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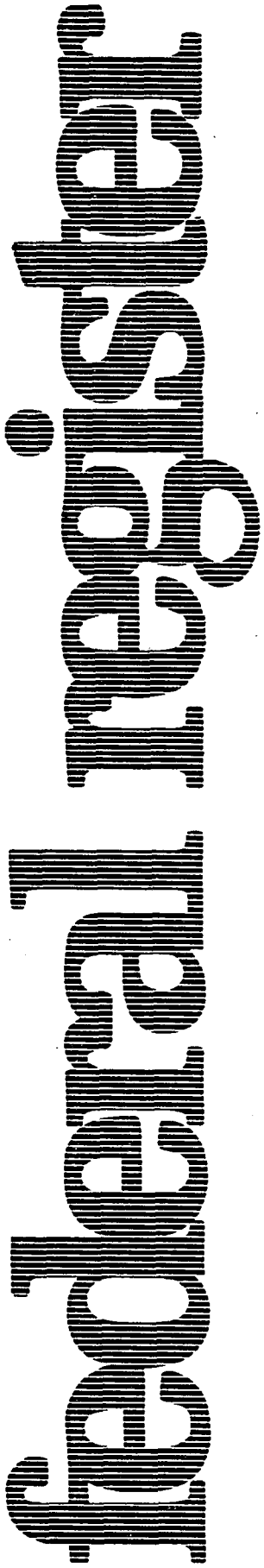

Tuesday
November 17, 1987

Briefings on How To Use the Federal Register—
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DENVER, CO

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Contents

Federal Register
Vol. 52, No. 221
Tuesday, November 17, 1987

Air Force Department
NOTICES
Delivery of personal mail at Air Force installations, 43931

Antitrust Division
NOTICES
National cooperative research notifications:
Portland Cement Association, 43953

Arms Control and Disarmament Agency
NOTICES
Meetings:
General Advisory Committee, 43929

Army Department
NOTICES
Privacy Act; systems of records, 43932

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration

Commission on Merchant Marine and Defense
NOTICES
Meetings, 43930

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Costa Rica, 43930
Dominican Republic, 43930
Singapore, 43931

Congressional Budget Office
NOTICES
Balanced Budget and Emergency Deficit Control Reaffirmation Act (Gramm-Rudman-Hollings amendments):
Sequestration report to Congress and OMB, 44084

Defense, Commission on Merchant Marine and
See Commission on Merchant Marine and Defense

Defense Department
See also Air Force Department; Army Department
PROPOSED RULES
Veterans education; Selected Reserve members educational assistance, 44054

Energy Department
See also Federal Energy Regulatory Commission
NOTICES
Atomic energy agreements; subsequent arrangements:
European Atomic Energy Community and Sweden, 43932
Meetings:
National Petroleum Council, 43933
(2 documents)
Patent licenses, exclusive:
Lakewood Partners, Inc., 43932

Environmental Protection Agency
RULES
Hazardous waste program authorizations:
North Carolina, 43903
NOTICES
Pesticide registration, cancellation, etc.:
Chlordane and heptachlor termiticides; correction, 43966

Farm Credit Administration
NOTICES
Farm credit system:
Prior approval of district board directors special assignments, 43939
Meetings; Sunshine Act, 43964

Federal Aviation Administration
RULES
Aircraft products and parts, certification, etc.:
Special conditions—
Ballistic Recovery System, Inc. (modified Cessna), 43846
Airworthiness directives:
Gulfstream, 43849
NOTICES
Meetings:
Aeronautics Radio Technical Commission, 43961
Technical standard orders:
Airborne Passive Thunderstorm Detection Systems, 43961

Federal Communications Commission
RULES
Common carrier services:
Telephone company uniform system of accounts, 43916
PROPOSED RULES
Radio broadcasting:
AM broadcast stations; multiple synchronous transmitters use, 43920

Federal Deposit Insurance Corporation
NOTICES
Bank bribery law; guidelines, 43939
Meetings; Sunshine Act, 43964
Privacy Act; systems of records, 43943

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act, etc.:
Purchased gas adjustment regulations, 43854
NOTICES
Electric rate and corporate regulation filings:
Arizona Public Service Co. et al., 43933
Natural gas companies:
Small producer certificates, applications, 43936
Preliminary permits surrender:
Baldwin, Daniel A., 43937
Mutual Energy Co., Inc., 43937
Applications, hearings, determinations, etc.:
Houston Gas Exchange Corp., 43937
Mountain Fuel Resources, Inc., 43937
Niagara Mohawk Power Corp., 43938
Southern Natural Gas Co., 43939

Federal Maritime Commission
RULES
Maritime carriers and related activities in domestic offshore commerce:
Agreements filed by ocean common carriers, etc., 43906
NOTICES
Agreements filed, etc., 43945

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 43964
Applications, hearings, determinations, etc.:
Baer, John W., et al., 43945
Barnett Banks, Inc., et al., 43945
Mason State Co., 43946

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Boulder darter, 43921
Endangered Species Convention:
Appendix III listing, 43924

Food and Drug Administration
RULES
Human drugs:
Antibiotic drugs—
Cefuroxime axetil tablets; correction, 43966
NOTICES
Meetings:
Advisory committees, panels, etc., 43946, 43948 (2 documents)

Foreign Assets Control Office
RULES
Iranian transactions, 44076

Health and Human Services Department
See also Food and Drug Administration; Health Resources and Services Administration
NOTICES
Organization, functions, and authority delegations:
Assistant Secretary for Health, 43946

Health Resources and Services Administration
NOTICES
Grants and cooperative agreements:
Acquired Immunodeficiency Syndrome (AIDS)/Human Immunodeficiency Virus (HIV); regional education and training centers program, 43948
Health manpower shortage areas (primary care), 43992

Immigration and Naturalization Service
RULES
Immigration Reform and Control Act; implementation:
Aliens; adjustment of status (legalization program), 43843

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; National Park Service

International Trade Administration
RULES
Export licensing:
General license for low level exports to free world countries, etc., 43851
NOTICES
Antidumping and countervailing duties:
Administrative review requests; correction, 43929

International Trade Commission
NOTICES
Import investigations:
Granular polytetrafluoroethylene resin from Italy and Japan, 43952

Justice Department
See Antitrust Division; Immigration and Naturalization Service

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Withdrawal and reservation of lands:
Arizona, 43950
Oregon, 43950, 43951 (3 documents)
Washington, 43951

Merchant Marine and Defense, Commission on
See Commission on Merchant Marine and Defense

Minerals Management Service
PROPOSED RULES
Royalty management:
Coal product valuation, 43919

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Arts in Education Advisory Panel, 43954
Humanities Panel, 43955
Museum Advisory Panel, 43955
Music Advisory Panel, 43954

National Labor Relations Board
PROPOSED RULES
Health care industry; collective-bargaining units, 43919

National Mediation Board
NOTICES
Senior Executive Service:
Performance Review Board; membership, 43956

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Alaska groundfish, 43917
PROPOSED RULES
Fishery conservation and management:
Atlantic salmon, 43925
NOTICES
Meetings:
National Fish and Seafood Promotional Council, 43929
Pacific Fishery Management Council, 43929

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations—
Georgia et al., 43952

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 43964
Applications, hearings, determinations, etc.:
Duke Power Co. et al., 43956

Occupational Safety and Health Administration
NOTICES
State plans; standards approval, etc.:
Virgin Islands, 43953

