programs and products which are appropriate for students with secondary disabilities, students from non-English speaking homes, students who are members of minority groups, and parents who have deaf children.

Draft Recommendation 8: Congress should amend the EDA to include the following provisions for setting priorities at KDES and MSSD, and for submitting annual and evaluation reports:

Priorities

KDES and MSSD should provide exemplary programs to stimulate the development of similar programs across the nation. These exemplary programs should be developed to meet the critical needs at the elementary and secondary levels through research, development, training, and technical assistance. The current critical needs identified by the Commission relate to the following special populations:

(a) Students who are lower achieving academically;

(b) Students who have secondary handicaps;

(c) Students who are from non-English speaking homes;

(d) Students who are members of minority groups; and

(e) Parents who have deaf children.

Admission criteria should be changed to be congruent with the special populations addressed. The mission and focus of MSSD should be redefined so that the student population served by the school more closely mirrors the national demographics of secondary school-age deaf children. Materials and other product development of MSSD shall first address the special populations defined above.

Annual Report

KDES and MSSD shall submit an annual report to the President and to Congress which includes a list of the critical needs, a description of programs and activities designed to meet those needs, and an evaluation of their effectiveness.

Evaluation Report

Prior to reauthorization, or at least every five years, KDES and MSSD shall select independent experts, including consumers, from all types of educational programs, including mainstream programs, to provide an objective assessment of the progress made by KDES and MSSD in meeting the identified critical needs. An evaluation report shall be provided to the President and to Congress which includes the names of the experts and consumers conducting the assessment, a presentation of their findings, and the response of KDES and MSSD to the evaluation. In addition, the experts will delineate the critical needs to guide the programs during the next funding cycle.

VIII. Minority and Deaf-Blind Education

Discussion: Currently, nearly one-third of the children in schools and programs for the deaf belong to minority groups and that percentage is likely to increase. Numerous statements to the Commission charged that research, development, and training efforts must confront more than the issue of deafness—future activities must also be responsive to cultural and minority concerns. Topics of concern include: Cultural perspectives on education; development of the individual educational plan; teacher, administrator, and student recruitment; learning styles and strategies; the home language environment; and parent and family counseling.

Draft Recommendation 9: With respect to programs and activities serving students who are deaf, special recognition should be given to the unique needs of students who are members of minority groups, including deaf/blind students and those with secondary disabilities, as well as those who are members of racial and ethnic minority groups. This special recognition should apply to educational programs (from infant and early childhood to adult education), parent education, model/demonstration programs, and research, and should take into consideration cultural factors relating to race, ethnicity, and deafness.

IX. Language Acquisition

Discussion: Since language cannot be taught directly, the acquisition of language by children who are deaf is dependent upon the optimal presentation of relationships between concepts, linguistic signals, and social use. Despite the efforts of researchers and educators, little extensive progress has been evidenced in the acquisition of English by persons who are prelingually deaf. Therefore, the Commission views the acquisition of language and reading skills by children as a preeminent goal in the field of deaf education.

Draft Recommendation 10: Facilitating language acquisition in students who are deaf (including verbal, visual, and written language) should be a paramount concern guiding the implementation of exemplary practices, the establishment of program models, the determination of research priorities, the desion of curricula, materials, and assessment instruments, and the provision of professional and parent training.

Exemplary practices, programs, materials, and assessment instruments should be developed based on findings from the fields of deaf education, psycholinguistics, human cognition, and second language acquisition. Funding should be provided for advancement in various areas, including:

(a) Theoretical and Applied Research

(b) Development and Dissemination

(c) Implementation

(d) Parent and Professional Training

The Commission requests input on subtopics which merit attention under each of the preceding four topics. The Commission does not seek to prescribe a specific communication mode; instead, it wishes to explore various aspects of language acquisition which transcend communication mode preferences.

X. Early Intervention

Discussion: Under the Education of the Handicapped Act Amendments of 1986, states must provide early intervention services to all handicapped preschool students by the year 1991 in

[23] *Id.* at 4321(a).

[24] Gallaudet University. Responses to Questions from the Commission on Education of the Deaf, June 12, 1987, p. IV(b)-15.

[25] Gallaudet University Pre-College Programs. Presentation to Commission on Education of the Deaf, March, 1987, p. 8.

order to be eligible for federal funds.[26] To ensure that quality services are being provided to children who are deaf, standards for personnel and programs should be developed by parents, specialists in early intervention and deafness, and adults who are deaf. Several states have already taken the initiative to develop such standards and the Commission encourages other states to review those standards as they develop their own. In addition, parents should have access to information about standards, allowing them to assess the quality of individual programs.

Draft Recommendation 11: State education agencies should be required to conduct state-wide planning and implementation activities, including the establishment of program and personnel standards which specifically address the educational and psychological needs of families with young children who are deaf. Individuals working with young, deaf children must be professionally trained to serve this population.

In providing early intervention services, the majority of individuals who work with young children who are deaf have been trained as teachers for the school-aged deaf population, as communicative disorder specialists, as early childhood/special education teachers, or in other unrelated fields. As a result, they would benefit from training relative to the population and age-range with whom they work. In addition, the infusion of deaf persons into home and school settings could also provide opportunities for deaf children to be exposed to deaf adult role models and would allow parents to be introduced at the earliest possible time to deaf persons. Amplification devices, including individual hearing aids, group amplification systems and other assistive listening devices, are integral components of any educational program for hearing-impaired children and youth, yet funding sources for the purchase of these systems are frequently inadequate for hearing aids and are non-existent for group amplification systems and tactile aids. These program practices and devices, as well as other important features, might be incorporated into exemplary program models which would improve approaches to high quality early childhood education.

Draft Recommendation 12: Congress should make available federal funding for states to:

(a) Provide preservice and inservice training to personnel to enable them to work effectively with young children, ages 0 to 5, who are deaf. Training should also be provided to adults who are deaf to prepare them to work as facilitating team members with local intervention programs;

(b) Ensure that appropriate technologies, and particularly amplification devices, are available for the provision of education for all children with hearing impairments; and

(c) Initiate or support a variety of program models which demonstrate improved approaches to high quality infant and early childhood education programs for children who are deaf. Projects must provide direct service to participating individuals and have the potential for wide replication.

XI. Educational Technology

Discussion: Great strides have been made in educational technology, and today's technologies include personal computers, satellite communication systems, video disc systems, robotics, and telecommunication systems. The most prominent of the current technological advancements in the field of computer-assisted instruction for children who are deaf include: speech recognition and synthesis software, language and speech development aids, real-time and closed captioning, telecommunication devices (TDDs), warning systems, and amplification devices. Coupled with the use of personal computers, these advancements have the potential to greatly enhance the education of students who are deaf.

Despite these strides, the Commission finds a compelling need for the development and application of these techniques and devices for improving instruction, for measuring student progress, and for disseminating information to interested persons and organizations.

Draft Recommendation 13: Congress should provide funds for research, development, acquisition, and maintenance of technology to be used for special and vocational education of children and adults who are deaf, including those with secondary disabilities.

The EHA Amendments of 1986 authorize federal funds for the support of research, dissemination, and technical assistance activities related to the development, production, and marketing of technology for use in the education of handicapped children.[27] As an alternative, such funds could appropriately be used to help defray much of the high start-up cost associated with the purchase of technological equipment and products for use in classrooms with children and adults who are deaf.

Draft Recommendation 14: Congress should support new and existing assistive devices resource centers to inform and instruct children and adults on the latest technological advances in the education of persons who are deaf.

Assistive devices resource centers should be established in cooperation with experts in audiology and education. The centers should have mobile units to serve the needs of persons who are deaf, including those living in rural areas. The centers would demonstrate the range of available devices, and would provide training and technical assistance on the use of the devices. The centers are intended to bridge the gap in the delivery of rehabilitation engineering research for school-aged children with severe disabilities. This draft recommendation supports and extends beyond the pending Senate bill entitled, "Technology to Educate Children With Handicaps Act."[28]

Draft Recommendation 15: National symposia on media and technology should be held to provide information on the most recent advances in applied technology for children who are deaf.

The last symposium on media and technology for children who are deaf was held in 1983. The Commission strongly endorses the reinstatement of these national symposia so that professionals in the field of deaf education are knowledgeable about state-of-the-art educational technology.

XII. Professional Certification

Discussion: The lack of uniform standards for adequate professional training and preparation continues to be a pressing problem. A set of uniform guidelines would provide urgently needed standards and eliminate problems associated with employing teachers trained in other states. (Standards for educational interpreters will be discussed in Section XIV.)

Section 613(a)(14) of the EHA Amendments of 1986 requires states to include in their plans "policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of * * * [part B] are appropriately and adequately prepared and trained * * *."[29] It also requires

[26] Pub. L. 99-457, title I, § 101, 100 Stat. 1148 (20 U.S.C. 1475).

[27] Pub. L. 99-457, title III, 312, 101 Stat. 1169 (20 U.S.C. 1442).

[28] S. 1586, 100th Cong. 1st Sess. (1987).

[29] 101 Stat. 1159, 1174, 20 U.S.C. 1413(a)(14).

states to establish and maintain standards consistent with state approved or recognized certification, licensing, registration, or other comparable requirements which apply to particular professions or disciplines.[30]

In assisting the states to develop personnel standards for professionals in deaf education, ED should consider the Council on Education of the Deaf's standards for the certification of professionals involved in the education of hearing impaired children and youth.

Draft Recommendation 16: The Department of Education should provide guidelines for states to include in their state plans such policies and procedures, which relate to the establishment and maintenance of standards, to ensure that professionals in special programs for students who are deaf are adequately prepared and trained.

XIII. Educational Interpreters

Discussion: Communication in the classroom is crucial not only to the educational process, but also to student participation in the classroom. Utilizing interpreting services is one way of providing communication for students who are deaf in classrooms with hearing peers. The classroom setting presents a challenge for educational interpreters because they must consider: The varying linguistic and cognitive developmental levels of the child; the differing sign/oral systems employed for interpreting; the appropriateness of performing other duties; and the need to work cooperatively with regular classroom teachers, administrators, and other support personnel.

The Registry of Interpreters for the Deaf (RID), the national certifying organization for interpreters, has established guidelines for the professional interpreter's role and functions but has not established special provisions for educational interpreters. In 1985, the National Task Force on Educational Interpreting (NTFEI) was formed to "examine and clarify roles and responsibilities, training and certification, working conditions, and other needs concerning educational interpreters and their services to mainstreamed deaf students at all educational levels." NTFEI is also seeking to establish standards for educational interpreters and to promote "equitable salary ranges as determined by skill level required and advanced training expectations."

Although NTID's 1986 Interpreter Training Programs resource guide lists 48 interpreter training programs in 30 states, none are specifically designed for educational interpreters. Interpreters, themselves, recognize that they do not receive adequate training in such subjects as child and language development, cognitive processing, the various sign/oral systems, and educational settings that require special knowledge and expertise. Serious concern has been expressed about the lack of understanding of the interpreter's role by deaf students, classroom teachers, parents, administrators, and interpreters themselves. Another serious concern is that states and local educational agencies have not treated interpreters as "professionals," in terms of status and salaries.

Draft Recommendation 17: The Department of Education, in consultation with consumers, professionals, and organizations, should provide guidelines for states to include in their state plans such policies and procedures, which relate to the establishment and maintenance of standards, to ensure that interpreters in educational settings are adequately prepared and trained.

This recommendation is intended to include interpreter standards in the personnel standards as required by section 613(a)(14) of the EHA Amendments of 1986. The Commission proposes that ED should recognize interpreters as professionals and should continue working closely with RID, NTFEI, and other groups in developing and providing guidelines to states to establish and maintain standards for interpreters in educational settings. ED should especially define the appropriate role of interpreters in these settings. The Commission emphasizes that the term "educational interpreters" includes sign language, cued speech, oral, and deaf/blind interpreters.

Draft Recommendation 18: Federal funding should be provided to develop training programs, design curricula, and award stipends to recruit and train potential and working educational interpreters.

There are currently no interpreter training programs specifically designed for educational interpreters. Training programs should offer courses addressing special issues, such as: The various sign systems used in educational settings; oral and cued speech interpreting; manual communication with deaf/blind persons; the need for collaboration between teachers, administrators, and counselors; and the cognitive and language development processes of hearing and deaf children. Section 304 of the Rehabilitation Act currently provides an average of $18,000 per state for interpreter training programs. That amount is not enough to pay for even one qualified instructor let alone pay for additional faculty, curriculum development, and support services that would be needed for a quality training program.[31]

Part D of the EHA allocates monies to promote staff development of special education personnel. These monies could be used to provide stipends to potential and working interpreters who seek training in the field of educational interpreting.

Draft Recommendation 19: Congress should fund section 315 of the Rehabilitation Act. The Department of Education should establish standards for interpreters in the field of rehabilitation.

Section 315 of the Rehabilitation Act of 1973, as amended, authorizes the Commissioner of Rehabilitation Services to make grants to states for establishing interpreting services for individuals who are deaf.[32] Interpreters participating in the programs are required to meet minimum standards.[33] Section 315 has never been funded and consequently no interpreter standards have been established for the states by the Commissioner.

XIV. American Sign Language

Discussion: Researchers examining the linguistic characteristics of American Sign Language (ASL) have determined that it is a natural and complete language, comparable in complexity and expressiveness to other languages. ASL should not be confused with manually coded English sign systems (*e.g.*, Seeing Exact English, Seeing Essential English) which are not considered languages but which have become widely used in educational settings. Some educational institutions also recognize ASL as a distinct language and grant foreign/second language credit to students who master ASL.

Approximately 10 percent of deaf children have parents who are deaf and many of these children learn ASL as their native language and acquire English as a second language. Deaf children of hearing parents often choose to learn ASL later in life. Psycholinguists studying second language acquisition have found that language learning is

[30] *Id.*

[31] 29 U.S.C. 774.

[32] *Id.* at 777e(a).

[33] *Id.* at 777e(b)(5).

enhanced when both languages and cultures are viewed positively by the society in which the individual interacts and when there is complementarity, rather than competition, between linguistic systems.[34]

Draft Recommendation 20: The Commission on Education of the Deaf recognizes American Sign Language as a legitimate language.[35]

It is not the intent of the Commission that ASL be used as the primary method of English instruction for all students who are deaf; however, it should be emphasized that this recommendation recognizes ASL as a language in its own right and as an educational tool.