Personnel Management Office
NOTICES
Meetings:
Federal Prevailing Rate Advisory Committee, 43957

Postal Service
NOTICES
Meetings; Sunshine Act, 43965

Public Health Service
See Food and Drug Administration; Health Resources and Services Administration

Securities and Exchange Commission
NOTICES
Agency information collection activities under OMB review, 43957
Meetings; Sunshine Act, 43965
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 43957, 43958
(2 documents)
National Securities Clearing Corp., 43959

State Department
RULES
Visas; immigrant and nonimmigrant documentation:
Immigration and Nationality Act; implementation, 43894

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Federal Aviation Administration
PROPOSED RULES
Veterans education; Selected Reserve members educational assistance, 44054
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 43960
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 43961

Treasury Department
See also Foreign Assets Control Office
NOTICES
Agency information collection activities under OMB review, 43962, 43963
(5 documents)

United States Information Agency
RULES
Federal claims collection, 43897

United States Institute of Peace
NOTICES
Meetings; Sunshine Act, 43965

Veterans Administration
PROPOSED RULES
Vocational rehabilitation and education:
Veterans education—
Selected Reserve members; educational assistance, 44054
NOTICES
Agency information collection activities under OMB review, 43963

Separate Parts In This Issue

Part II
Department of Health and Human Services, Health Resources and Services Administration, 43992

Part III
Veterans Administration; Department of Defense; Department of Transportation, 44054

Part IV
Department of the Treasury, Office of Foreign Assets Control, 44076

Part V
Congressional Budget Office, 44084

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

CFR PARTS AFFECTED IN THIS ISSUE

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

8 CFR
245a 43843

14 CFR
21 43846
23 43846
39 43849

15 CFR
371 43851
374 43851
399 43851

18 CFR
154 43854
270 43854
273 43854
375 43854
381 43854

21 CFR
436 43966
442 43966

22 CFR
41 43894
42 43894
512 43897

29 CFR
Proposed Rules:
103 43919

30 CFR
Proposed Rules:
202 43919
203 43919
206 43919
212 43919
218 43919

31 CFR
560 44076

38 CFR
Proposed Rules:
21 44054

40 CFR
271 43903

46 CFR
558 43906
559 43906
560 43906
561 43906
562 43906
564 43906
566 43906
569 43906

47 CFR
32 43916
Proposed Rules:
73 43920

50 CFR
672 43917
Proposed Rules:
17 43921
23 43924
657 43925

Rules and Regulations

Federal Register
Vol. 52, No. 221
Tuesday, November 17, 1987

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

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245a

[INS No. 1050-87]

Adjustment of Status for Certain Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: Section 201 of the Immigration Reform and Control Act (IRCA) provides for the legalization of aliens who have been residing illegally in the United States since before January 1, 1982. Since May 5, 1987, the Service has processed hundreds of thousands of applications for the legalization benefits provided by the IRCA. Actual operational experience with the program has brought about the necessity to amend the Service's regulations in order to correct technicalities and provide additional guidance as required. These regulations were published at 52 FR 16205, May 1, 1987.

DATES: The interim final is effective November 17, 1987. Comments must be received on or before December 17, 1987.

ADDRESSES: Written comments should be mailed in triplicate to Deputy Assistant Commissioner, Legalization, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, or delivered to Room 5250 at the same address.

FOR FURTHER INFORMATION CONTACT: Terrance M. O'Reilly (Deputy Assistant Commissioner, Legalization), (202) 786-3658.

SUPPLEMENTARY INFORMATION: The Immigration Reform and Control Act of 1986 (IRCA), Pub L. 99-603 was enacted on November 6, 1986. This legislation is the most comprehensive reform of our immigration laws since the enactment of the immigration and Nationality Act (NA) in 1952. This rule incorporates various technical and clarifying amendments to the regulations governing the legalization program established by the Immigration Reform and Control Act of 1986 (IRCA), Pub L. 99-603. In particular, the rule amends the term "alien's unlawful status was known to the government," and the list of aliens eligible to apply for legal status is expanded to include "Silva class members," duration of status aliens, asylum applicants and aliens who were paroled into the United States pursuant to the stateside criteria program, aliens paroled on or before May 1, 1987, and aliens who, subsequent to a departure from the United States, reentered the United States as nonimmigrants in order to return to an unrelinquished, unlawful residence. The rule also provides that temporary resident aliens who are under an order to deportation issued prior to their obtaining temporary resident status will not be considered to have been deported if they travel outside of the United States. Additionally, the rule deletes the provision whereby aliens could comply with the requirements of section 321 of the Immigration and Nationality Act (knowledge of English and American Government) at the time of interview for temporary resident status. The rule expands the use of affidavits of support to family members other than a spouse. The rule allows for the use of discretion by a district director in establishing the procedure for travel authorization document completion while an application for temporary residence status is pending. Finally, the rule removes the waiver requirement for aliens found admissible even though their income falls below the proverty level.

Summary of the Interim Rule

Section 254a.(c) is amended to provide that those aliens who departed the United States in order to obtain an immigrant visa at a consulate or embassy in Canada or Mexico, pursuant to the stateside criteria program, and who were paroled back into the United States, may apply for legalization if they are otherwise eligible

Section 245a.1(d) is being amended to further define the term "alien's unlawful status was known to the government." Section 245a.1(d)(4) will be added so that foreign students who can establish that the school they attended or were authorized to attend reported to the Service that the student violated their nonimmigrant student prior to January 1, 1982 will be considered within the category of those aliens whose unlawful status was known to the government. The Service has determined that this change is consistent with Congressional intent for a generous legalization program.

Section 245a.1(d)(2) is amended to correct a grammatical error.

Section 245a.1(e) is amended to correct a grammatical error.

Section 245a.1(l) is being amended to correct a grammatical error.

Section 245a.2(a)(2)(ii) is being amended to correct a grammatical error.

Section 245a.2(b) is being amended to clarify the eligibility status of non-immigrant Foreign Government Representatives (Class A—A-1, A-2); Representatives of Foreign Governments that are members of international organizations (Class G—G-1, G-2, G-3, G-4); and students (Class F). These aliens are often granted duration of status at the time of admission to the United States. This status has, for purposes of section 245A(a)(2)(B) of the INA, as amended by IRCA, created problems in determining when such nonimmigrant aliens' status terminated or expired. These sections address this issue.

The Service has determined that A, G, and F class aliens who were granted duration of status may be eligible for legalization in the following circumstances. Class A and G aliens will be considered eligible for legalization as aliens whose period of authorized admission expired through the passage of time, if the qualifying employment terminated prior to January 1, 1982, or the Department of State acknowledges that the alien's A or G status recognition ceased prior to January 1, 1982 and the alien is otherwise eligible for legalization. A class F alien will be eligible to apply for legalization if the alien completed his or her course of study, including any practical training, and the time period, if

any, in which the alien was granted to depart the United States expired, before January 1, 1982 and the alien is otherwise eligible for legalization.

Section 245a.2(b) is being amended to include those individuals who are members of the class of aliens estabished in *Silva vs. Levi,* No. 76–C4268 (N.D. ILL. March 22, 1977). In 1977, an injunction was issued in the case of *Silva v. Levi.* The Service was enjoined from effecting the departure of certain Western Hemisphere aliens because of an erroneous allocation of immigrant visa numbers to Cuban Refugees. Under this court order, any alien from an independent country of the Western Hemisphere who was present in the United States prior to March 11, 1977, and had a priority date for the issuance of an immigrant visa between July 1, 1968, and December 31, 1976, was permitted to remain in the United States indefinitely and to obtain employment. The notices issued to these aliens by the Service advising them of the foregoing became known as "Silva Letters." The Silva injunction was vacated on November 1, 1981. As of that date, the aliens in the Silva class who had not become permanent residents and who were otherwise in the United States unlawfully, were subject to deportation. Aliens who are members of this class will be eligible to apply for legal status provided they meet all other eligibility requirements.

Section 245a.2(b) is being amended to include individuals who filed asylum applications prior to January 1, 1982. The Service has determined that these individuals were in an unlawful status known to the government when they filed their applications. If the application has been denied or not yet decided and the alien is otherwise eligible for legalization he or she is eligible to file an application for legalization.

Section 245a.2(b) is being amended to address aliens who would be otherwise eligible for legalization except for lawful entries which under current regulations interrupted their continuous unlawful residence. Such aliens will be required to establish that they had been in an unlawful status known to the government or that their stay had expired through the passage of time prior to January 1, 1982. Further, such aliens will be required to establish that they were returning to an unrelinquished, unlawful residence. These circumstances will establish that the applicants committed fraud when they entered the United States. Therefore, they will also be required to submit applications to waive their excludability under section 212(a)(19) of the Immigration and Nationality Act. The waivers may be granted for humanitarian purposes, to assure family unity or when the granting of such a waiver is in the public interest.

Section 245a.2(b) is being amended to clarify the eligibility status of those aliens who are otherwise eligible for legalization but left the United States and were paroled back into the United States on or before May 1, 1987. These aliens will be required to establish that they had been in an unlawful status known to the government or that their stay had expired through the passage of time prior to January 1, 1982. Further, such aliens will be required to establish that they were returning to an unrelinquished, unlawful residence. The Service has determined that this class of aliens should be treated in as equitable a manner as those who entered without inspection.

Section 245a.2(d)(4)(iii) is amended to permit family members in unusual circumstances to submit an affidavit of support on behalf of a legalization applicant. The current regulations provide that only a spouse or parent may file an affidavit of support. However, there are circumstances in which a parent or spouse is unable to file an affidavit of support for the legalization applicant. Such examples are, a minor who resides with and is supported by his or her aunt or uncle; or an elderly person who has retired, or requires special care who resides with and is supported by one of his or her children. This amendment expands this section to permit family members in these and similar situations to file affidavits of support.

Section 245a.2(e)(1) is being amended to correct a grammatical error.

Section 245a. 2(e)(2) is being amended to correct a grammatical error.

Section 245a.2(g) is being amended in order to help eliminate any misconception concerning the age parameters that apply to male aliens for registering under the Military Selective Service Act.

Section 245a.2(k)(4) is being amended to clarify the procedure concerning the special rule for determination of public charge. The Service has determined that the waiver process is not required when a determination is made that an alien is admissible pursuant to this section.

Section 245a.2(m)(2)(i) is amended to provide that Temporary Resident aliens who are under an order of deportation issued prior to their obtaining temporary resident status will not be considered to have deported themselves if they travel outside of the United States. This amendment is necessary because 8 CFR 243.5 provides that aliens who depart the United States while an order of deportation is outstanding are considered to have been deported.

IRCA created a new class of aliens, temporary residents, who are permitted to travel outside of the United States but are not aliens considered lawfully admitted for permanent residence. Since the resident status afforded these aliens is temporary, the Service will not vacate outstanding orders of deportation until the alien receives permanent residence. Therefore, under current regulations a temporary resident who is under an order of deportation will execute that order if he or she departs the United States. In order to avoid these types of situations § 245a.2(m)(2)(i) has been amended.

Section 245a.2(m)(3) is being amended to correct grammatical errors.

Section 245a.2(n)(1) is being amended to allow the Service's district directors the flexibility to determine where the travel documentation will be generated for aliens granted authorization to travel prior to a decision being rendered on their application. District directors may conduct processing at Service locations other than legalization offices. Various factors necessitate granting the district directors this flexibility (e.g., workload at Service locations, equipment, etc.).

Section 245a.2(n)(2) is being amended to correct the title of this paragraph and outline the conditions and procedures for granting travel authorization prior to the granting of temporary resident status.

Section 245a.2(q) is being amended to correct a grammatical error.

Section 245a.2(s) is being amended to correct a grammatical error.

Section 245a.2(t)(5) is being amended to correct a grammatical error.

Section 245a.2(u)(2)(1) is being amended to correct a grammatical error.

Section 245a.2(w) is being amended to correct a grammatical error.

Section 245a.3(a) is being amended to correct a grammatical error.

Section 245a.3(b)(4)(ii) is deleted. The IRCA does not require an understanding of ordinary English and a knowledge and understanding of the history and Government of the United States in order to obtain temporary resident status. In addition, the Service is currently preparing the guidelines and mechanisms necessary for aliens to comply with the provisions of section 245A(b)(1)(D) of the INA, as amended by IRCA.

Section 245a.3(b)(4)(iii) has been redesignated § 245a.3(b)(4)(ii) and is amended by inserting language regarding the minimum age at which an

alien must satisfy the requirements of section 245A(b)(1)(D) of the INA, as amended by IRCA. The rule also sets forth who is eligible for a discretionary waiver of these requirements.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

The Information Collection Requirements contained in this regulation have been cleared by the OMB under the Paperwork Reduction Act.

List of Subjects in 8 CFR Part 245a

Aliens, Temporary resident status, Permanent resident status.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows.

PART 245a—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY PUB. L. 99-603, THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

1. The authority citation for Part 245a continues to read as follows:

Authority: Pub. L. 99-603, 100 Stat. 3359; 8 U.S.C. 1101 note.

§ 245a.1 [Amended]

2. Section 245a.1(c)(1) is amended by adding the following sentence to the concluding text of paragraph (c)(1):

* * * * *

(c)(1) * * *

An alien who after appearing for a scheduled interview to obtain an immigrant visa at a Consulate or Embassy in Canada or Mexico but who subsequently is not issued an immigrant visa and who is paroled back into the United States, pursuant to the stateside criteria program, shall be regarded as having been granted advance parole by the Service.

3. Section 245a.1(d)(2) is amended by removing "deportable" and inserting "Deportable" where it appears in the phrase "i.e., Forms I-213, Record of deportable Alien;"

4. Section 245a.1(d) is amended by adding a new paragraph (d)(4) to read as follows:

* * * * *

(d) * * *

(4) The applicant produces documentation from a school approved to enroll foreign students under § 214.3 which establishes that the said school forwarded to the Service a report that clearly indicated the applicant had violated his or her nonimmigrant student status prior to January 1, 1982. In order to be eligible under this part, the applicant must not have been reinstated to nonimmigrant student status.

5. Section 245a.1(e) is amended by removing "prohibitied" and inserting "prohibited" where it appears in the phrase "or any other activity prohibited by section 245(A)(c)(6) of the Act."

6. Section 245a.1(l) is amended by removing "Designate entity", and inserting "Designated entity" where it appears at the beginning of the paragraph.

§ 245a.2 [Amended]

7. Section 245a.2(a)(2)(ii) is amended by removing "endig", and inserting "ending" where it appears in the phrase, "endig on April 4, 1988."