XV The Role and Impact of Research, Development, and Evaluation Activities at Gallaudet University and the National Technical Institute for the Deaf

Discussion: The Commission examined several related questions concerning the role and impact of research, development, and evaluation activities conducted by GU (including KDES and MSSD) and NTID. The Commission emphasizes that it has not attempted to evaluate the quality of research at GU and NTID; however, it has considered how research, development, and evaluation priorities should be established, whether there has been adequate oversight to ensure cost-effectiveness and quality, and whether research, development, and evaluation projects should be funded through Congressional appropriations, competitive grants, or both.

Funding of Research, Development, and Evaluation Projects

Discussion: GU and NTID are authorized by law to conduct research, development, and evaluation. There is significant value in having extensive and high quality research, development, and evaluation programs at GU and NTID. The Commission commended the valuable contribution to the field made by the Annual Survey of Hearing Impaired Children and Youth and it expressed interest in exploring ways in which the Survey might provide important data about specific groups, such as the rural student population. However, it recognized that other research centers are also conducting a significant amount of research on deafness and deaf education. These centers would benefit from increased opportunities to compete for larger amounts of funding. Similarly, requiring GU and NTID to participate in more competition for funding could be expected to enhance the quality of GU's and NTID's research, development, and evaluation activities.

The Commission's recommendation is intended to encourage competition, innovation, and diversity in research and development projects on deafness. The Commission certainly does not recommend any reduction of funding for deafness-related research.

Draft Recommendation 21: Only a base level of Congressionally appropriated line-item funding should continue to be allocated to GU and NTID for research, development, and evaluation projects. Specifically, funding should be adequate to provide a robust research agenda which would include the Annual Survey of Hearing Impaired Children and Youth conducted by Gallaudet. An overall reduction in the current funding provided to these two institutions should be made and the remaining monies should then be set aside and used for competitive grants for deafness-related research. Any research center with adequate capacity in the field, including GU and NTID, could compete for the funds on a multi-year basis.[36]

The Commission welcomes comments on how to set the "base level" for GU and NTID: one-third, one-half, two-thirds, or some other proportion of what Congress now appropriates to them for research, development, and evaluation activities. The current appropriations for GU (including KDES and MSSD) and NTID total approximately $8 million for these activities.

XVI. Employment and Advancement of Persons Who Are Deaf at Federally Funded Postsecondary Education Institutions

Discussion: The Commission requested information regarding the employment of deaf persons at GU and NTID, and the employment of blacks and women at Howard University and Wellesley College, respectively. At GU, the overall employment rate for persons who are deaf is 22% (18% executive, 33% professional, 38% technical, 7% secretarial, 7% maintenance, and 6% service positions). At NTID, the overall employment rate is 12% (12% executive, 12% faculty, 15% professional, 20% technical, and 6% secretarial positions). At Howard University, a primarily black university in Washington, DC, the overall employment rate for black persons is 87% (91% administrative, 77% faculty, and 89% staff positions). At Wellesley College, a women's college near Boston, the overall employment rate is 74% for women (50% administrative, 83% faculty, and 91% staff positions).

The Commission recognizes that the pool of deaf applicants is not as extensive as the pool of female and black applicants; however, these federally-funded postsecondary institutions for the deaf should take initiatives to recruit, hire, and promote deaf persons similar to the initiatives taken by Howard and Wellesley. The Commission acknowledges the efforts made by GU and NTID and supports further efforts, by these institutions and others, to employ and advance persons who are deaf.

Draft Recommendation 22: GU, NTID, and the schools participating in the RPEPD should continue to strengthen the positive efforts they have already made in recruiting, hiring, and promoting qualified applicants and employees who are deaf.

Records of the comments received will be available for public inspection at the office of the Commission on Education of the Deaf, GSA Regional Office Building, Room 6646, 7th and D Streets SW., Washington, DC.

Pat Johanson,

Staff Director, Commission on Education of the Deaf.

October 8, 1987

[FR Doc. 87-23732 Filed 10-13-87 8:45 am]

BILLING CODE 6820-SD-M

[34] Beardsmore, H. B. (1982). *Bilingualism: Basic principles.* England: Tieto.

[35] The Commission has not reached full consensus on this recommendation.

[36] The Commission has not reached full consensus on this recommendation.

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Part IV

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 14, 19, and 52

Small Business Set-Asides; Federal Acquisition Regulation; Interim Rule and Request for Comment

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 14, 19, and 52

[Federal Acquisition Circular 84-31]

Small Business Set-Asides; Federal Acquisition Regulation

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule and request for comment.

SUMMARY: Federal Acquisition Circular (FAC) 84-31 amends the Federal Acquisition Regulation (FAR) to implement amendments made to sections 8 and 15 of the Small Business Act by section 921, Pub. L. 99-661. The revisions (i) adopt the statutory prohibition against award of set-aside and 8(a) contracts at a price exceeding fair market price; (ii) require that a fair proportion of Government contracts within each industrial category be awarded to small business concerns, and (iii) implement statutory restrictions concerning the extent of subcontracting permitted under set-aside and 8(a) contracts.

DATES: Effective Date: October 1, 1987.

The revisions made by this interim rule are effective October 1, 1987, except that the revisions made to FAR 19.508(e) and 52.219-14 are effective for those solicitations issued on or after October 1, 1987. Solicitations issued before October 1, 1987, should be amended to incorporate the clause at 52.219-14, unless to do so would unduly delay the contract action.

Comment Date: December 1, 1987.

Comments on the interim rule must be received on or before December 1, 1987, to be considered in the formulation of a final rule. Please cite FAC 84-31 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Paperwork Reduction Act

This interim rule does not contain information collection requirements within the meaning of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq., and regulations prescribed by OMB at 5 CFR Part 1320. Accordingly, OMB approval of the interim rule is not required.

B. Regulatory Flexibility Act

The interim rule may have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601, et seq., principally with respect to its implementation of statutory requirements placing limitations upon subcontracting (section 921(c)).

Pursuant to authority contained in section 608(a) of the Regulatory Flexibility Act (5 U.S.C. 608(a)), a determination has been made that circumstances require delay in preparation of an Initial Regulatory Flexibility Analysis in order to issue regulatory guidance in consonance with the October 1, 1987, effective date of section 921 of Pub. L. 99-661. This determination is based upon the pendency of regulatory implementation by the Small Business Administration (SBA), cited above, and legislation introduced to further amend sections 8 and 15 of the Small Business Act, as amended by section 921 (see 133 Cong. Rec. S 12888 (daily ed., Sept. 26, 1987)). It is anticipated that an Initial Regulatory Flexibility Analysis pertaining to FAC 84-31 will be prepared and submitted to the Chief Counsel for Advocacy of the SBA within 120 days. Comments are invited.

Comments from small entities concerning the affected FAR subparts will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 87-610 in correspondence.

C. Determination to Issue an Interim Rule

A determination has been made under authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) to issue the regulations in FAC 84-31 as an interim rule. This action is necessary to ensure that regulatory guidance is available to contracting officers to implement the statute upon its October 1, 1987, effective date. DoD, GSA, and NASA have determined that compelling reasons exist to promulgate an interim rule without prior opportunity for public comment. However, pursuant to Pub. L. 98-577 and FAR 1.301, public comments received in response to this interim rule will be considered in formulating a final rule.

List of Subjects in 48 CFR Parts 14, 19, and 52

Government procurement.

Dated: October 8, 1987.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Federal Acquisition Circular

[Number 84-31]

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84-31 is effective October 1, 1987.

Eleanor R. Spector,

Deputy Assistant Secretary of Defense for Procurement.

Terence C. Golden,

Administrator.

October 7, 1987.

S.J. Evans,

Assistant Administrator for Procurement.

Federal Acquisition Circular (FAC) 84-31 amends the Federal Acquisition Regulation (FAR) as specified below:

Item I—Small Business Set-Asides; Implementation of Section 921 of the National Defense Authorization Act for Fiscal Year 1987 (Pub. L. 99-661)

Section 921 of the National Defense Authorization Act for Fiscal year 1987 (Pub. L. 99-661), entitled "Small Business Set-Asides," amended sections 8 and 15 of the Small Business Act (15 U.S.C. 637; 15 U.S.C. 644) in order to increase participation by small business and small disadvantaged business concerns in the Federal procurement process. Identical amendments to the Small Business Act were contained in the Department of Defense Appropriations Act, 1987 (Pub. L. 99-591). At a later date, technical corrections to the amendments were made by the Defense Technical Corrections Act of 1987 (Pub. L. 100-26). This interim rule revises certain sections of Federal Acquisition Regulation (FAR) Parts 14, 19 and 52 in order to conform FAR procurement procedures with the statutory amendments. Other provisions of section 921 which require rulemaking by the Small Business Administration (e.g., size determination program) are addressed in separate issuances by the Small Business Administration in the **Federal Register** on March 17, 1987 (52 FR 8261), and on August 31, 1987 (52 FR 32870), and, except as noted in paragraph 8 of this item, are beyond the scope of the present rulemaking.

The following summarizes the principal FAR revisions made by the interim rule and provides a parenthetical reference to the Section 921 requirement implemented by the revision:

1. FAR 19.001 is revised to add a definition of "fair market price," consistent with previous use of the term (see former FAR 19.806-1(a)) in order to give effect to the requirement that set-aside and 8(a) contracts not exceed fair market prices. (Sec. 921(b) (1) and (2)). FAR 19.806-1(a) is deleted as surplusage.

2. FAR 19.202-6 is added to provide additional guidance to contracting officers in determining fair market price in view of the statutory award price restriction. (Sec. 921(b) (1) and (2)).

3. FAR 19.501(j) is added as a further reference to the award price restriction (Sec. 921(b) (1) and (2)). The phrase "except as authorized by law" is added to accommodate certain statutory exceptions to the limitation (e.g., Sec. 1207, Pub. L. 99-661 permits payment of a 10 percent price differential in DOD contract awards to small disadvantaged businesses) (see 52 FR 16263; May 4, 1987).

4. FAR 19.501(k) is added to implement statutory direction concerning release of names and addresses of prospective offerors. (Sec. 921(e)).

5. FAR 19.502-1 is amended to reflect statutory guidance that separate industry categories are to be used in ensuring that a fair proportion of contract awards are made to small businesses. (Sec. 921(a)).

6. FAR 19.508(e) is added to prescribe a contract clause relating to the composition of a contractor's labor force, as a limitation upon subcontracting, for use under total and partial small business set-asides and 8(a) contracts. (Sec. 921(c)).

7. FAR 19.805(b) is added to reference the fair market price limitation concerning 8(a) contracts. (Sec. 921(b)(2)).

8. FAR 52.219-14, Limitations on Subcontracting, is added to provide a contract clause for use in set-aside and 8(a) contracts regarding the composition of a contractor's labor force. (Sec. 921(c)). The statute requires in service contracts (except construction) that at least 50 percent of a contractor's personnel costs be expended for employees of the concern. Similarly, in supply contracts (other than those involving regular dealers) 50 percent of the cost of manufacturing supplies, excluding materials, must be performed by the concern. With respect to construction contracts, the statute requires the Small Business Administration to establish similar requirements concerning general and specialty construction contracts. Pending completion of the public comment process (see 52 FR 8261; 52 FR 32870), the Small Business Administration has requested that the FAR Councils adopt the percentage limitations contained in the clause on an interim basis until a final rule is promulgated by the Small Business Administration.

Therefore, 48 CFR Parts 14, 19, and 52 are amended as set forth below:

1. The authority citation for Parts 14, 19, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 14—SEALED BIDDING

14.205-5 [Amended]

2. Section 14.205-5 is amended in paragraph (a) by removing the period at the end of the sentence and adding a parenthetical cross reference "(see also 19.501(k))."

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

3. Section 19.001 is amended by adding alphabetically a definition to read as follows:

19.001 Definitions.

* * * * *

"Fair market price," as used in this part, means a price based on reasonable costs under normal competitive conditions and not on lowest possible cost (see 19.202-6).

* * * * *

4. Section 19.202-6 is added to read as follows:

19.202-6 Determination of fair market price.

Agencies shall determine the fair market price of small business set-aside and 8(a) contracts as follows:

(a) For total and partial small business set-aside contracts the fair market price to be the price achieved in accordance with the reasonable price guidelines in 15.805-2.

(b) For 8(a) contracts, both with respect to meeting the requirement at 19.805(b) and in order to accurately estimate the current fair market price and business development expense, contracting officers shall follow the procedure at 19.806-2.

5. Section 19.501 is amended by adding paragraphs (j) and (k) to read as follows:

19.501 General.

* * * * *

(j) Except as authorized by law, a contract may not be awarded as a result of a set-aside if the cost to the awarding agency exceeds the fair market price.

(k) After a decision to set-aside a procurement for small business concerns, the contracting officer shall, within five (5) working days after receipt of a written request, provide the requestor with a list of the names and addresses of the small business concerns expected to respond to the solicitation. However, (1) the Secretary of Defense may decline to provide this information in order to protect national security, and (2) the contracting officer is not required to release information that is not required to be released under the Freedom of Information Act (5 U.S.C. 552).

6. Section 19.502-1 is amended by revising paragraph (c) to read as follows:

19.502-1 Requirements for setting aside acquisitions.

* * * (c) assuring that a fair proportion of Government contracts in each industry category is placed with small business concerns, and when the circumstances described in 19.502-2 or 19.502-3(a) exist.

19.508 [Amended]

7. Section 19.508 is amended by adding paragraph (e) to read as follows:

* * * * *

(e) The contracting officer shall insert the clause at 52.219-14, Limitations on Subcontracting, in solicitations and contracts for supplies, services, and construction, if any portion of the requirement is to be set aside for small business, or if the contract is to be awarded under Subpart 19.8

8. Section 19.805 is amended by redesignating the existing text as paragraph (a) and by adding paragraph (b) to read as follows:

19.805 Pricing the 8(a) contract.

* * * * *

(b) An 8(a) contract may not be awarded if the price of the contract results in a cost to the awarding agency which exceeds a fair market price.