8. Section 245a.2(b), introductory text is revised to read as follows:

* * * * *

(b) *Eligibility.* The following categories of aliens, who are otherwise eligible to apply for legalization, may file for adjustment to temporary residence status:

* * * * *

9. Section 245a.2(b)(8) is amended by changing the word "or" to "on" where it appears immediately preceding "Service Form I-94."

10. Section 245a.2(b) is amended by adding paragraphs (b) (9) through (15) to read as follows:

* * * * *

(b) * * *

(9) An alien who would be otherwise eligible for legalization and who was present in the United States in an unlawful status prior to January 1, 1982, and reentered the United States as a nonimmigrant in order to return to an unrelinquished unlawful residence.

(10) An alien described in paragraph (b)(9) of this section must receive a waiver of the excludable charge 212(a)(19) as an alien who entered the United States by fraud.

(11) A nonimmigrant who entered the United States for duration of status ("D/S") in one of the following classes, A, A-1, A-2, G, G-1, G-2, G-3 or G-4, whose qualifying employment terminated or who ceased to be recognized by the Department of State as being entitled to such classification prior to January 1, 1982, and who has thereafter continued to reside in the United States in an unlawful status.

(12) A nonimmigrant who entered the United States for duration of status ("D/S") in one of the following classes, F, F-1, or F-2, who completed a full course of study, including practical training and whose time period if any to depart the United States after completion of study expired prior to January 1, 1982 and who has remained in the United States in an unlawful status since that time.

(13) An alien who establishes that he or she is a member of the class in the Silva-Levi lawsuit (No. 76-C-4268 (N.D. ILL. March 22, 1977)); that is, an alien from an independent country of the Western Hemisphere who was present in the United States prior to March 11, 1977, and was known by the Immigration and Naturalization Service (INS) to have a priority date for the issuance of an immigrant visa between July 1, 1968 and December 31, 1976, inclusive, and who was clearly eligible for an immigrant visa.

(14) An alien who filed an asylum application prior to January 1, 1982 and whose application was subsequently denied or whose application has not yet been decided is considered an alien in an unlawful status know n to the government.

(15) An alien, otherwise eligible who departed the United States and was paroled into the United States on or before May 1, 1987 in order to return to an unrelinquished unlawful residence.

11. Section 245a.2(c)(8) is amended by adding the text "or expired" after the word "terminated" and before the word "subsequent."

12. Section 245a.2(d)(4)(iii) is amended by removing all existing text after the word "children" and adding the following:

* * * * *

(d) * * *

(4) * * *

(iii) * * * of the applicant or a parent in behalf of children which guarantees complete or partial financial support. Acceptance of the affidavit of support shall be extended to other family members in unusual family circumstances.

13. Section 245a.2(e)(1), the concluding paragraph is amended by removing "the applicant must be accompanied" and inserting "the application must be accompanied".

14. Section 245a.2(e)(2), the last sentence is amended by inserting a comma after "director" and before "original."

15. Section 245a.2(g) is amended by removing "27" and inserting "26."

16. Section 245a.2(k)(4), the first sentence is amended by removing the phrase "under paragraph (k)(2) of this section" and adding a period "." after the word "admissible."

17. Section 245a.2(m)(2)(i) is amended by adding the following after the word "proceedings":

* * * * *

(m) * * *

(2) * * *

(i) * * *, such proceedings having been instituted subsequent to the approval of temporary resident status. A temporary resident alien will not be considered deported if that alien departs the United States while under an outstanding order of deportation issued prior to the approval of temporary resident status;

* * * * *

18. Section 245a.2(m)(3) is amended by removing the word "required" after the word "abroad" and before the word "due".

19. Section 245a.2(n)(l) is amended by adding the following sentence between the existing first and second sentences to read as follows:

* * * * *

(n) * * *

(1) * * * INS district directors will determine the Service location for the completion of processing of travel documentation. * * *

20. Section 245a.2(n)(2) is amended by inserting "and travel" after "Employment" and before "authorization" in the title of the paragraph; replacing the word "will" with the word "may" in the first sentence after the word "employment" and before the word "be"; and by removing in the first paragraph the sentences beginning with "Applications may be presented" and concluding with "fee receipt and scheduled appointment" and inserting text to read as follows:

* * * * *

(n) * * *

(2) * * *

* * * Permission to travel abroad may be granted in emergent circumstances in accordance with the Service's advance parole provisions contained in § 212.5(e) of this chapter after an interview has been conducted in connection with an application establishing prima facie eligiblity for temporary resident status.

21. Section 245a.2(n)(2) is further amended by designating the first paragraph as (i) and the second paragraph as (ii).

22. Section 245a.2(q), the last sentence is amended by removing "motion" and inserting "motions" where it appears in the text of the paragraph.

22. Section 245a.2(s) is amended by revising the paragraph heading to read "*Date of adjustment to temporary residence.*"

24. Section 245a.2(t)(5) is amended by removing "Information obtained in granted legalization" and inserting "Information obtained in a granted legalization.

25. Section 245a.2(u)(1), the last sentence of the introductory text is amended by removing "occurance," and inserting "occurence.

26. Section 245a.2(u)(1)(ii) is amended by removing the language following the word "immigrants," and inserting the following language.

* * * * *

(u) * * *

(1) * * *

(ii) * * * unless a waiver is secured pursuant to § 245a.2(k)(2).

* * * * *

27. Section 245a.2(w) is amended by removing "Declaration of intending citizen", and inserting "Declaration of Intending Citizen."

§ 245a.3 [Amended]

28. Section 245a.3(a) is amended by adding a parenthesis after "A" and before "b" in the last sentence of the paragraph.

29. Section 245a.3(b)(4)(i) is amended by removing the word "or" at the end of the paragraph.

30. Section 245a.3(b)(4)(ii) is revised to read as follows:

* * * * *

(b) * * *

(4) * * *

(ii) The requirements of paragraph (b)(4)(i) of the section must be met by each applicant who is 14 years or older, except that these requirements may be waived at the discretion of the Attorney General if the alien is 65 years or older.

* * * * *

31. Section 245a.3(b)(4)(iii) is removed.

Dated: October 26, 1987.

Alan C. Nelson,

Commissioner.

[FR Doc. 87-26236 Filed 11-16-87; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 037CE, Special Conditions No. 23-ACE-33]

Special Conditions; Ballistic Recovery System, Inc., Modified Cessna 150/A150 Series Airplanes and 152/A152 Model Airplanes To Incorporate the GARD-150 System

AGENCY: Federal Aviation Administration DOT.

ACTION: Final Special Conditions.

SUMMARY: These special conditions are issued under §§ 21.16 and 21.101(b) of the Federal Aviation Regulations (FAR) to become part of the certification basis for the supplementary type certification of the Ballistic Recovery Systems, Inc., General Aviation Recovery Device (GARD) modifications to Cessna 150/A150 Series and 152/A152 Model Airplanes. This system is referred to as the GARD-150. These modifications have novel or unusual design features associated with a parachute recovery system for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. These special conditions contain additional airworthiness standards which the Administrator finds necessary to establish a level of safety equivalent to that provided by the airworthiness standards applicable to these airplanes.

EFFECTIVE DATE: November 17, 1987.