19.806-1 [Amended]

9. Section 19.806-1 is amended by deleting paragraph (a) and redesignating the existing paragraphs (b) and (c) as paragraphs (a) and (b).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

10. Section 52.219-14 is added to read as follows:

52.219-14 Limitations on Subcontracting.

As prescribed in 19. 508(e), insert the following clause:

Limitations on Subcontracting (October 1987)

By submission of an offer and execution of a contract, the Offeror/Contractor agrees that in performance of the contract in the case of a contract for—

(a) *Services (except construction).* At least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern.

(b) *Supplies (other than procurement from a regular dealer in such supplies).* The concern shall perform work for at least 50 percent of the cost of manufacturing the supplies, not including the cost of materials.

(c) *General construction.* The concern will perform at least 15 percent of the cost of the contract, not including the cost of materials, with its own employees.

(d) *Construction by special trade contractors.* The concern will perform at least 25 percent of the cost of the contract, not including the cost of materials, with its own employees.

(End of clause)

[FR Doc. 87-23774 Filed 10-13-87; 8:45 am]

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federal register

Wednesday
October 14, 1987

Part V

Department of Education

34 CFR Part 778

Strengthening Research Library Resources Program; Proposed Rule and Notice Inviting Applications for New Awards

DEPARTMENT OF EDUCATION

34 CFR Part 778

Strengthening Research Library Resources Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Strengthening Research Library Resources Program. These amendments are needed to implement a program change legislated by Congress in the Higher Education Amendments of 1986. Additionally, the proposed regulations would change the point values assigned to various selection criteria.

DATES: Comments must be received on or before November 13, 1987.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Frank Stevens or Louise Sutherland, U.S. Department of Education, Office of Educational Research and Improvement, Library Programs, 555 New Jersey Avenue, NW., Washington, DC 20208-1430.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Frank Stevens or Louise Sutherland, (202) 357-6315.

SUPPLEMENTARY INFORMATION: This proposed rulemaking is primarily designed to implement a change in program operations required by the Higher Education Amendments of 1986. Prior to these amendments, only an organization that qualified as a major research library under criteria developed by the Secretary in the existing program regulations (34 CFR 778.31) was eligible to compete for a grant. These criteria, which would remain unaffected by the proposed regulations, generally favored organizations with considerable library holdings, as required under the then applicable legislation. An organization with smaller holdings, despite the significance of its library collections to scholars and researchers, could not generally qualify as a major research library.

In the Higher Education Amendments of 1986, Congress enacted a program change directing that the Secretary permit organizations otherwise found ineligible as a major research library under the Secretary's criteria to compete for a grant if additional information provided by the organization demonstrates "the national or international significance for scholarly research of the particular collection described in the grant proposal." The proposed regulations would implement this directive.

Aside from this legislative requirement, the Secretary is also proposing changes in the numerical values associated with certain criteria used to score applications for grants. These changes were recommended by the peer reviewers that the Secretary uses to evaluate applications for grants. The proposed changes are intended to ensure better competition among applicants for grants by increasing the numerical value associated with a project's significance to scholarly research.

Finally, the existing regulations would be revised to conform with the Department's current requirements regarding the style and format of regulatory documents.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Because these regulations would affect institutions of higher education and public and private non-profit organizations the regulations would not have an impact on small entities. These potential grantees are not defined as "small entities" in the Regulatory Flexibility Act.

Paperwork Reduction Act of 1980

Sections 778.21 and 778.22 contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affiars, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: James D. Houser.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. The Secretary specifically invites comments on proposed § 778.22(a), a selection criterion relating to the sufficiency of an applicant's description of its project, and whether the point value ascribed to that section should be diminished by the Secretary.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 402D, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary also invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Education Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 778

Colleges and universities, Education, Grant programs—education, Libraries, Library and information science, Libraries—resource sharing, Networks, Reporting and recordkeeping requirements, Technology.

Dated: September 15, 1987.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.091, Strengthening Research Library Resources Program)

The Secretary proposes to revise Part 778 of Title 34 of the Code of Federal Regulations to read as follows:

PART 778—STRENGTHENING RESEARCH LIBRARY RESOURCES

Subpart A—General

Sec.
778.1 What is the Strengthening Research Library Resources Program?
778.2 Who is eligible for an award?
778.3 What restrictions on eligibility apply?
778.4 What activities may the Secretary fund?
778.5 What priorities may the Secretary establish?
778.6 What regulations apply?
778.7 What definitions apply?

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

778.20 How does the Secretary evaluate an application?
778.21 What criteria does the Secretary use to evaluate an applicant as a major research library?
778.22 What criteria does the Secretary use to evaluate the quality of a project?
778.23 What additional factors does the Secretary consider?

Subpart D—What Conditions Must Be Met After an Award?

778.30 What agencies must be informed of activities funded by this program?

Authority: 20 U.S.C. 1021, 1041, 1042, unless otherwise noted.

Subpart A—General

§ 778.1 What is the Strengthening Research Library Resources Program?

The Secretary awards grants under the Strengthening Research Library Resources Program for the purpose of promoting research and education of high quality throughout the United States by providing financial assistance to help the Nation's major research libraries—

(a) Maintain and strengthen their collections; and

(b) Make their holdings available to other libraries whose users have need for research materials.

(Authority: 20 U.S.C. 1021, 1041)

§ 778.2 Who is eligible for an award?

(a) The Secretary awards grants under this program to institutions with major research libraries.

(b) An institution with a major research library is defined as a public or private nonprofit institution, an institution of higher education (including a branch campus), an independent research library, a State or other public library, or a consortium of the above entities, having a library collection available to qualified users that—

(1) Makes a significant contribution to higher education and research;

(2) Is broadly based;

(3) Is recognized as having national or international significance for scholarly research;

(4) Is of a unique nature, containing material not widely available; and

(5) Is in substantial demand by researchers and scholars outside the institution.

(c) The Secretary evaluates an applicant's status as a major research library on the basis of the criteria in §§ 778.20 and 778.21. If the Secretary determines that an applicant meets the criteria of a major research library, the determination is effective for each of the four succeeding fiscal year.

(d) An institution that does not meet the criteria for a major research library in §§ 778.20 and 778.21 may still be eligible to receive a grant, if it demonstrates that the library collection proposed for grant assistance is of national or international significance for scholarly research.

(e) If an applicant is a consortium or a branch campus of an institution of higher education, the library collection of the consortium or the branch campus—rather than the separate library collections of each unit comprising the consortium or the institution of higher education—must satisfy the conditions of paragraphs (b) and (c) of this section.

(Authority: 20 U.S.C. 1021, 1041, 3474)

§ 778.3 What restrictions on eligibility apply?

The Secretary does not award a grant to an applicant otherwise eligible under this program if the applicant—

(a) Receives a grant under section 211 of the Act (College Library Resources Program) during the same fiscal year that it applies for a grant under this part; or

(b) Is eligible to receive a grant under other Federal programs, such as the Medical Library Assistance Act of 1965, for the project it proposes to receive assistance under this part, unless the applicant shows that—

(1) Payments under this part will not duplicate payments under those other Federal programs; and

(2) Special circumstances warrant assistance under this part.

(Authority: 20 U.S.C. 1021, 1041, 3474)

§ 778.4 What activities may the Secretary fund?

Funds provided under this part may be used for one or both of the purposes in § 778.1. Authorized activities include, but are not limited to, the following:

(a) Acquiring books and other materials to be used for library purposes.

(b) Binding, rebinding, and repairing books and other materials to be used for library purposes, and preserving these materials by making photocopies, treating paper or bindings to lengthen their life, or other means.

(c) Cataloging, abstracting, and making available lists and guides of the library collection.

(d) Distributing library materials and bibliographic information to users beyond the primary clientele by mail, or by electronic, photographic, magnetic, optical, or other means.

(e) Acquiring additional equipment and supplies that assist in making library materials available to users beyond the primary clientele.

(f) Hiring necessary additional staff to carry out activities funded under this part.

(g) Communicating with other institutions.

(h) Performing evaluations.

(i) Disseminating information.

(Authority: 20 U.S.C. 1021)

§ 778.5 What priorities may the Secretary establish?

The Secretary may give priority to applications proposing one or more of the following activities:

(a) Adapting, converting, or creating library records for unique research materials which expand or otherwise complement the national bibliographic data base and which conform to highest national standards.

(b) Augmenting unique collections of specialized research materials.

(c) Preserving or maintaining unique research materials in danger of deterioration.

(d) Promoting the sharing of library resources.

(Authority: 20 U.S.C. 1021)

§ 778.6 What regulations apply?

The following regulations apply to the Strengthening Research Library Resources Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), Part 78 (Education Appeal Board), and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The regulations in this Part 778.

(Authority: 20 U.S.C. 1021)

§ 778.7 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Acquisition	Nonprofit
Applicant	Private
Application	Project
Department	Public
EDGAR	Secretary
Fiscal year	State
Grant	

(b) *Other definitions.* The following definitions also apply to this part:

"Act" means the Higher Education Act of 1965, as amended.

"Branch campus" means a permanent campus of an institution of higher education located in a community of the United States different from that of the parent institution, not within a reasonable commuting distance from the main campus, that is separately accredited, and that provides—through its own budgetary and hiring authority, and faculty and administrative staff—postsecondary educational programs for which library facilities, services, and materials are necessary.

"Consortium" means a nonprofit organization of library institutions established or operated for the purpose of sharing library resources, coordinating collection development, or engaging in similar cooperative activities.

"Institution of higher education" means a public or private nonprofit institution of higher education as defined in 34 CFR 668.2.

"Primary clientele" means students, faculty, or other registered users of the library of the applicant or grantee.

"State agency" means the State agency designated under section 1203 of the Act.

(Authority: 20 U.S.C. 1021)

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 778.20 How does the Secretary evaluate an application?

(a) In evaluating applications for new grants, the Secretary uses two sets of criteria.

(b) (1) The Secretary determines an applicant's status as a major research library on the basis of the criteria in § 778.21. An applicant that receives a score of 65 points or more under the criteria in § 778.21 is determined to be a major research library and qualifies to have its project evaluated for an award.

(2) The Secretary notifies an applicant that does not receive a score of 65 points or more under the criteria in § 778.21 that the application will still be considered for funding if additional information or documents are provided to demonstrate the national or international significance for scholarly research of the particular collection described in the grant application.

(c) The Secretary evaluates the quality of the applications from applicants that qualify under paragraphs (b)(1) and (b)(2) of this section, using the criteria in § 778.22.

(Authority: 20 U.S.C. 1021, 3474)

§ 778.21 What criteria does the Secretary use to evaluate an applicant as a major research library?

The Secretary uses the criteria in this section to evaluate an applicant's status as a major research library. The maximum score is 100 points. The Secretary reviews each application to determine the extent to which the applicant's library collection—

(a) Makes a significant contribution to higher education and research as measured by factors such as—(20 points)

(1) The major research projects for which the library has made resources available in the past fiscal year;

(2) The amount the applicant expended in research funds from all sources and the number of projects conducted by the institution with these funds in the past fiscal year; and

(3) Evidence that the institution is established and recognized in the field of advanced research and scholarship;

(b) Is broadly based as measured by factors such as—(20 points)

(1) The number of subject areas covered or the comprehensiveness of special collections;

(2) The number of volumes and titles, manuscripts, microforms, and other types of materials;

(3) The number of volumes and titles and other materials added to the collection in the previous fiscal year; and

(4) The number of current periodical subscriptions;

(c) Is recognized as having national or international significance for scholarly research as measured by factors such as—(20 points)

(1) The number or percentage of interlibrary loans made or copies of materials provided by the applicant during the past year to libraries outside the geographical region in which the applicant is located;

(2) The number of percentage of interlibrary loans made or copies provided during the past year to libraries located outside the United States; and

(3) The extent to which loans of the applicant's materials described in paragraphs (c)(1) and (c)(2) of this section are made under formal, cooperative arrangements;

(d) Is of a unique nature, and contains material not widely available, as measured by factors such as—(20 points)

(1) The number and nature of special collections containing research materials not widely available;

(2) The availability of printed, computerized, or otherwise published catalogs or other guides to the special collections; and

(3) Evidence which demonstrates possession of uncommon library resources necessary to support advanced research and scholarship; and

(e) Is in substantial demand by researchers and scholars not connected with the applicant institution as measured by factors such as—(20 points)

(1) The number or percentage of loan requests coming from users outside the applicant's primary clientele;

(2) The extent to which the applicant lends more on interlibrary loan than it borrows;

(3) The number or percentage of researchers and scholars outside the applicant's primary clientele who use its collection;

(4) The number of institutions with which the applicant has formal cooperative agreements to provide library and information services for researchers and scholars outside the applicant's primary clientele; and

(5) Membership is a major computer-based bibliographic database.

(Authority: 20 U.S.C. 1021, 1041)

§ 778.22 What criteria does the Secretary use to evaluate the quality of a project?

The Secretary uses the following criteria to evaluate the quality of the proposed project. The maximum score is 100 points.

(a) *Description of the project.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) The purpose of the project is clearly stated;

(2) There is a concise description of the project; and

(3) There is a clear statement of the project objectives.

(b) *Significance of the project.* (45 points) The Secretary reviews each application to determine the importance of the project for scholarly research and inquiry by assessing—

(1) The uniqueness of the project;

(2) The size of the audience the project is intended to serve;

(3) The need for the project;

(4) The extent to which the project will increase the availability of the applicant's research collections;

(5) The extent to which the proposed project will help the applicant maintain and strengthen its collections, particularly collections which have national or international significance for scholarly research; and

(6) The extent to which the applicant intends to disseminate the project accomplishments to the scholarly and professional communities.

(7) The extent to which there will be significant project accomplishments as a result of cooperative undertaking when a joint application is submitted by two or more institutions.

(c) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program; and

(4) The quality of the applicant's plans to use its resources and personnel to achieve each objective.

(d) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director, if one is to be used;

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that these key personnel will commit to the project.