FOR FURTHER INFORMATION CONTACT: Ronald K. Rathgeber, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION

Background

On January 12, 1987, Ballistic Recovery Systems, Inc. (BRS), 9242 Hudson Boulevard, Lake Elmo, Minnesota 55042, filed an application for a supplemental type certificate (STC) to install the GARD-150 parachute recovery system on Cessna 150/A150 Series and 152/A152 Model Airplanes. The applicant proposes to certificate a parachute recovery system which is intended to recover an airplane in emergency situations; such as mid-air collision, loss of engine power, loss of airplane control, severe structural failure, pilot disorientation, or pilot incapacitation. The GARD-150 system, which is only to be used as a last resort, is intended to prevent serious injuries to the airplane occupants by parachuting the airplane to the ground.

The GARD-150 system consists of a parachute with a canopy size of approximately 50 feet in diameter which is packed in a pressurized canister mounted in the left aft portion of the baggage compartment. A solid propellant rocket motor is used to deploy the canopy. A door is positioned above the canister to seal the canister, parachute canopy, and rocket motor from the elements and provide free exit

when the canopy is deployed. The GARD–150 is deployed by a mechanical pull handle mounted on the pilot side of the airplane trim wheel pedestal.

The rocket motor initiator is a mechanical device, and the GARD–150 system requires no electrical power. The system is dormant in the normal configuration since the rocket motor is unarmed. At least two separate and independent pilot actions are required to deploy the system.

A four-cable bridle attaches the canopy bridle to the airplane primary structure at wing and main landing gear bulkheads. The cables lengths are designed to provide the best airplane touchdown attitude. The cables are routed externally on each side of the fuselage from the door to the attach points. The cables are covered with small frangible fairings.

The applicant intends to provide a supplement to the FAA-Approved Airplane Flight Manual (AFM) as part of the STC for those airplanes which have such a manual. The supplement will describe the system, define required system maintenance and inspection information. A separate FAA approved GARD–150 Operating Manual will be provided for those airplanes which do not have an FAA-approved AFM.

The GARD–150 system includes a placard located near the pull handle in clear view of the pilot to identify the system and operating envelope, state deployment actions, and provide appropriate warnings. A warning placard is located on the canister near the rocket motor.

The FAA considered the features proposed by BRS for the GARD–150 installation in the Cessna 150/A150 Series and 152/A152 Model Airplanes and concluded that, notwithstanding the existing requirements applicable to these airplanes, which did not envision the use of such systems, special conditions should be promulgated for such systems to provide the necessary level of safety. A notice of proposed special conditions, Notice 23–ACE–33, was published in the **Federal Register** (52 FR 19517–19519, dated May 26, 1987) for the GARD–150 system. This notice requested that comments be received on or before June 25, 1987.

On June 12, 1987, Mr. John Cesnik, on behalf of BRS, petitioned for a 60-day extension of the comment period. In the petition, BRS took issue with several of the special conditions and requested additional time to incorporate up-to-date information for their response to the notice. BRS requested additional time to evaluate: (1) The parachute ground jettisoning requirements, (2) the canister venting requirements, (3) the parachute repack cycle, and (4) the similarity of the BRS emergency parachute to the auxiliary parachute requirements of § 105.43(a)(2) of the FAR.

The FAA reviewed this petition and determined that extending the comment period would afford the petitioner, as well as other interested persons, the opportunity to participate in the development of the final special conditions. An extension of the comment period, Notice No. 23–ACE–33A, was published in the **Federal Register** on July 20, 1987 (52 FR 27222) and extended the closing of the comment period to August 28, 1987.

Type Certification Basis

The type certification basis (TC 3A19) for the Cessna Aircraft Company 150/A150 Series Airplanes and 152/A152 Model Airplanes is Part 3 of the Civil Air Regulations dated May 15, 1956, through Amendment 3–4; § 23.1559, effective March 1, 1978 for S/N 15282032 and for the Model 152 and S/N 681, A1520809 and for the Model A152; Part 36, dated December 1, 1969, plus Amendments 36–1 through 36–5 for the model 152 only; and the special conditions of this Final Action.

Discussion of Comments

Public participation in this rulemaking action was invited by Notice No. 23–ACE–33A and five comments were received. All the commenters provided comments to the same two special conditions. The comments addressed the parachute jettisoning requirements of Special Condition 4(f), and the parachute inspection and repack requirements of Special Condition 7(b).

The notice proposed Special Condition 4(f) which would require the applicant to show that, after ground touchdown, the parachute can be jettisoned under various adverse weather conditions, including high winds. The comments address several technical issues, as well as the costs, involved in complying with this rule. Most of the technical comments fit in one of four categories, including: (1) System reliability, (2) undesired jettisoning, (3) the effect of GARD–150 activation on the airplane airworthiness, and (4) past experiences with similar devices.

Several commenters note that the addition of a ground jettisoning capability would increase the complexity and reduce the overall reliability of the GARD–150 system. One commenter notes that the GARD–150 will most likely use a multiple attach point bridle in order to set a safe airplane attitude at touchdown and this configuration would necessitate a remote jettisoning link which has limited reliability and may cause the parachute to jettison at the wrong time. The commenter indicates that inadvertent jettisoning could happen as a result of equipment malfunction or operator error. One commenter notes that, to his knowledge, there has been no long term experience with parachute jettisoning systems so their reliability record is unproven. Another commenter suggests that the desirability of jettisoning capability should be determined by a risk-benefit analysis, and another commenter believes that use and abuse of the jettisoning capability would add a dimension of risk to the emergency recovery system concept.

Several commenters state their concern that the ground jettisoning capability would provide the possibility of in-flight jettisoning caused by unintentional or inappropriate pilot activation. Two commenters stated their concern that a recovery parachute with jettisoning capability might be used for recreational purposes. These commenters also note that in-flight jettisoning could occur over an area, such as over trees or rough terrain, where flight recovery would be unsafe. One commenter notes that, because the pilot would be under increased stress at the time of the GARD–150 deployment, he may be more likely to activate the parachute jettisoning provisions at the wrong time.

Several commenters discuss the potential for airplane damage resulting from deployment of the parachute recovery system. These comments indicate that the airplane may sustain damage during the deployment which is unknown by the pilot. One commenter notes that either the initial emergency condition or the subsequent deployment of the parachute recovery system could cause damage to the flight controls or the airframe which would make the airplane unairworthy when the parachute is jettisoned. In general, the commenters state concern that in-flight jettisoning of the parachute may result in uncontrollable flight as a result of airplane damage which occurred prior to jettisoning but not recognized by the pilot.

Several commenters refer to experiences with similar systems on ultralights or their experience with cargo parachutes to argue against the jettisoning requirements. One commenter states that BRS has experience with parachute recovery systems on ultralights which do not have jettisoning provisions. According to this commenter, BRS has recorded 26 ultralight recoveries and has had no

serious injuries resulting from the post-recovery ground conditions. Another commenter notes that this proposed special condition is a carry-over from Special Conditions No. 23-ACE-8 published in the **Federal Register** on May 22, 1984 (49 FR 21506) issued for the supplemental type certification of Cessna 150L, 150M, and 152 Models, and 172 and 180 series airplanes to add the Superchute, Ltd. modifications. The commenter concludes the Superchute, Inc. included jettison capability as part of their proposal, but no risk/benefit analysis was done to justify the special condition. The commenter notes that while Superchute has no extensive practical experience, BRS has nearly eight years of experience, delivering in excess of 3000 units for ultralights and experimental airplanes. The commenter states that, in this period, over thirty emergency deployments were made using systems which did not have canopy jettisoning provisions, and none of these deployments resulted in occupant injuries that could have been prevented by jettison capability. Another commenter states that there is no historical envidence of either hang glider or ultralight pilots being injured after a parachute landing.

Other comments received, not technical in nature, have also been considered in developing the final rule action. Two of these commenters state concern that the parachute jettisoning requirements of Special Condition 4(f) would add significant design and testing expenses to the GARD-150 project. One of these commenters estimates that the additional complexity of the jettisoning device would nearly double the cost of the GARD-150 recovery system.

Two commenters suggest more objective wording for Special Condition 4(f) which they propose would meet the intent of the rule without specifically requiring parachute jettisoning requirements. These comments suggest wording that would require the applicant to show that the occupants would not be exposed to serious injury after airplane touchdown in various weather conditions including relatively high winds.

The FAA has considered the comments to proposed Special Condition 4(f) and has reevlauated the merits of the requirements for parachute jettisoning capability. The intent of the GARD-150 emergency parachute system is to add a means of preventing a catastrophic crash when all other means of recovery are exhausted or made inoperative. To this end, this system adds to the overall safety of the airplane. However, the deployment of an emergency parachute may result in certain hazards not considered in the original airworthiness standards for these airplanes. The intent of proposed Special Condition 4(f) is to address the hazards posed to occupants in the airplane after ground touchdown when the GARD-150 system is deployed; particularly those hazards which are created by the wind loading the canopy. In reevaluating this special condition, the FAA has reviewed the landing and takeoff performance applying to the Cessna 150 series airplanes, requirements and practices with regard to quick releases for personal parachutes, and the requirements and practices concerning emergency deflations of manned free balloons. The FAA has also considered the airframe and occupant restraint protection which would be available after touchdown. Based on this reevaluation, the FAA concludes that the safety issues addressed by proposed Special Condition 4(f) can be addressed in a more objective manner; therefore, this Final Rule Special Condition requires that the BRS GARD-150 system protect occupants from serious injury after touchdown under various weather conditions, including high winds.

The notice proposed Special Condition 7(b) which would require that operating limitations be prescribed to require that the GARD-150 parachute be inspected and replaced each 120 days. This proposed rule would require that the parachute must be considered an auxiliary parachute in the context of § 105.43(a)(2). The comments addressed issues which, in general, fit into one of the following categories: (1) Classification of the system as an auxiliary parachute, (2) the relation of the GARD-150 system design and appropriate inspection intervals, and (3) damage from excessive repacking.

As Special Condition 7(b) was proposed, the GARD-150 system must be considered an auxiliary parachute in the context of § 105.43(a)(2). Several commenters note that this system is not an auxiliary parachute because it is physically different and performs a different function. One commenter notes that § 105.41(a) states that the applicability of Subpart C of Part 105 is to "parachute equipment used in parachute jumps," and the GARD-150 system is out of the scope of Subpart C. Another commenter states that the GARD-150 system is not a sport or an auxiliary parachute but an emergency parachute system to protect aircraft occupants. The FAA recognizes that the GARD-150 system does not function in the same capacity as an auxiliary parachute for personal parachute jumping. However, when the GARD-150 system is deployed it is intended to serve as the final means of rescue for the airplane occupants. Since no regulations currently address requirements for emergency parachutes, such as the GARD-150, the FAA considered the proposed special condition referencing the inspection and repack times to be a rational requirement.

Several commenters object to imposing the inspection and replacing cycles required in § 105.43(a)(2). Three of the commenters state that the GARD-150 system will use a pressure packed parachute that is similar to systems used in military ejection seats which typically are not repacked for several years, with some repack cycles as long as 15 years. One commenter notes that the GARD-150 system will be protected from moisture and sunlight by both the external housing and internal container, and this commenter expresses concern that frequent reopening and repacking of the system will actually decrease its reliability compared to proper packing at the factory and infrequent handling. Another commenter notes that systems such as the GARD-150 have considerably greater shelf life than an auxiliary parachute used for personal parachuting. One commenter suggests that a realistic repack period for the GARD-150 canopy would be two years.

Several commenters stated concern that accumulated repacking of the parachute may eventually damage the parachute fabric and increase the potential for repacking errors resulting in degraded system performance and reliability.

Two commenters suggest alternate wording for Special Condition 7(b) which would allow the applicant to determine the inspection requirements and provide justification for these requirements to the FAA for approval. The FAA agrees with this more objective approach and the special condition has been modified in this Final Rule to require that the applicant provide operating limitations for inspecting and replacing the GARD-150 parachute and deployment mechanism at intervals approved by the FAA.

Conclusion

The action affects only the Cessna 150/A150 Series and 152/A152 Model Airplanes incorporating the Ballistic Recovery System GARD-150 recovery parachute system. Special Conditions No. 23-ACE-33, incorporated by this action, are not rules of general applicability and apply only to the

series and model or airplane identified in these final special conditions.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety.

The authority citation for these Special Conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 101; and 14 CFR 11.28 and 11.29(b).

Adoption of the Special Conditions

In consideration of the foregoing, the following special conditions are issued as a part of the type certification basis for Cessna 150/A150 Series and 152/A152 Model Airplanes modified to incorporate the GARD-150 parachute recovery system of Ballistic Recovery System, Inc., as follows:

1. Flight Test Demonstration

(a) The GARD-150 system must be demonstrated in flight to satisfactorily perform its intended function, without exceeding the system deployment limit load factors, for the critical flight conditions.

(b) Satisfactory development of the GARD-150 parachute must be demonstrated, at the most critical airplane weight and balance, for the following flight conditions:

(i) Power off stall with slow entry.

(ii) Spin with deployment at one turn.

(iii) Normal cruise at 100 knots and 1G normal load.

(iv) Maneuvering speed with 2G normal load, and

(v) Never exceed speed with 1G normal load.

2. Occupant Restraint

Each seat in an airplane modified with the GARD-150 system must be equipped with a restraint system, consisting of a seat belt and shoulder harness, which will protect the occupants from head and upper torso injuries during parachute deployment and ground impact at the critical load conditions.

3. Parachute Performance

(a) The GARD-150 parachute must comply with the applicable requirements of TSO-C23c, or an approved equivalent, for the critical airplane weights.

(b) The GARD-150 system limit load factor for deployment must not exceed 80 percent of the airplane ultimate load factor.

(c) It must be shown that, although the airplane structure may be damaged, the airplane impact during touchdown will result in an occupant environment in which serious injury to the occupants is improbable.

(d) It must be shown that, with the GARD-150 parachute deployed, the airplane can impact the ground in various adverse weather conditions including winds up to 15 knots, without endangering the airplane occupants.

4. System Functions and Operations

(a) It must be shown that there is no fire hazard associated with activation of the GARD-150 system.

(b) The GARD-150 system must be shown to function reliably and to adequately perform its intended function.

(c) It must be shown that arming and activating the GARD-150 system can only be accomplished in a sequence which makes inadvertent deployment extremely improbable.

(d) It must be demonstrated that the GARD-150 system can be activated without difficulty by various sized people, from a 10th percentile female to a 90th percentile male, while sitting in the pilot or copilot seat.

(e) The GARD-150 system must be labeled to show its identification, function and operating limitations.

(f) It must be shown that the occupants will be protected from serious injury after touchdown under various adverse weather conditions, including high winds.

5. System Protection

(a) All components of the GARD-150 system must provide protection against deterioration due to weathering, corrosion, abrasion, and other causes.