(2) To determine the qualifications of these key personnel, the Secretary considers—

(i) Experience, training, and professional productivity in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(e) *Budget and cost-effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation are—

(1) Appropriate to the project;

(2) Objective; and

(3) Produce data that are quantifiable.

Cross-reference. See 34 CFR 75.590 Evaluation by the grantee.

(g) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources the applicant plans to devote to the project, including facilities, equipment, and supplies.

(h) *Institutional commitment.* (5 points) The Secretary reviews each application to determine the extent of the applicant's commitment to the project, its capability to continue the project, and the likelihood that it will build upon the project when Federal assistance ends.

(Authority: 20 U.S.C. 1021, 1041)

§ 778.23 What additional factors does the Secretary consider?

(a) After evaluating the applications according to the criteria in § 778.22, the Secretary determines whether the most highly rated projects are broadly and equitably distributed throughout the Nation.

(b) The Secretary may select other applications for funding if doing so would improve the geographical distribution of—

(1) Projects funded under this competition; or

(2) Projects funded under this program during the preceding five fiscal years.

(c) In determining whether to select other applications under paragraph (b) of this section, the Secretary considers the impact of that determination on the needs of the research community.

(Authority: 20 U.S.C. 1042)

Subpart D—What Conditions Must Be Met After an Award?

§ 778.30 What agencies must be informed of activities funded under this program?

Each institution of higher education which receives a grant under this part shall annually inform the State agency designated under section 1203 of the Higher Education Act, as amended, of its activities under this part.

(Authority: 20 U.S.C. 1022)

[FR Doc. 87-23762 Filed 10-13-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.091]

Invitation of Applications for New Awards Under the Strengthening Research Library Resources Program for Fiscal Year 1988

Purpose: Provides grants to the nation's major research libraries to maintain and strengthen their collections and make their holdings available to other libraries whose users have need for research materials.

Deadline for Transmittal of Applications: December 21, 1987, except for institutions having established significance as a major research library in fiscal year 1984 or later, who may submit applications until January 4, 1988.

Deadline for Intergovernmental Review Comments: March 11, 1988.

Applications Available: October 28, 1987

Available Funds: The Administration's budget request for fiscal year 1988 does not include funds for this program. However, applications are being invited to allow sufficient time to evaluate applications and complete the grant process before the end of the fiscal year, should the Congress appropriate funds for this program.

Estimated Average Range of Awards: $35,000–$350,000.

Estimated Average Size of Awards: $150,000.

Estimated Number of Awards: 30.

Project Period: 15 months.

Applicable Regulations: (a) Regulations governing the Strengthening Research Library Resources Program as proposed to be codified in 34 CFR Part 778. Applications are being accepted based on the notice of proposed rulemaking which is published in this issue of the **Federal Register.** If any substantive changes are made in the final regulations for this program, applicants will be given the opportunity to revise or resubmit their applications.

(b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For Applications or Information Contact: Frank A. Stevens or Louise Sutherland, U.S. Department of Education, Office of Educational Research and Improvement, Library Programs, 555 New Jersey Avenue, NW., Room 402M, Washington, DC 20208–1430. Telephone: (202) 357–6315.

Program Authority: 20 U.S.C. 1021 *et seq.*

Dated: September 14, 1987.

Chester E. Finn, Jr.,

Assistant Secretary of Educational Research and Improvement.

[FR Doc. 87-23761 Filed 10-13-87; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
October 14, 1987

Part VI

Environmental Protection Agency

21 CFR Part 193

40 CFR Part 180

Carbon Disulfide, Ethylene Dichloride, Chloroform, and Carbon Tetrachloride; Pesticide Tolerance and Food Additive Provisions; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300155; FRL-3276-6]

Carbon Disulfide, Ethylene Dichloride, and Chloroform; Proposed Revocation of Exemptions From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend 40 CFR Part 180 by removing regulations to exempt from the requirement of a tolerance the pesticide chemicals carbon disulfide, (§ 180.1004), ethylene dichloride (§ 180.1007), and chloroform (§ 180.1009). This Agency-initiated regulatory action will remove the exemptions for which related pesticide uses have been cancelled. Elsewhere in this issue of the **Federal Register**, EPA is also proposing revocation of the food additive regulations for carbon disulfide and ethylene dichloride as fumigants when used on grain-mill machinery and grains for fermented malt beverage production.

DATE: Written comments, identified by the document control number [OPP-300155], should be received on or before December 14, 1987.

ADDRESS: By mail, submit comments to:

Information Services Section, Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking all or part of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedure set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

Mark T. Boodee, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street, SW., Washington, DC. 20460

Office location and telephone number: Rm. 1014, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400).

SUPPLEMENTARY INFORMATION: The residues resulting from use of carbon disulfide (also named carbon bisulfide), ethylene dichloride, and chloroform as fumigants after harvest are currently exempted from the requirement of a tolerance for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), and wheat. These exemptions were granted in 1956 based on available toxicology studies and the conclusion that the 5 to 10 parts per million (ppm) levels of these pesticide residues which resulted in the ready-to-eat grain products did not have any toxicological significance. These residue levels were determined by the less sophisticated analytical methodology available at the time which was not capable of detecting carbon disulfide, ethylene dichloride, and chloroform per se. Currently available analytical methods are now capable of detecting these fumigants per se down to a limit of detection of 1 part per billion (ppb).

On September 28, 1983, the Administrator issued a notice published in the **Federal Register** of October 11, 1983 (48 FR 46234), of intent to cancel registrations of the grain fumigant ethylene dibromide (EDB) for use as a fumigant on harvested grains and grain and flour-milling equipment. Many EDB grain fumigant products, now cancelled, also contained one or more of several other active ingredients registered for use as grain fumigants. One of these chemicals, chloroform, was only used in formulations that also contained EDB and registrations containing this chemical were canceled together with other EDB registrations.

On taking action to eliminate the use of EDB on grains, EPA began a comprehensive review of EDB substitutes to ensure that continued and, in some cases, expanded use of these chemicals would not present unreasonable risks from either occupational or dietary exposure. Because significant data were lacking in key areas for two grain fumigant active ingredients, carbon disulfide and ethylene dichloride, EPA required submission of product chemistry data, analytical methodologies, residue studies, chronic feeding studies, oncogenicity studies, teratogenicity studies, and reproductive studies through its Data Call-In program. Data Call-In notices were mailed to the registrants of these two pesticides on March 16, 1984. None of the registrants agreed to supply the data required for continued registration. Subsequently, all registrations of grain fumigants containing carbon disulfide and ethylene dichloride were either suspended under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for failure to submit the required data or were voluntarily canceled by the registrants.

All suspended registrations have now been canceled. A list of all grain fumigant products containing carbon disulfide, ethylene dichloride, and chloroform that have been cancelled was published in the **Federal Register** of October 23, 1985 (50 FR 42997), and the notice of December 31, 1986 (51 FR 47305).

EPA now proposes to revoke the exemptions from the requirement of a tolerance for carbon disulfide (§ 180.1004), ethylene dichloride (§ 180.1007), and chloroform (§ 180.1009), for residues on barley, corn, oats, popcorn, rice, rye, sorghum (milo), and wheat resulting from use of these pesticides as fumigants for grain stored in bulk, because the registrations of all products containing these chemicals have been canceled.

The limited data available to the Agency indicate that carbon disulfide, ethylene dichloride, and chloroform are not particularly persistent in the environment. EPA does not expect significant residues resulting from the last allowable treatment of grain stocks, on or before June 30, 1986. Consequently, the Agency anticipates no need to establish action levels for unavoidable residues of these fumigants in or on grain to replace the established tolerance exemptions upon their revocation.

However, small amounts of residue may occasionally remain in grain and grain-based consumer products due to legal application of grain fumigants to grain stocks on or before June 30, 1986. It is doubtful that the presence of low levels of residues of these grain fumigants for this short-term period would pose a risk to the public health. The Agency has recommended to the Food and Drug Administration (FDA) that enforcement action not be taken if residues are detected in grain or grain-based consumer products after the exemptions are removed if such residues were incurred as a result of legal application of the fumigants on or before June 30, 1986. FDA has agreed to this approach.

Elswhere in this issue of the **Federal Register**, a related proposed regulatory action, [OPP-300156], revoking food

additive regulations for carbon disulfide and ethylene dichloride, is also pulished.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which contains any of these chemicals may request within 30 days after publication of this notice in the **Federal Register** that this proposal to revoke the exemptions from the requirement of a tolerance for these chemicals be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed revocation of the exemptions from the requirement of a tolerance for these chemicals. Comments should bear the notation indicating the document control number [OPP-300155]. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing the comments. All written comments filed pursuant to this notice will be available for public inspection in the Program Management and Support Division at the above address between 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

In order to satisfy requirements for analysis as specified by Executive Order 12291 and the Regulatory Flexibility Act, the Agency has analyzed the costs and benefits of the revocation of the exemptions from tolerances for these chemicals. Documents containing these analyses are available in the Information Services Section at the address identified elsewhere in this notice.

Executive Order 12291

Under Executive Order 12291, the Agency must determine whether a proposed regulatory action is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. The Agency has determined that this proposed regulatory action is not a major regulatory action, i.e., it will not have an annual effect on the economy of at least $100 million, will not cause a major increase in prices, and will not have a significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises.

This proposed rule has been reviewed by the Office of Management and Budget as required by section 3 of Executive Order 12291.

Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354 94 Stat. 1165, 5 U.S.C. 60 *et seq.*) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations.

The revocation of exemptions from tolerances would potentially affect firms in the grain-milling and bakery products industries as well as grain farmers. Products found to contain carbon disulfide, ethylene dichloride, or chloroform may be subject to enforcement action. However, since FDA has agreed not to take enforcement unless residue levels are at a level of public health concern or residues resulted from treatment after June 30, 1986, it is anticipated that little or no economic impact would occur.

Accordingly, I certify that this regulatory action does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

List of Subjects in 40 CFR Part 180

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

Dated: September 28, 1987.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

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

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

§ 180.1004 [Removed]

2. By removing § 180.1004.

§ 180.1007 [Removed]

3. By removing § 180.1007.

§ 180.1009 [Removed]

4. By removing § 180.1009.

[FR Doc. 87-23716 Filed 10-13-87; 8:45 am]
BILLING CODE 6560-50-M

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21 CFR Part 193

[OPP-300156; FRL-3276-7]

Carbon Disulfide and Ethylene Dichloride; Proposed Revocation of Food Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend 21 CFR Part 193 by removing the food additive for carbon disulfide and ethylene dichloride for fumigation of (1) grain-mill machinery (§ 193.225) and (2) processed grains used in the production of fermented malt beverages, when used in various mixtures (§ 193.230). This Agency-initiated regulatory action removes food additive regulations for which related pesticide uses have been cancelled. Elsewhere in this issue of the **Federal Register**, DEPA is also proposing revocation of the exemptions from the requirement of a tolerance for carbon disulfide, ethylene dichloride, and chloroform as post-harvest fumigants on various grains.

DATE: Written comments, identified by the document control number [OPP-300156], should be received on or before December 14, 1987.

ADDRESS: By mail, submit comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Mark T. Boodee, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1014, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400)

SUPPLEMENTARY INFORMATION: Section 193.225(a) of 21 CFR currently provides that fumigants may be safely used in or on grain-mill machinery with the following prescribed conditions, among others:

The fumigants consist of one or more of the following: Carbon disulfide, carbon tetrachloride, ethylene dichloride, methyl bromide.

Section 193.230(a)(1) of 21 CFR provides that fumigants for processed grains used in production of fermented malt beverages may be safely used in accordance with the following conditions, among others:

They consist of one of the following mixtures: Carbon tetrachloride with either carbon disulfide or ethylene dichloride, with or without pentane.

On September 28, 1983, the Administrator issued a notice, published in the **Federal Register** of October 11, 1983 (48 FR 46234), of intent to cancel registrations of the grain fumigant ethylene dibromide (EDB) for use as a fumigant on harvested grains and grain and flour-milling equipment. Many of these cancelled EDB grain fumigant products also contained one or more of several other active ingredients registered for use as grain fumigants, including carbon disulfide and ethylene dichloride.

On taking action to eliminate the use of EDB on grains, EPA began a comprehensive review of EDB substitutes to ensure that continued and, in some cases, expanded use of these chemicals would not present unreasonable risks from either occupational or dietary exposure. Because data were lacking in key areas for the grain fumigants carbon disulfide and ethylene dichloride, EPA required submission of product chemistry data, analytical methodologies, residue studies, chronic feeding studies, oncogenicity studies, teratogenicity studies, and reproductive studies through its Data Call-In program. Data Call-In notices were sent to the registrants of these two pesticides on March 16, 1984. None of the registrants agreed to supply the data required for continued registration. Subsequently, all registrants of grain fumigants containing carbon disulfide and/or ethylene dichloride were either suspended under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for failure to submit the required data or were voluntarily cancelled by the registrants.

All suspended registrations have now been cancelled. A list of all grain fumigant products containing carbon disulfide and ethylene dichloride that have been cancelled was published in the **Federal Register** of October 23, 1985 (50 FR 42997), and the notice of December 31, 1986 (51 FR 47305).

The limited data available to the Agency indicate that carbon disulfide and ethylene dichloride are not particularly persistent. EPA does not anticipate significant residues resulting from the last allowable treatment of grain stocks, on or before June 30, 1986. Consequently, the Agency anticipates no need to establish action levels to replace the established tolerance exemptions upon their revocation.

Elsewhere in this issue of the **Federal Register**, EPA has issued a related document [OPP-300155] which proposes the revocation of exemptions from the requirement of a tolerance in 40 CFR Part 180 for residues resulting from the use of carbon disulfide (§ 180.1004), ethylene dichloride (§ 180.1007), and chloroform (§ 180.1009) as post-war fumigants on a variety of grains.

Based on the information considered by the Agency and discussed in detail in the cited **Federal Register** documents, the Agency now proposes to revoke (1) the food additive regulation in 21 CFR 193.225(a) for use of carbon disulfide and ethylene dichloride as fumigants for grain-mill machinery, and (2) the food additive regulation in 21 CFR 193.230(a)(1) for use of carbon disulfide and ethylene dichloride in mixtures with certain other pesticides, as a fumigant for processed grain used in the production of fermented malt beverages. The Agency is proposing that the words "carbon disulfide" and "ethylene dichloride" be removed from 21 CFR 193.225(a) and from 21 CFR 193.230(a)(1).