(b) Adequate provisions must be made for ventilation and drainage of the parachute canister and associated structure to ensure the sound condition of the system.

6. System Inspections Provisions

(a) Instructions for continued airworthiness must be prepared for the GARD-150 system which meet the requirements of § 23.1529 of this chapter.

(b) Adequate means must be provided to permit the close examination of the parachute and other system components to ensure proper functioning, alignment, lubrication, and adjustment during any required inspection of the GARD-150 system.

7. Operating Limitations

(a) Operating limitations must be prescribed to ensure proper operation of the GARD-150 system within the approved flight envelope of the airplane.

(b) Operating limitations must be prescribed for inspecting, repacking, and replacing the GARD-150 parachute and deployment mechanism at approved intervals.

Issued in Kansas City, Missouri, on October 22, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87-26420 Filed 11-16-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-CE-25-AD; Amendment 39-5774]

Airworthiness Directives; Gulfstream Aerospace Corporation Models 690, 690A, 690B, 690C, 690D, 695, 695A, and 695B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gulfstream Models 690, 690A, 690B, 690C, 690D, 695, 695A, and 695B airplanes, herein referred to as "690 and 695" airplanes, which supersedes AD 86-24-12, by further prohibiting some airplanes from flight into known icing conditions. AD 86-24-12 required the use of continuous ignition during flight in meteorological conditions shown to result in engine flameouts. The FAA has further examined the ignition systems in these airplanes and has determined that the limitations of those airplanes with ignition system having a continuous duty cycle of less than 1 hour do not allow the pilot to provide engine ignition for the expected duration of these meteorological conditions. The requirements of this AD will further provide additional protection against inadvertent engine flameout by prohibiting these airplanes from flight into known icing conditions.

DATES: *Effective Date:* December 18, 1987.

Compliance: As prescribed within the body of the AD unless already accomplished.

ADDRESSES: Gulfstream Service Information Nos. SI-211 and SI-212 both dated June 30, 1986; Gulfstream Custom Kit Nos. 138 dated April 15, 1987, and 139 dated May 28, 1987, applicable to this AD may be obtained at Gulfstream Aerospace Corporation, Wiley Post Airport, P.O. Box 22500, Oklahoma City, Oklahoma 73123; Telephone (405) 789-5000; or this information may be

examined at the Rules Docket, FAA Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. John P. Dow, Sr., FAA, Central Region, Foreign Project Support Section, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932 or Ms. Alma Ramirez-Hodge, Airplane Certification Branch, ASW-150, FAA, Fort Worth, Texas 76193-0150, Telephone (817) 624-5147.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulation to include an AD, applicable to Gulfstream 690 and 695 airplanes, which would supersede AD 86-24-12 by further prohibiting some airplanes from flight into known icing conditions, was published in the **Federal Register** on July 31, 1987 (52 FR 28565). AD 86-24-12, Amendment 39-5483 (51 FR 44046; December 8, 1986) was issued November 28, 1986, to revise the Airplane Pilot's Operating Handbook and Airplane Flight Manual (POH/AFM) on these airplanes by requiring that, when flying in any actual or potential icing conditions, continuous ignition be assured by selecting manual "IGN" or "IGN Override" or "IGN OVRD" on the ignition switch as appropriate. The airplanes affected by AD 86-24-12 were originally certificated for flight into known icing conditions, however AD 86-24-12 placed additional requirements on these airplanes for such flight. The FAA has determined that some airplanes affected by AD 86-24-12 have ignition systems with duty cycle limitations that prevent use of continuous ignition for the probable duration of exposure to actual or potential icing conditions. These ignition systems have a maximum duty cycle of 5 minutes on, followed by 55 minutes off, whereas other Gulfstream 690 and 695 series airplanes have ignition systems with continuous duty cycles of at least 1 hour.

The FAA has further determined that these airplanes equipped with ignition systems having a continuous duty cycle of less than 1 hour, even though previously approved for flight into known icing, have ignition systems with time limits of insufficient duration to allow the pilot to comply with the additional requirements of AD 86-24-12 for the time duration required to permit flight into known icing conditions. Therefore, FAA has concluded that these airplanes must be prohibited from flight into known icing conditions.

Interested persons have been afforded an opportunity to comment on the proposal. Two commenters responded. Both commenters suggested that the objectives of this AD could best be obtained by the issuance of a new AD that does not supersede AD 86-24-12. The commenters apparent reason for requesting a new AD was to eliminate the need for making an additional log book entry. The FAA has determined that the issuance of a superseded AD is appropriate since most of the background information and discussion are in the original AD 86-24-12.

The commenters further requested that three alternative methods to comply with this AD in lieu of Appendix 1 be listed:

(1) Gulfstream revisions to the POH/AFM which meet the requirements of paragraph (a)(1) of this AD.

(2) FAA approved documents which increase the ignition duty cycle time.

(3) FAA approved documents which install an automatic relight ignition system.

The FAA concurs, and accordingly the final rule will reflect these changes.

No comments or objectives were received on the FAA determination of the related cost to the public.

Since the condition described is likely to exist or develop in other Gulfstream Aerospace Model 690 and 695 series airplanes of the same design, this AD requires the use of continuous ignition when operating in actual or potential icing conditions and additionally prohibits those airplanes equipped with ignition systems having a duty cycle of less than 1 hour from flight into known icing conditions. The applicability statement in this AD has been clarified with respect to AD 86-24-12 to ensure that the aircraft operators understand that this AD applies to all Models 690, 690A, 690B, 690C, 690D, 695, 695A, and 695B airplanes and not just the Models 690 and 695.

The FAA has determined that there were approximately 898 airplanes affected by AD 86-24-12, and it is estimated that only a small percent of these airplanes will be further affected by this superseding AD action. The cost of this AD, fabrication and installation of the placard, is estimated to be negligible.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA 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:

Gulfstream Aerospace Corporation: Applies to Models 690, 690A, 690B, 690C, 690D, 695, 695A, and 695B (all serial numbers) airplanes certificated in any category.

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

(a) To prevent engine flameout when in or departing an icing environment, accomplish the following:

(1) Revise the airplane POH/AFM by inserting or assuring that the appropriate Gulfstream published revision has been inserted as defined by the following listing:

Model 690, Revision No. 23, dated May 20, 1987

Model 690A, Revision No. 30, dated May 20, 1987

Model 690B, Revision No. 23, dated May 20, 1987

Model 690C, Revision No. 21, dated April 9, 1987

Model 690D, Revision No. 12, dated April 9, 1987

Model 695, Revision No. 12, dated April 9, 1987

Model 695A, Revision No. 20, dated April 9, 1987

Model 695B, Revision No. 9, dated April 9, 1987

If the listed revision is not available, revise the POH/AFM by inserting Appendix 1 of this AD in the "LIMITATIONS" Section of the POH/AFM. Apppendix 1 procedures supersede any other POH/AFM procedures which may be contradictory.

Note 1.—If the above actions have been accomplished in compliance with AD 86-24-12, no further action is required in order to comply with paragraph (a)(1) of this AD.

(2) For those airplanes with ignition systems having a continuous duty cycle of less than 1 hour:

(i) Fabricate and install a placard on the instrument panel in clear view of the pilot stating, "This airplane is prohibited from flight into known icing", and operate the airplane in accordance with this limitation.

This placard must consist of a minimum of 0.1 inch high letters with white and red contrasting letter and background colors and may be of a plastic adhesive type.