Interested persons are invited to submit written comments on this proposal to revoke the food additive regulations in 21 CFR 193.225(a) and 193.230(a)(1) for carbon disulfide and ethylene dichloride. Comments must bear a notation indicating the document control number [OPP-300156]. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing the comments. All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, between 8 a.m. and 4 p.m., Monday through Friday, except legal holidays.

This document has been reviewed by the Office of Management and Budget as required by section 3 of Executive Order 12291.

This proposed action has been analyzed under the Regulatory Flexibility Act, and the requirements of Executive Order 12291. The analysis contained in the proposals for the revocation of the exemption from the requirement of a tolerance in 40 CFR 180.1004 and 180.1007 for carbon disulfide and ethylene dichloride residues in a variety of grains resulting from post-harvest fumigation, applies equally to the proposed action set forth in this document. Accordingly, I certify that this proposed regulation does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 28, 1987.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 21 CFR Part 193 be amended as follows:

PART 193—[AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 21 U.S.C. 348.

2. Section 193.225(a) is revised to read as follows:

§ 193.225 Fumigants for grain-mill machinery.

* * * * *

(a) The fumigants consist of one or more of the following: Carbon tetrachloride and methyl bromide.

* * * * *

3. Section 193.230(a)(1) is revised to read as follows:

§ 193.230 Fumigants for processed grains used in production of fermented malt beverages.

* * * * *

(a) * * *

(1) Carbon tetrachloride, with or without pentane.

* * * * *

[FR Doc. 87-23717 Filed 10-13-87; 8:45 am]
BILLING CODE 6560-50-M

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21 CFR Part 193

[OPP-300158; FRL-3276-8]

Carbon Tetrachloride; Proposed Revocation of Food Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend 21 CFR Part 193 by removing the food additive regulations for carbon tetrachloride for fumigation of (1) grain-mill machinery (§ 193.225) and (2) processed grains used in the production of fermented malt beverages, when used in various mixtures (§ 193.230). This

proposed Agency-initiated regulatory action will remove food additive regulations for which related pesticide uses have been cancelled. Elsewhere in this issue of the **Federal Register**, EPA is also proposing revocation of the exemption from the requirement of a tolerance for carbon tetrachloride as a post-harvest fumigant on various grains.

DATE: Written comments, identified by the document control number [OPP-300158], must be received on or before December 14, 1987

ADDRESS: By mail, submit comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Mark T. Boodee, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Special Review Branch, Rm. 1014, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7400).

SUPPLEMENTARY INFORMATION: On September 30, 1980, the Administrator issued a notice, published in the **Federal Register** of October 15, 1980 (45 FR 68534) of Special Review (previously referred to as Rebuttable Presumption against Registration) of all pesticide products containing carbon tetrachloride (CCl_4), including those CCl_4 products registered for use as grain fumigants. The Special Review was initiated because the Agency determined that continued use of carbon tetrachloride posed a risk of oncogenic, mutagenic, and other adverse effects and that it satisfied the criteria for commencing a Special Review set forth at 40 CFR 154.7 Position Document 1 on CCl_4 was also published in the **Federal Register** of October 15, 1980 (45 FR 68551), outlining pertinent background information, references, and a summary of the evidence to support a Special Review.

In 1983, EPA began to examine the risks posed by the grain fumigant ethylene dibromide (EDB). On September 28, 1983, the Administrator issued a notice, published in the **Federal Register** of October 11, 1983 (48 FR 46234), of intent to cancel registrations of EDB for use as a fumigant of grain stored in bulk and as a fumigant for spot treatment of grain-milling equipment. On taking action to eliminate the use of EDB on grains, EPA began a comprehensive review of EDB substitutes to ensure that continued and, in some cases, expanded use of these chemicals would not present unreasonable risks.

Because data were lacking in key areas for carbon tetrachloride, EPA required submission of product chemistry data, analytical methodologies, residue studies, teratogenicity studies, and reproductive studies through its Data Call-In program. Data Call-in notices were sent to the registrants of CCl_4 products on March 16, 1984. None of the registrants agreed to supply the data required for continued registration. Subsequently, all registrations of grain fumigants containing carbon tetrachloride were either voluntarily cancelled by the registrants or were suspended under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for failure to submit the required data.

A list of many grain fumigant products containing carbon tetrachloride that have been voluntarily cancelled was published in the **Federal Register** of October 23, 1985 (50 FR 42997).

On November 3, 1986, the Administrator issued a final notice, published in the **Federal Register** of November 12, 1986 (51 FR 41004), of intent to cancel registrations for those remaining CCl_4 grain fumigant products. The basis for the Agency's action was that risks posed to humans by CCl_4, including both a risk of acute and subacute poisoning and an oncogenic risk, outweighed its limited benefits. Since no registrants challenged this action within the statutory time frame, the remaining registrations for the CCl_4 grain fumigant products were cancelled by operation of law.

Section 193.225(a) of 21 CFR currently provides that fumigants may be safely used in or on grain-mill machinery with the following conditions, among others:

> The fumigants consist of one or more of the following: Carbon tetrachloride, and methyl bromide.

Section 193.230(a)(1) of 21 CFR provides that fumigants for processed grains used in production of fermented malt beverages may be safely used in accordance with the following conditions, among others:

> They consist of one of the following mixtures: Carbon tetrachloride, with or without pentane.

Based on the information considered by the Agency and discussed in detail in the **Federal Register** documents cited in the preceeding paragraphs, the Agency now proposes to revoke (1) the food additive regulation in 21 CFR 193.225 for use of carbon tetrachloride as a fumigant for grain-mill machinery, and (2) the food additive regulation in 21 CFR 193.230 for use of CCl_4 as a fumigant for processed grain used in the production of fermented malt beverages. The Agency is proposing that all references to "carbon tetrachloride" be removed from 21 CFR 193.225(a) and from 21 CFR 193.230(a)(1).

Elsewhere in this issue of the **Federal Register**, EPA has issued a related document [OPP-300159], which proposes the revocation of the exemption from the requirement of a tolerance in 40 CFR Part 180 for residues resulting from the use of carbon tetrachloride (§ 180.1005) as a post-harvest fumigant on a variety of grains.

Available data indicate that residues of carbon tetrachloride in or on raw grain treated prior to June 30, 1986, the last day of legal use of the fumigant, ranged from less than 10 ppb to 300 ppm. For intermediate grain products, e.g., flour, the CCl_4 levels ranged from less than 10 ppb to 10 ppm. Ready-to-eat grain products contained CCl_4 residues in the range of less than 10 ppb to 0.5 ppm. The Agency has no data on the rate of decline of CCl_4 residues in grain and derived grain products treated prior to the date of cessation of use, i.e., June 30, 1986. However, the Agency anticipates, and available data suggest, that any remaining residues will dissipate with time and that the treated grain and grain products will be used within a period of several years. It is doubtful that the presence of low levels of CCl_4 for this short-term period would pose a risk to the public health. Residue data presently available to the Agency on CCl_4 are not considered adequately validated for the purposes of setting action levels. At a minimum these data would need to be supported with: (1) Full documentation of sample collection, preparation, and storage prior to

analysis; (2) a full description of the analytical method used to generate the data, to indicate the method's limit of detection; (3) the analysis of appropriate control and recovery samples; and (4) storage stability data reflecting the actual storage of the samples prior to analysis. Therefore, the Agency has recommended to the Food and Drug Administration (FDA) that enforcement action not be taken if residues are detected in grain or grain-based consumer products after the exemptions are removed if such residues were incurred as a result of legal use of the fumigant on or before June 30, 1986. FDA has agreed to this approach.

Interested persons are invited to submit written comments on this proposal to revoke the food additive regulations in 21 CFR 193.225 and 193.230 for carbon tetrachloride. Comments must bear a notation indicating the document control number [OPP-300158]. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing the comments. All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, between 8 a.m. and 4 p.m., Monday through Friday, except legal holidays.

This document has been reviewed by the Office of Management and Budget as required by section 3 of Executive Order 12291.

This proposed action has been analyzed under the Regulatory Flexibility Act, and the requirements of Executive Order 12291. The analysis contained in the proposals for the revocation of the exemption from the requirement of a tolerance in 40 CFR 180.1005 for carbon tetrachloride residues in a variety of grains resulting from post-harvest fumigation, applies equally to the proposed action set forth in this notice. Accordingly, I certify that this regulation does not require a separate regulatory flexibility analysis under the Regulatory Act.

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests.

Dated: September 28, 1987.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 21 CFR Part 193 be amended as follows:

PART 193—[AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 21 U.S.C. 348.

2. Section 193.225(a) is revised to read as follows:

§ 193.225 Fumigants for grain-mill machinery.

* * * * *

(a) The fumigant consists of methyl bromide.

* * * * *

3. Section 193.230(a) is revised to read as follows:

§ 193.230 Fumigants for processed grains used in production of fermented malt beverages.

* * * * *

(a) They consist of methyl bromide. Total residues of inorganic bromide (calculated as Br) from the use of this fumigant shall not exceed 125 parts per million.

* * * * *

[FR Doc. 87-23718 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[OPP-300159; FRL-3276-9]

Carbon Tetrachloride; Proposed Revocation of Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend 40 CFR Part 180 by removing regulations to exempt from the requirement of a tolerance the pesticide chemical carbon tetrachloride (§180.1005). This proposed Agency-initiated regulatory action will remove the exemption for which related pesticide uses have been cancelled. Elsewhere in this issue of the **Federal Register**, EPA is also proposing revocation of the food additive regulations for carbon tetrachloride as a fumigant when used on grain-mill machinery and grains for fermented malt beverage production.

DATE: Written comments, identified by the document control number [OPP-300159], should be received on or before December 14, 1987.

ADDRESS: By mail, submit comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Mark T. Boodee, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Special Review Branch, Rm. 1014, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7400).

SUPPLEMENTARY INFORMATION: On September 30, 1980, the Administrator issued a notice, published in the **Federal Register** of October 15, 1980 (45 FR 68534), of Special Review (previously referred to as Rebuttable Presumption against Registration) of all pesticide products containing carbon tetrachloride (CCl_4) including those CCl_4 products registered for use as grain fumigants. The Special Review was initiated because the Agency determined that continued use of carbon tetrachloride posed a risk of oncogenic, mutagenic, and other adverse effects and that it satisfied the criteria for commencing a Special Review as set forth at 40 CFR 154.7. Position Document 1 on CCl_4 was also published in the **Federal Register** of October 15, 1980 (45 FR 68551), outlining pertinent background information, references, and a summary of the evidence to support a Special Review.

In 1983, EPA began to examine the risks posed by the grain fumigant ethylene dibromide (EDB). On September 28, 1983, the Administrator issued a notice, published in the **Federal Register** of October 11, 1983 (48 FR 46234), of intent to cancel registrations of EDB for use as a fumigant of grain stored in bulk and as a fumigant for spot treatment of grain-milling equipment. On taking action to eliminate the use of EDB on grains, EPA began a comprehensive review of EDB substitutes to ensure that continued and, in some cases, expanded

use of these chemicals would not present unreasonable risks.

Because data were lacking in key areas for carbon tetrachloride, EPA required submission of product chemistry data, analytical methodologies, residue studies, teratogenicity studies, and reproductive studies through its Data Call-In program. Data Call-in notices were sent to the registrants of carbon tetrachloride products on March 16, 1984. None of the registrants agreed to supply the data required for continued registration. Subsequently, all registrations of grain fumigants containing carbon tetrachloride were either voluntarily cancelled by the registrants or were suspended under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for failure to submit the required data.

A list of those grain fumigant products containing carbon tetrachloride that have been voluntarily cancelled was published in the **Federal Register** of October 23, 1985 (50 FR 42997).

On November 3, 1986, the Administrator issued a final notice, published in the **Federal Register** of November 12, 1986 (51 FR 41004), of intent to cancel registrations for those remaining CCl_4 grain fumigant products. The basis for the Agency's action was that risks posed to humans by CCl_4 including both a risk of acute and subacute poisoning and an oncogenic risk, outweighed its limited benefits. Since no registrants challenged this action within the statutory time frame, the remaining registrations for the CCl_4 grain fumigant products were cancelled by operation of law.

The residues resulting from use of carbon tetrachloride as a fumigant after harvest are currently exempted from the requirement of a tolerance for the following grains: barley, corn, oats, popcorn, rice, rye, sorghum (milo), and wheat. This exemption was granted in 1956 based on available toxicology studies and the conclusion that the 5 to 10 parts per million (ppm) residue levels which resulted in the consumed food did not have any toxicological significance. These residue levels were determined by less sophisticated analytical methodology than that available today. Currently available analytical methods are now capable of detecting carbon tetrachloride per se down to a limit of detection of 1 part per billion (ppb).

EPA now proposes to revoke the exemption from the requirement of a tolerance for residues of carbon tetrachloride (§ 180.1005) in barley, corn, oats, popcorn, rice, rye, sorghum (milo), and wheat resulting from the use of carbon tetrachloride as a fumigant after harvest because the registrations for all products used as fumigants for stored grain or for grain-milling equipment containing this chemical have been cancelled.

Available data indicate that residues of carbon tetrachloride in or on raw grain treated prior to June 30, 1986, the last day of legal use of the fumigant, ranged from less than 10 ppb to 300 ppm. For intermediate grain products, e.g., flour, the CCl_4 levels ranged from less than 10 ppb to 10 ppm. Ready-to-eat grain products contained CCl_4 residues in the range of less than 10 ppb to 0.5 ppm. The Agency has no data on the rate of decline of CCl_4 residues in grain and derived grain products treated prior to the date of cessation of use, i.e., June 30, 1986. However, the Agency anticipates, and available data suggests, that any remaining residues will dissipate with time and that the treated grain and grain products will be used within a period of several years. It is doubtful that the presence of low levels of CCl_4 for this short-term period would pose a risk to the public health. Residue data presently available to the Agency on CCl_4 are not considered adequately validated for the purposes of setting action levels. At a minimum these data would need to be supported with: (1) Full documentation of sample collection, preparation, and storage prior to analysis; (2) a full description of the analytical method used to generate the data, to indicate the method's limit of detection; (3) the analysis of appropriate control and recovery samples; and (4) storage stability data reflecting the actual storage of the samples prior to analysis. Therefore, the Agency has recommended to the Food and Drug Administration (FDA) that enforcement action not be taken if residues are detected in grain or grain-based consumer products after the exemptions are removed if such residues were incurred as a result of legal use of the fumigant on or before June 30, 1986. FDA has agreed to this approach.

Elsewhere in this issue of the **Federal Register**, EPA has issued a related document [OPP-300158], which proposes the revocation of food additive regulations for carbon tetrachloride.

Any person who has registered or submitted an application under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the registration of a pesticide which contains carbon tetrachloride may request within 30 days after publication of this document in the **Federal Register** that this proposal to revoke the exemption from the requirement of a tolerance be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. Requests should bear the document control number [OPP-300159], and should be submitted to the mailing address provided above.

Interested persons are invited to submit written comments on this proposed revocation for the exemption from the requirement of a tolerance for carbon tetrachloride. Comments should bear a notation indicting the document control number [OPP-300159]. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in reviewing the comments. All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, between 8 a.m. and 4 p.m., Monday through Friday, except legal holidays.

In order to satisfy requirements for analysis as specified by Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act, the Agency has analyzed the costs and benefits of this proposal. Documents containing these analyses are available for public inspection in the Information Services Section at the address given above.

Executive Order 12291

Under Executive Order 12291, the Agency must determine whether a proposed regulatory action is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. The Agency has determined that this proposed regulatory action is not a major regulatory action, i.e., it will not have an annual effect on the economy of at least $100 million, will not cause a major increase in prices, and will not have a significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises.

This proposed rule has been reviewed by the Office of Management and Budget as required by section 3 of Executive Order 12291.

Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1165, 5 U.S.C. 60 *et seq.*) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations.

The revocation of the exemption from the requirement of a tolerance would potentially affect firms in the grain-milling and bakery products industries

as well as grain farmers. Products found to contain carbon tetrachloride may be subject to enforcement action. However, since FDA has agreed not to take enforcement action unless residue levels are at a level of public health concern or residues resulted from treatment after June 30, 1986, it is anticipated that little or no economic impact would occur.

Accordingly, I certify that this regulatory action does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

List of Subjects in 40 CFR Part 180

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

Dated: September 28, 1987.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

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

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

§ 180.1005 [Removed]

2. By removing § 180.1005.

[FR Doc. 87-23719 Filed 10-13-87; 8:45 am]

BILLING CODE 6560-50-M

federal register

Wednesday
October 14, 1987

Part VII

Department of Education

34 CFR Part 690

Pell Grant Program; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education amends the regulations for the Pell Grant Program. The regulations are amended as a result of statutory changes made to the Higher Education Act of 1965 (HEA), as amended by the Higher Education Amendments of 1986 (Pub. L. 99-498).

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register**, or later, if Congress takes certain adjournments.

These regulations are effective for and apply to award years beginning on or after July 1, 1987. The Secretary does not consider that the December 1, 1986 publication deadline imposed by section 482(c) of the HEA applies to these regulations because (1) these regulatory changes are being made to conform the Pell Grant Program regulations to statutory changes that apply to the award year beginning July 1, 1987, and (2) the change in the name of the Electronic Pilot Project does not affect the general administration of the HEA Title IV student financial assistance programs. If you want to know the effective date of these regulations, call or write to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Sister Bernardine Hayes or Ms. Cheryl Leibovitz, Office of Student Financial Assistance, U.S. Department of Education, (ROB-3, Room 4318), 400 Maryland Ave., SW., Washington, DC 20202. Telephone number (202) 732-4888.

SUPPLEMENTARY INFORMATION: These regulations are being issued to implement the major program changes mandated by Congress under the Higher Education Amendments of 1986 (Pub. L. 99-498). A discussion of the major changes follows:

Section 690.2 General definitions.

The Secretary is amending the regulations to change the name of the Pell Grant Program Electronic Pilot Project. The Electronic Pilot Project is a project under which students attending an institution participating in the project are able to correct or verify information contained on their Student Aid Reports by using computer terminals at the institution. The Secretary is now making this method of processing data available to all institutions participating in the Pell Grant Program. As result, the Secretary is changing the name of this electronic exchange system to the Pell Grant Electronic Data Exchange.

Section 690.6 Duration of student eligibility.

For a student who receives his or her first Pell Grant award in the 1987-88 or a subsequent award year, the Higher Education Amendments of 1986 amended the HEA to limit the duration of a student's eligibility for a Pell Grant to the full-time equivalent of 5 academic years of study, if the student is enrolled in an undergraduate degree or certificate program of 4 years of less, or the full-time equivalent of six academic years if the student is enrolled in an undergraduate program that normally requires more than 4 years of study to complete. If a student is enrolled in a noncredit or remedial coursework or program, the program does not count against this limitation.

The institution may waive this limitation if an undue hardship on the student resulting from the death of a relative of the student, an illness or injury of the student, or other special circumstances as determined by the institution prevents the student from completing his or her academic program within the above time constraints.

The Secretary is, therefore, revising § 690.6 to implement this new statutory requirement.

Section 690.61 Submission process and deadline for student aid report.

The Secretary is revising § 690.61 to allow an institution to make one disbursement of a student's Pell Grant without receiving a valid Student Aid Report (SAR) from the student if it follows the procedures described in § 690.77.

Section 690.77 Initial disbursement of a Pell Grant in an award year without a valid SAR.

Under the Pell Grant Program, an institution receives the information included on a student's application to have his or her student aid index (SAI) determined in one of several ways. That information is included on the SAR, and the institution receives that information when the student submits the SAR to it. The institution may also receive that information when it receives a "full data tape" from the Pell Grant Central Processor or, beginning with the 1988-89 award year application cycle, it may receive that information from an organization that has a contract to transmit application data to the Secretary. A "full data tape" includes the application information of all students attending the institution who have applied to have a student aid index determined for the Pell Grant Program and who have granted permission to the Secretary to transmit that information to the institution they are attending or expect to attend.

Under the current Pell Grant Program regulations, an institution may not make a disbursement to a student until it has received a valid SAR. The institution then calculates and disburses the student's Pell Grant based on the SAI and the application information contained on the SAR.

Under the verification process set forth in 34 CFR Part 668, Subpart E, an institution may make one disbursement to a student before completing the verification of the information contained in the student's aid application if the institution does not have documentation that indicates that the information is inaccurate. Under a similar procedure the Secretary is permitting an institution, under the following conditions, to make the initial award year disbursement of a Pell Grant award to a student before receiving a valid SAR based on the receipt of the application information from the Secretary or, beginning with the 1988-89 award year application cycle, an organization that has a contract to transmit application data to the Secretary.

If the institution receives the student's SAI and the application information from the Pell Grant Central Processor in the 1987-88 award year or, beginning with the 1988-89 award year application cycle, from an organization that has a contract to transmit application data to the Secretary, an institution may make an initital disbursement without a valid SAR if—

a. The institution does not have documentation that indicates that the application information received on the full data tape is incorrect; or

b. The institution has documentation that indicates that the application information received on the SAR submitted by the student or on the full data tape is incorrect but the institution (1) reconciles the inconsistent information, (2) recalculates the student's SAI based upon the reconciled information, (3) disburses the Pell Grant based upon the recalculated SAI, and (4) reports the change in the student's application information and SAI to the Pell Grant Central Processor. An institution may not make another Pell Grant disbursement for that award year to that student without receiving a valid SAR from the student.

The institution is not limited to one recalculation of the student's SAI. Therefore, if the institution does recalculate an SAI, subsequently receives additional conflicting information, and determines other data elements are incorrect, it may recalculate the SAI to correct the inconsistency.

If the institution chooses to make a disbursement without receiving a valid SAR, the institution and the student are liable for any overpayment resulting from that disbursement that cannot be adjusted with other Pell Grant disbursements for that award year.

The Secretary is adding § 690.77 to the Pell Grant Program regulations to accommodate this process.

Section 690.78 Method of disbursement by check to a student's account.

The Secretary is amending § 690.78 to reflect changes made in the Pell Grant statute by the Higher Education Amendments of 1986. The new statutory provision specifies that the amount of a grant which an institution may disburse by crediting a student's institutional account is limited to tuition, fees, board, if the student contracts with the institution for board, and housing, if the student contracts with the institution for housing. The new statutory provision further specifies that a student may, at his or her option, permit the institution to disburse the Pell Grant by crediting his or her account for other goods and services provided by the institution.

Waiver of Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act, 20 U.S.C. 1232(b)(2)(A), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these changes do not implement substantive policy, but merely reflect statutory changes required by the Higher Education Amendments of 1986. Therefore, the Secretary finds that publication of proposed regulations is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B). The Secretary has also determined that the change in the procedures to the electronic transmission of data is exempt from the requirements for public comment under 5 U.S.C. 553(b)(A) as a rule of agency procedure.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The regulations would not have a significant economic impact on the small entities affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds. These regulations are being issued to implement the changes required by the Higher Education Amendments of 1986.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 690

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, Student aid.

Dated: October 8, 1987.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance: No. 84.063, Pell Grant Program)

The Secretary amends Part 690 of Title 34 of the Code of Federal Regulations as follows:

PART 690—PELL GRANT PROGRAM

1. The authority citation for Part 690 is revised to read as follows:

Authority: 20 U.S.C. 1070a through 1070a-6, unless otherwise noted.

§ 690.2 [Amended].

2. In § 690.2, paragraph (b), in the definitions of the "Electronic Pilot Project" and "Valid Student Aid Report," remove the words "Electronic Pilot Project" and add, in their place, the words "Pell Grant Electronic Data Exchange, and alphabetize the definitions accordingly."

3. Section 690.6 is revised to read as follows:

§ 690.6 Duration of student eligibility.

(a) A student is eligible to receive a Pell Grant for the period of time required to complete his or here first undergraduate baccalaureate course of study.

(b) An institution shall determine when the student has completed the academic curriculum requirements for that first undergraduate baccalaureate course of study.

(c) Except as provided in paragraph (d) of this section, for a student who receives his or her first Pell Grant on or after July 1, 1987, the period of time required to complete his or here undergraduate baccalaureate course of study may not exceed the full-time equivalent of—

(1) Five academic years for an undergraduate degree or certificate program that normally requires four academic years or less of study to complete; or

(2) Six academic years for an undergraduate degree or certificate program that normally requires more than four academic years of study to complete.

(d)(1) The institution a student is attending may waive the limitations contained in paragraph (c) of this section if it determines that the student's failure to complete his or her undergraduate program in the time set forth in that paragraph resulted from an undue hardship caused by—

(i) The death of a relative of the student;

(ii) An injury or illness of the student; or

(iii) Other special circumstances.

(2) The institution must support with appropriate documentation any determination of undue hardship made under this paragraph.

(e) For the purpose of paragraph (c) of this section, any noncredit or remedial course taken by a student, including a course in English language instruction, is not included in determining that student's period of Pell Grant eligibility.

(Authority: 20 U.S.C. 1070a)

4. In § 690.61, paragraph (a) is revised to read as follows:

§ 690.61 Submission process and deadline for student aid report.

(a) *Submission process.* (1) Except as provided in paragraph (a)(2) of this section, in order to receive a Pell Grant at an institution, a student shall submit a valid Student Aid Report (SAR) to that institution.

(2) An institution may make one disbursement of a student's Pell Grant without a valid SAR if it follows the procedures described in § 690.77.

(3) An institution is entitled to rely on SAR information except under conditions set forth in § 668.16(f) and 668.60.

* * * * *

5. A new § 690.77 is added to Subpart G to read as follows:

§ 690.77 Initial disbursement of a Pell Grant in an award year without a valid SAR.

(a) An institution may make one disbursement within an award year of a student's Pell Grant before receiving the student's valid SAR if the institution—

(1) Receives a student's application information;

(2) Does not have documentation that indicates that the application information is inaccurate; and

(3) Receives an SAI—

(i) From the Secretary; or

(ii) Beginning with the 1988–89 award year application cycle, from an organization that has a contract to transmit application data to the Secretary.

(b) If an institution receives a student's application information and his or her SAI from the Secretary or, beginning with the 1988–89 award year application cycle, from an organization that has a contract to transmit application data to the Secretary, but the institution has documentation that indicates that the application information is inaccurate, the institution may make one disbursement within an award year of a student's Pell Grant before receiving the student's valid SAR if the institution—

(1) Resolves the inconsistencies between its documentation and the student's application information;

(2) Recalculates the student's SAI based on correct information;

(3) Makes the disbursement of the student's Pell Grant for the first payment period based on the recalculated SAI; and

(4) Reports the changes in the student's application information and the recalculated SAI to the Secretary within deadline established by the Secretary.

(c)(1) If an institution chooses to make a disbursement under paragraph (a) or (b) of this section, it shall be liable for that disbursement if it does not receive a valid SAR for the student for that award year.

(2) If an institution chooses to make a disbursement under paragraph (b) of this section, the institution and the student shall be liable for any overpayment caused by an incorrect recalculation of the student's SAI.

(3) If a student receives an overpayment as a result of a disbursement made under paragraph (a) or (b) of this section, the institution shall eliminate the overpayment by following the procedures described in 34 CFR 668.61(a).

(Authority: 20 U.S.C. 1070a)

(Approved by the Office of Management and Budget under OMB Control No. 1840–0536)

6. In § 690.78, paragraph (a) is revised to read as follows:

§ 690.78 Method of disbursement—by check or credit to a student's account.

(a)(1) The institution may pay a student directly by check or by crediting his or her institutional account.

(2) Unless a student has agreed otherwise, the amount an institution may credit to a student's account may not exceed the amount the student is required to pay the institution for—

(i) Tuition and fees;

(ii) Board, if the student contracts with the institution for board; and

(iii) Housing, if the student contracts with the institution for housing.

(3) An institution may not require a student to grant permission to credit his or here account for the costs of other goods and services the institution provides to the student.

(4) The institution shall notify the student of the amount he or she can expect to receive and how that amount will be paid.

* * * * *

(Approved by the Office of Management and Budget under OMB Control No. 1840–0536)

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October 14, 1987

Part VIII

Department of Agriculture

Animal and Plant Health Inspection Service

7 CFR Part 319

Apples and Pears From Europe; Proposed Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 87-145]

Apples and Pears From Europe

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Fruits and Vegetables regulations to relieve restrictions on the importation of apples or pears from certain European countries. Our proposed rule would allow these fruits to be imported under multiple safeguards, including inspections in the exporting country. These safeguards would ensure that the fruits could be imported without significant risk of introducing insect pests into the United States.

DATES: Consideration will be given only to comments postmarked or received on or before October 29, 1987.

ADDRESSES: Send an original and two copies of your comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 87-145. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, APHIS, USDA, Room 637, Federal Building, Hyattsville, MD 20782; 301-436-8248.

SUPPLEMENTARY INFORMATION:

Background The regulations in 7 CFR 319.56 (the regulations) prohibit or restrict the importation of fruits and vegetables into the United States because of the risk that the fruits or vegetables could introduce insect pests that could damage domestic plants.

Apples from Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Northern Ireland, Norway, Portugal, the Republic of Ireland, Sweden, Switzerland, and West Germany; and pears from Belgium, France, Great Britain, Italy, the Netherlands, Portugal, and Spain present a risk of introducing various insect pests, including the pear leaf blister moth *(Leucoptera malifoliella)*.

Under § 319.56-2, these fruits may be imported only under certain conditions that, in general, require the fruits to come from pest-free areas or require that the fruits be treated to destroy insects known to attack them. The presence of the pear leaf blister moth in Europe, and the lack of an effective treatment to destroy this pest, preclude importation of these fruits under § 319.56-2. Under § 319.56(c):

> * * * whenever the Deputy Administrator for the Plant Protection and Quarantine shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent * * *

We are proposing administrative instructions modifying the regulations concerning the importation of apples from Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Northern Ireland, Norway, Portugal, the Republic of Ireland, Sweden, Switzerland, and West Germany; and pears from Belgium, France, Great Britain, Italy, the Netherlands, Portugal, and Spain. The administrative instructions prescribe multiple safeguards, including inspections in the exporting country. It would appear that apples or pears imported under the conditions prescribed in the proposed administrative instructions would not present a significant risk of introducing insect pests into the United States. The specific requirements contained in the proposed administrative instructions are discussed below.

Importations Allowed

The proposed administrative instructions would apply only to the following fruits: Apples from Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Northern Ireland, Norway, Portugal, the Republic of Ireland, Sweden, Switzerland, and West Germany; and pears from Belgium, France, Great Britain, Italy, the Netherlands, Portugal, and Spain.

The administrative instruction does not include apples or pears from European countries other than those specified because we do not have adequate information on the pest risk associated with apples or pears from other countries. We assess the pest risk associated with specific fruits from specific countries as we receive requests to import those fruits from those countries. Manpower and budgetary constraints limit our ability to conduct broader studies. However, if we were to receive an application to import apples or pears from a European country not specified in this proposal, we would initiate a study of the pest risk associated with the apples or pears from that country. If it appeared that the fruit could be safely imported from that country, we would consider amending the regulations to allow the requested importations.

Preclearance in the Exporting Country

We are proposing, for most importations of apples and pears from the European countries named above, to require that the fruit be inspected in the exporting country by inspectors of Plant Protection and Quarantine (PPQ). This inspection, to determine the eligibility of the fruit for shipment to the United States, would be called a preclearance inspection to distinguish it from similar inspections performed by PPQ inspectors at ports of arrival in the United States. We are proposing a preclearance inspection to minimize the risk that the apples and pears will arrive in the United States contaminated with pests that could harm domestic plants. The preclearance inspection would also benefit importers, since time and money would not be wasted in shipping fruit at that might not qualify for importation into the United States. The proposed details of how the preclearance inspection would be conducted are discussed later in this supplementary information.

Inspection in the United States

With few exceptions, we anticipate that apples and pears imported under this proposed rule would be "precleared" for shipment into the United States in the exporting country. However, we propose to allow inspection of the fruit a port of arrival in the United States, in lieu of the preclearance inspection, if the Deputy Administrator determines that inspection can be accomplished at the port of arrival without increasing the risk of introducing insect pests into the United States. The following conditions would apply to inspections performed at the port of arrival:

(1) The Deputy Administrator would first have to determine that a sufficient number of inspectors were available at the port of arrival to perform the services required;

(2) Each pallet of apples or pears would have to be completely enclosed in plastic, to prevent the escape of insects, before being offloaded at the port of arrival;

(3) The entire shipment of apples or pears would have to be offloaded and

moved to an enclosed warehouse, where adequate inspection facilities are available, under the supervision of inspectors of Plant Protection and Quarantine;

(4) The method of inspection would be the same as in preclearance inspections.

These conditions would ensure that inspections could be conducted at the port of arrival in a manner that would prevent the escape of insects, prevent pilferage of the fruit, and ensure that insect pests that may be present on the fruit would be discovered.

Trust Fund and Cooperative Agreements

Except as explained above for inspections in the United States, we are proposing that the national plant protection service of the exporting country (referred to below as the plant protection service) enter into two agreements with PPQ before apples or pears from that country could be imported into the United States.

(1) A trust fund agreement would require the plant protection service to pay in advance all estimated costs incurred by PPQ in providing preclearance inspections during a shipping season. These costs would include administrative expenses incurred in conducting the inspection services; and all salaries (including overtime and the federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing these services. The plant protection service would be required to deposit a certified or cashier's check to the Animal and Plant Health Inspection Service (APHIS) for the amount of these costs, as estimated by PPQ. If the deposit did not meet all costs incurred by PPQ, the agreement would further require the plant protection service to deposit with APHIS a certified or cashier's check for the amount of the remaining costs, as determined by PPQ, before completion of the inspection.

Requiring payment of costs in advance is necessary to help defray the costs to PPQ of providing inspection services in the exporting country.

(2) A cooperative agreement would require the plant protection service to ensure that certain conditions for importation of the fruit are met before the fruit is shipped to the United States. These conditions, which are discussed below, are intended to ensure that apples and pears presented to PPQ for preclearance inspection have a very low rate of rejection because of insect pests. The cooperative agreement woud help ensure that these conditions are met by placing responsibility with the plant protection service.

Requirements of the Cooperative Agreement

Under the proposed cooperative agreement between PPQ and a plant protection service, the plant protection service would agree that:

(1) Officials of the plant protection service will survey each orchard producing apples or pears for shipment to the United States at least two times between the time of spring blossoming and harvest and:

If the officials find any leaf mines that suggest the presence of *Leucoptera malifoliella* in an orchard, they must reject any fruit harvested from that orchard during that growing season for shipment to the United States. This requirement would help ensure that fruit presented for importation into the United States would be free of *Leucoptera malifoliella*.

If the officials find evidence in an orchard of any other plant pest referred to in proposed paragraph (g), they must ensure that the orchard and all other orchards within 1 kilometer of the orchard are treated for that pest with a pesticide approved by the United States Environmental Protection Agency, in accordance with label directions and under the direction of the national plant protection service. We believe this treatment, if applied as required, would be sufficient to significantly reduce pests in the producing orchard for that growing season.

If the officials determine that the treatment program has not been applied as required or is not controlling a plant pest in the orchard, they must reject any fruit harvested from that orchard during that growing season for shipment to the United States. This requirement would help ensure that fruit presented for shipment to the United States does not present a significant risk of carrying insect pests.

(2) The apples or pears must be identified with the orchard from which they are harvested (the producing orchard) until the fruit arrives in the United States. This requirement would enable us to trace the source of any insect pests to an orchard and to reject all other fruit from that orchard for the remainder of that shipping season.

(3) The apples or pears must be processed and inspected for insects in packing sheds as follows:

A grower lot is all fruit delivered for processing from a single orchard at a given time. Packing shed technicians must inspect each grower lot upon arrival of the grower lot at the packing shed. They must examine all fruit in one carton on every third pallet (there are approximately 42 cartons to a pallet), or at least 80 apples or pears in every third bin (if the fruit is not in cartons on pallets). This sampling procedure would help ensure a high probability that any insect pests on the fruit would be discovered. If the technicians find any live larva or chrysalis of *Leucoptera malifoliella*, they must reject the entire grower lot for shipment to the United States and the plant protection service must reject for shipment any additional fruit from the producing orchard for the remainder of the shipping season. Rejection is the only alternative upon finding *Leucoptera malifoliella* since no treatment exists that will eradicate this pest. This requirement would help ensure that apples and pears presented for shipment to the United States are free of that pest.

(4) The apples or pears must be sorted, sized, packed, and otherwise handled in the packing sheds on grading and packing lines used solely for fruit intended for shipment to the United States, or, if on grading and packing lines used previously for other fruit, only after the lines have been washed with water. This requirement would help ensure that apples and pears presented for shipment to the United States are not contaminated in the packing shed by pests that may carried by other fruit.

(5) During packing operations at the packing sheds, all apples and pears must be inspected for insect pests as follows:

All fruit in each grower lot must be inspected at each of two stations on the packing line by packing shed technicians. In addition, one carton from every pallet in each grower lot must be inspected by officials of the plant protection service. If the inspections reveal any live larva or chrysalis of *Leucoptera milifoliella*, the entire grower lot must be rejected for shipment to the United States, and the plant protection service must reject for shipment any additional fruit from the producing orchard for the remainder of the shipping season. If the inspections reveal any other insect pest referred to in proposed paragraph (g), and a treatment authorized in the Plant Protection and Quarantine Treatment Manual is available, we propose to allow the fruit to remain eligible for shipment to the United States if all the fruit in the grower lot is treated for that pest under the supervision of a PPQ inspector, because the pests would be destroyed. However, if the grower lot is not treated in this manner, or if a plant pest is found for which no treatment authorized in the Plant Protection and

Quarantine Treatment Manual is available, each grower lot would be rejected for shipment to the United States.

Again, these requirements would help ensure that fruit presented for shipment to the United States would not present a significant risk of carrying injurious plant pests.

(6) Apples or pears that pass inspection at approved packing sheds must be presented to PPQ inspectors for preclerance inspection or for inspection in the United States, as explained above. This requirement is necessary to ensure that the fruit qualifies for shipment to the United States.

(7) Apples and pears presented for inspection must be identified with the packing shed where they were processed and this identity must be maintained until the apples or pears arrive in the United States. This requirement would enable us to trace infested fruit to a particular packing shed. Tracing to the packing shed is necessary because repeated interceptions of infested fruit from a particular packing shed would indicate an unacceptable pest risk associated with fruit from that packing shed and may lead to disqualification of the packing shed for the remainder of the shipping season.

(8) Facilities for preclearance inspections must be provided in that country at a site acceptable to PPQ. This requirement is necessary to ensure that PPQ inspectors have adequate inspection facilities in which to perform the required services.

(9) Any apples or pears rejected for shipment to the United States may not, under any circumstances, be presented again for shipment to the United States. These apples or pears would present an unacceptable risk of introducing insect pests into the United States.

Pre-clearance Inspection

As explained earlier, we propose to usually require apples and pears to be inspected in the exporting country by PPQ inspectors. We propose to require that inspection units contain a minimum of 6,000 cartons of apples or pears, which may represent multiple grower lots from different packing sheds. To send PPQ inspectors to Europe for fewer than 6,000 cartons would not be economical; also, inspection units of at least 6,000 cartons would give exporters ample reason to ensure that their product is pest free, since a finding of even one carton infested with a live larva or chrysalis of *Leucoptera malifoliella* would cause PPQ to reject the entire inspection unit for shipment to the United States.

We propose to allow apples or pears in any inspection unit to be shipped to the United States only if the inspection unit passes inspection as follows:

(1) Inspectors would examine, fruit by fruit, a biometrically designed statistical sample of 250 cartons drawn from each inspection unit.

This sample would ensure a very high probability that any insect pests in the inspection unit would be discovered by PPQ inspectors.

If the inspectors were to find any live larva or chrysalis of *Leucoptera malifoliella*, they would reject the entire inspection unit for shipment to the United States. The inspectors also would reject for shipment any additional fruit from the producing orchard for the remainder of the shipping season. However, fruit from other orchards represented in the rejected inspection unit would not be affected for the remainder of the shipping season since there would be no reason to believe that these orchards were infested with *Leucoptera malifoliella*.

Additionally, if inspectors reject any three inspection units because of *Leucoptera malifoliella* on fruit processed by a single packing shed in a single shipping season, no additional fruit from that packing shed would be accepted for shipment to the United States for the remainder of that shipping season. This requirement would ensure that fruit presented for shipment to the United States has a low risk of introducing insect pests into the United States.

If the inspectors find evidence of any other insect pest referred to in proposed paragraph (g), and an authorized treatment is available, we propose to allow the fruit to be shipped to the United States if all the fruit in the inspection unit is treated for that pest under the supervision of a PPQ inspector because the authorized treatments would destroy the pest. However, if the entire inspection unit is not treated in this manner, or if a plant pest is found for which no authorized treatment is available, the inspectors would reject the entire inspection unit for shipment to the United States. Rejection of an inspection unit because of pests other than *Leucoptera malifoliella* would not be cause for rejecting additional fruit from an orchard or packing shed.

Apples and pears precleared for shipment to the United States would not be inspected again in the United States (except as necessary to ensure that the fruit has been precleared) unless the preclearance program with the exporting country were terminated in accordance with proposed paragraph (e). If the preclearance program were terminated with any country, precleared fruit in transit to the United States at the time of termination would be spot-checked by PPQ inspectors upon arrival in the United States for evidence of insect pests referred to in proposed paragraph (g). If any live larva or chrysalis of *Leucoptera malifoliella* is found in any carton of fruit, the inspectors would reject that carton and all other cartons in the same shipment that are from the same producing orchard. In addition, the remaining cartons of fruit in the shipment would be reinspected as an inspection unit in accordance with the preclearance procedures in proposed paragraph (d).

Termination of Pre-Clearance Program

Rejection of fruit because of pests found during preclearance inspections could be cause for termination of the preclearance program in a country. We propose to terminate the preclearance program in a country based on rates of rejection, specified in proposed paragraph (e), of inspection units. These rates are statistically designed and indicate that conditions for shipment of apples or pears are not being met in the exporting country. Terminating the preclearance program would stop shipments of apples or pears from that country for the remainder of that shipping season. This action would ensure that fruits with an unacceptable risk of introducing insect pests are not allowed into the United States.

Treatment for Mediterranean Fruit Fly

In addition to all other requirements for importation, apples and pears would be eligible for importation into the United States from France, Italy, Portugal, or Spain only if the fruit were cold treated for the Mediterranean fruit fly in accordance with § 319.56–2d of this subpart. This requirement is necessary because the Mediterranean fruit fly is known to attack apples and pears in these countries. Cold treatment as required would destroy this pest.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and would not cause a significant adverse

effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Based on interest expressed in importing apples from Europe, we anticipate that approximately 15 million pounds of apples will be imported from France during fiscal year 1988 if this rule is adopted. We expect no apples from other countries covered by this proposed rule and no pears. Apple production in the United States is estimated at approximately 8 billion pounds per year. Although there are probably many small business entities in the United States that grow, pack, or sell apples, we do not believe this proposed rule would have a significant economic impact on them because the volume of French apples expected to be imported is relatively low and the French apples would compete equally in the market place with U.S.-produced apples. We believe that importers of French apples also import a variety of other fruits and vegetables and that importations of the French apples would constitute a small portion of their total importations.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and 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.)

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Comment Period

Mr. William F. Helms, Deputy Administrator, Plant Protection and Quarantine, has determined that this rulemaking proceeding should be expedited by allowing a 15-day comment period on the proposal. Importers in the United States have expressed interest in importing apples from France this season, and the shipping season for those apples has already begun. Meanwhile, exporters in France must quickly determine whether their fruit will be marketed. A longer comment period could cause substantial economic losses for importers.

List of Subjects in 7 CFR Part 319

Agricultural commodities, Fruit, Imports, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, we propose to amend 7 CFR 319.56 as follows:

1. The authority citation for Part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 319.56, a new section, § 319.56–2r, would be added to read as follows:

§ 319.56-2r Administrative instructions governing the entry of apples and pears from certain countries in Europe.

(a) *Importations allowed.* Pursuant to § 319.56(c), the Deputy Administrator has determined that the following fruits may be imported into the United States in accordance with this subsection and other applicable provisions of this subpart:

(1) Apples from Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Northern Ireland, Norway, Portugal, the Republic of Ireland, Sweden, Switzerland, and West Germany;

(2) Pears from Belgium, France, Great Britain, Italy, the Netherlands, Portugal, and Spain.

(b) *Trust fund agreement.* Except as provided in paragraph (h) of this section, the apples or pears may be imported only if the national plant protection service of the exporting country (referred to in this subsection as the plant protection service) has entered into a trust fund agreement with Plant Protection and Quarantine (PPQ) for that shipping season. This agreement requires the plant protection service to pay in advance all estimated costs incurred by PPQ in providing the preclearance inspections prescribed in paragraph (d) of this section. These costs will include administrative expenses incurred in conducting the inspection services; and all salaries (including overtime and the federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing these services. The agreement requires the plant protection service to deposit a certified or cashier's check with the Animal and Plant Health Inspection Service (APHIS) for the amount of these costs, as estimated by PPQ. If the deposit is not sufficient to meet all costs incurred by PPQ, the agreement further requires the plant protection service to deposit with APHIS a certified or cashier's check for the amount of the remaining costs, as described by PPQ, before the inspection will be completed.

(c) *Cooperative agreement.* The apples or pears may be imported only if the plant protection service has entered into a cooperative agreement with PPQ for shipping season. Under the cooperative agreement, the plant protection service agrees that:

(1) Officials of the plant protection service will survey each orchard producing apples or pears for shipment to the United States at least two times between the time of spring blossoming and harvest. If the officials find any leaf mines that suggest the presence of *Leucoptera malifoliella* in an orchard, the officials must reject any fruit harvested from that orchard during that growing season for shipment to the United States. If the officials find evidence in an orchard of any other plant pest referred to in paragraph (g) of this section, they must ensure that the orchard and all other orchards within 1 kilometer of that orchard will be treated for that pest with a pesticide approved by the United States Environmental Protection Agency, in accordance with label directions and under the direction of the plant protection service. If the officials determine that the treatment program has not been applied as required or is not controlling the plant pest in the orchard, they must reject any fruit harvested from that orchard during that growing season for shipment to the United States.

(2) The apples or pears must be identified with the orchard from which they are harvested (the producing orchard) until the fruit arrives in the United States.

(3) The apples or pears must be processed and inspected in the approved packing sheds as folows:

(i) Upon arrival at the packing shed, the apples or pears must be inspected for insect pests as follows: For each grower lot (all fruit delivered for processing from a single orchard at a given time), packing shed technicians must examine all fruit in one carton on every third pallet (there are approximately 42 cartons to a pallet), or at least 80 apples or pears in every third bin (if the fruit is not in cortons on pallets). If they find any live larva or chrysalis of *Leucoptera malifoliella,* they must reject the entire grower lot for shipment to the United States, and the plant protection service must reject for shipment any additional fruit from the

producing orchard for the remainder of the shipping season.

(ii) The apples or pears must be sorted, sized, packed, and otherwise handled in the packing sheds on grading and packing lines used solely for fruit intended for shipment to the United States, or, if on grading and packing lines used previously for other fruit, only after the lines have been washed with water.

(iii) During packing operations, apples and pears must be inspected for insect pests as follows: All fruit in each grower lot must be inspected at each of two inspection stations on the packing line by packing shed technicians. In addition, one carton from every pallet in each grower lot must be inspected by officials of the plant protection service. If the inspections reveal any live larva or chrysalis of *Leucoptera malifoliella*, the entire grower lot must be rejected for shipment to the United States, and the plant protection service must reject for shipment any additional fruit from the producing orchard for the remainder of that shipping season. If the inspections reveal any other insect pest referred to in paragraph (g) of this section, and a treatment authorized in the Plant Protection and Quarantine Treatment Manual is available, the fruit will remain eligible for shipment to the United States if the entire grower lot is treated for the pest under the supervision of a PPQ inspector. However, if the entire grower lot is not treated in this manner, or if a plant pest is found for which no treatment authorized in the Plant Protection and Quarantine Treatment Manual is available, the entire grower lot will be rejected for shipment to the United States.

(4) Apples or pears that pass inspection at approved packing sheds must be presented to PPQ inspectors for preclearance inspection as prescribed in paragraph (d) of this section or for inspection in the United States as prescribed in paragraph (h) of this section.

(5) Apples and pears presented for preclearance inspection must be identified with the packing shed where they were processed, as well as with the producing orchard, and this identity must be maintained until the apples or pears arrive in the United States.

(6) Facilities for the preclearance inspections prescribed in paragraph (d) of this section must be provided in the exporting country at a site acceptable to PPQ.

(7) Any apples or pears rejected for shipment into the United States may not, under any circumstances, be presented again for shipment to the United States.

(d) *Preclearance inspection.* Preclearance inspection will be conducted in the exporting country by PPQ inspectors. Preclearance inspection will be conducted for a minimum of 6,000 cartons of apples or pears, which may represent multiple grower lots from different packing sheds. The cartons examined during any given preclearance inspection will be known as an inspection unit. Apples or pears in any inspection unit may be shipped to the United States only if the inspection unit passes inspection as follows:

(1) Inspectors will examine, fruit by fruit, a biometrically designed statistical sample of 250 cartons drawn from each inspection unit.

(i) If inspectors find any live larva or chrysalis of *Leucoptera malifoliella*, they will reject the entire inspection unit for shipment to the United States. The inspectors also will reject for shipment any additional fruit from the producing orchard for the remainder of the shipping season. However, other orchards represented in the rejected inspection unit will not be affected for the remainder of the shipping season because of that rejection. Additionally, if inspectors reject any three inspection units in a single shipping season because of *Leucoptera malifoliella* on fruit processed by a single packing shed, no additional fruit from that packing shed will be accepted for shipment to the United States for the remainder of that shipping season.

(ii) If the inspectors find evidence of any other plant pest referred to in paragraph (g) of this section, and a treatment authorized in the Plant Protection and Quarantine Treatment Manual is available, fruit in the inspection unit will remain eligible for shipment to the United States if the entire inspection unit is treated for the pest under the supervision of a PPQ inspector. However, if the entire inspectional unit is not treated in this manner, or if a plant pest is found for which no treatment authorized in the Plant Protection and Quarantine Treatment Manual is available, the inspectors will reject the entire inspection unit for shipment to the United States. Rejection of an inspection unit because of pests other than *Leucoptera malifoliella* will not be cause for rejecting additional fruit from an orchard or packing shed.

(iii) Apples and pears precleared for shipment to the United States as prescribed in this paragraph will not be inspected again in the United States (except as necessary to ensure that the fruit has been precleared) unless the preclearance program with the exporting country is terminated in accordance with paragraph (e) of this section. If the preclearance program is terminated with any country, precleared fruit in transit to the United States at the time of termination will be spot-checked by PPQ inspectors upon arrival in the United States for evidence of plant pests referred to in paragraph (g) of this section. If any live larva or chrysalis of *Leucoptera malifoliella* is found in any carton of fruit, inspectors will reject that carton and all other cartons in that shipment that are from the same producing orchard. In addition, the remaining cartons of fruit in that shipment will be reinspected as an inspection unit in accordance with the preclearance procedures prescribed in paragraph (d) of this section.

(e) *Termination of preclearance programs.* Rejection of fruit because of pests found during preclearance inspections may be cause for termination of the preclearance program in a country. Termination of the preclearance program will stop shipments of apples or pears from that country for the remainder of that shipping season. Termination of the preclearance program in any country will be based on rates of rejection of inspection units as follows:

(1) Termination because of findings of *Leucoptera malifoliella*. The preclearance program will be terminated with a country when, in one shipping season, inspection units are rejected because of *Leucoptera malifoliella* as follows:

(i) 5 inspection units in sequence among inspection units 1–20, or a total of 8 or more of the inspection units 1–20,

(ii) 5 inspection units in sequence among inspection units 21–40, or a total of 10 or more of the inspection units 1–40;

(iii) 5 inspection units in sequence among inspection units 41–60, or a total of 12 or more of the inspection units 1–60;

(iv) 5 inspection units in sequence among inspection units 61–80, or a total of 14 or more of the inspection units 1–80;

(v) 5 inspection units in sequence among inspection units 81–100, or a total of 16 or more of the inspection units 1–100; or

(vi) 5 inspection units in sequence among inspection units 101–120, or a total of 18 or more of the inspection units 1–120.

(Sequence can be continued in increments of 20 inspection units by increasing the number of rejected inspection units by 2.)

(2) Termination because of findings of other plant pests. The preclearance

program will be terminated with a country when, in one shipping season, inspection units are rejected because of other insect pests as follows:

(i) 10 or more of the inspection units 1–20;

(ii) 15 or more of the inspection units 1–40;

(iii) 20 or more of the inspection units 1–60;

(iv) 25 or more of the inspection units 1–80;

(v) 30 or more of the inspection units 1–100; or

(vi) 35 or more of the inspection units 1–120.

(Sequence can be continued in increments of 20 inspection units by increasing the number of rejected inspection units by 5.)

(f) *Cold treatment.* In addition to all other requirements of this subsection, apples or pears may be imported into the United States from France, Italy, Portugal, or Spain only if the fruit is cold treated for the Mediterranean fruit fly in accordance with § 319.56–2d of this subpart.

(g) *Plant pests; authorized treatments.* (1) Applies from Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Northern Ireland, Norway, Portugal, the Republic of Ireland, Sweden, Switzerland, and West Germany; and pears from Belgium, France, Great Britain, Italy, the Netherlands, Portugal, and Spain may be imported into the United States only if they are found free of the following pests or, if an authorized treatment is available, they are treated for the pest under the supervision of a PPQ inspector: the pear leaf blister moth (*Leucoptera malifoliella* (O.G. Costa)), the plum fruit moth (Cydia funebrana (Treitschke) (Tortricidae)), the summer fruit tortrix moth *Adoxophyes orana* (Fischer von Rosslertamm)(Tortricidae)), a leaf roller (*Argyrotaenia pulchellana* (Haworth) (Tortricidae)), and other insect pests that do not exist in the United States or that are not widespread in the United States.

(2) Authorized treatments are listed in the Plant Protection and Quarantine Treatment Manual. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. For the full identification of this standard, see § 300.1 of this chapter, "Materials incorporated by reference."

(h) *Inspection in the United States.* Notwithstanding provisions to the contrary in paragraphs (c) and (d) of this section, the Deputy Administrator may allow apples or pears imported under this subsection to be inspected at a port of arrival in the United States, in lieu of a preclearance inspection, under the following conditions:

(1) The Deputy Administrator has determined that inspection can be accomplished at the port of arrival without increasing the risk of introducing insect pests into the United States;

(2) Each pallet of apples or pears must be completely enclosed in plastic, to prevent the escape of insects, before it is offloaded at the port of arrival;

(3) The entire shipment of apples or pears must be offloaded and moved to an enclosed warehouse, where adequate inspection facilities are available, under the supervision of PPQ inspectors.

(4) The Deputy Administrator must determine that a sufficient number of inspectors are available at the port of arrival to perform the services required.

(5) The method of inspection will be the same as prescribed in paragraph (d) of this section for preclearance inspections.

Done in Washington, DC, this 13th day of October, 1987.

W.F. Helms,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

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H.J. Res. 355/Pub. L. 100-125

Designating September 27, 1987, as "Gold Star Mothers Day." (Oct. 8, 1987; 101 Stat. 797; 1 page) Price: $1.00

S.J. Res. 142/Pub. L. 100-126

To designate the day of October 1, 1987, as "National Medical Research Day." (Oct. 8, 1987; 101 Stat. 798; 2 pages) Price: $1.00

H.R. 1744/Pub. L. 100-127

To amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund. (Oct. 9, 1987; 101 Stat. 800; 1 page) Price: $1.00

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