(ii) The requirements of section (a)(2)(i) are no longer applicable when the aircraft ignition system having a continuous duty cycle of less than 1 hour is modified to increase the duty cycle to 1 hour or more in accordance with Gulfstream Service Information Nos. SI-211 and SI-212 both dated June 30, 1986.

(b) The requirements of paragraph (a) of this AD are no longer applicable when the airplane is modified in accordance with Gulfstream Custom Kit Nos. 138 dated April 15, 1987, or 139 dated May 28, 1987, or by the addition of other FAA approved automatic relight ignition systems for both engines.

Note 2: Automatic-relite ignition is a system which automatically energizes engine ignition without pilot action when engine RPM or torque decays below a specified level and de-energizes engine ignition when RPM or torque exceeds the specified level. It is not synonymous with CONTINUOUS IGNITION.

(c) The requirements of paragraph (a)(1) and (a)(2)(i) of this AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the FAR on any airplane owned or operated by the pilot, and which is not used under Part 121 or 135. The person accomplishing these actions must make the appropriate airplane maintenance record entry as prescribed by FAR 91.173.

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

(e) An equivalent means of compliance with this AD may be used if approved by the Manager, Airplane Certification Branch, ASW-150, FAA, Fort Worth, Texas 76193-0150; Telephone (817) 877-5150.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to the Gulfstream Aerospace Corporation, Wiley Post Airport, P.O. Box 22500, Oklahoma City, Oklahoma 73123; or may be examined at the FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This AD supersedes AD 86-24-12, Amendment 39-5483 (51 FR 44046; December 8, 1986).

This amendment becomes effective on December 18, 1987.

Issued in Kansas City, Missouri, on November 3, 1987.

Jerold M. Chavkin,

Acting Director, Central Region

Appendix I—Supplement to the POH/AFM Gulfstream Aerospace Corporation, Models 690, 690A, 690B, 690C, 690D, 695, 695A, and 695B Airplanes

Continuous ignition switch shall be assured by selecting Manual IGN or IGN Override or IGN OVRD on the ignition switch as appropriate during all operations in actual or potential icing conditions described herein:

(1) During takeoff and climb out in actual or potential icing conditions.

(2) When ice is visible on, or shedding from propeller(s), spinner(s), or leading edge(s).

*(3) Before selecting ENG INLET, when ice has accumulated.

(4) Immediately, any time engine flameout occurs as a possible result of ice ingestion.

(5) During approach and landing while in or shortly following flight in actual or potential icing conditions.

***Note:** If icing conditions are entered in flight without the engine anti-icing system having been selected, switch one ENGINE system to ENG INLET ON position. If the engine runs satisfactorily, switch the second ENGINE system to the ENG INLET ON position and check that the second engine continues to run satisfactorily.

Caution

Flight in actual or potential icing conditions will be limited by duty cycle of the ignition system. Ignition system time limits must be observed to prevent exceeding duty cycle times. Operator should verify these limits for his particular installation.

For the purpose of this supplement, the following definition applies:

"Potential icing conditions in precipitation or visible moisture meteorological conditions:

(1) Begin when the OAT is +5 °C (+41 °F) or colder, and

(2) End when the OAT is +10 °C (+50 °F) or warmer."

The procedures and conditions described in this appendix supersede any other POH/AFM procedures and conditions which may be contradictory.

[FR Doc. 87-26421 Filed 11-16-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 374 and 399

[Docket No. 70347-7192]

General License for Low Level Exports to Certain Free World Countries and Expansion of General License G-COM

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration is establishing a new General License GFW for certain low level dual use items to most free world countries and is expanding General License G-COM to allow shipment of additional low level dual use items to the COCOM allies.

EFFECTIVE DATE: This is effective November 17, 1987.

FOR FURTHER INFORMATION CONTACT: John Black or Patricia Muldonian, Regulations Branch, Office of Technology and Policy Analysis, Export Administration, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Background

As part of the improvements in export controls announced by the Secretary of Commerce on February 9, 1987, the Department of Commerce proposed on March 17, 1987 (52 FR 8265) to amend the Export Administration Regulations (15 CFR Parts 368-399) in two ways;

To provide a new General License GFW for certain low level dual use items to most free world countries; and

To expand General License G-COM to allow shipment of additional low level dual use items to the COCOM allies and to certain other countries.

The Department received comments from 16 firms and associations. In general, public comments acknowledged that the proposed rule is a positive step toward reduced licensing burdens on U.S. companies competing internationally in the manufacture and supply of low level dual use items.

The proposed GFW proceure eliminated the validated licensing requirement for export of certain low level items to about 80 free world countries. This final rule expands GFW eligibility to include COCOM destinations. Since all commodities eligible for GFW are also eligible for G-COM, parties shipping GFW-eligible items into COCOM and cooperating countries may use either General License designation. However, no other countries, other than COCOM destinations, have been added to GFW eligibility.

Certain free world countries were excluded from the proposed general license GFW on the basis of nuclear non-proliferation and foreign policy concerns. Several commenters who asked that GFW be made available for these countries claimed that there is already a prohibition against shipment to parties engaged in sensitive nuclear activities. The Department's nonproliferation controls, however, cover a much wider range of commodities and activities. These countries remain excluded from the final GFW rule, and validated licensing requirements remain in effect for such excluded countries.

Although the proposed rule would have removed the validated licensing

requirement for exports eligible for GFW, foreign consignees would have been required to sign ITA Form-629P and file it with the exporter prior to shipment in such transactions. Some commenters felt that the Department should remove the requirement that exporters obtain and retain the completed Form ITA-629P for items exported under General License GFW. We agree that these forms are not necessary for these low level items and have deleted the requirement in the final rule.

Several commenters requested that the Department raise the technological level of commodities eligible for GFW to the level permitted by the "Advisory Notes" for the People's Republic of China in the Commodity Control List. The requests for increasing the level of decontrol usually involved commodities on the Commodity Control List under ECCNs 1564A (electronic component assemblies, sub-assemblies, and printed circuit boards) and 1565A (electronic computers and "related equipment").

Although this final rule retains the proposed technological levels of most eligible items, it does extend GFW eligibility to commodities containing Winchester disk drives up to a capacity of 130 magabytes (rather than 100 megabytes, as published in the proposed rule). The Department will continue to review the possibilities of increased technological levels or country coverage. We do believe, however, that the proposed changes can be of immediate benefit to exporters, and we are publishing the final rule to make these benefits available without further delay.

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs functions of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis was prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Nevertheless, to help ascertain the economic impact of the regulation upon the general public, the regulation was issued in proposed form and public comment was solicited.

3. Because a notice of proposed rulemaking and an opportunity for public comment were not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis was prepared.

4. This rule does not contain a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 15 CFR Parts 371, 374 and 399

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. The authority citation for Parts 371 and 399 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

PART 371—[AMENDED]

2. Section 371.8 is amended by revising paragraphs (a) and (c) to read as follows:

§ 371.8 General license G-COM; certain shipments to COCOM countries.

(a) *Scope.* A general license designated G–COM is established, authorizing exports to Finland, Singapore, Sweden, Switzerland, and the COCOM-participating countries, for use or consumption therein, of commodities that the United States may approve for export to controlled countries with only notification to the COCOM governments.

* * * * *

(c) *Eligible commodities.* The commodities eligible for export under this general license are described in the Advisory Notes in the Commodity Control List that indicate likelihood of approval for Country Groups QWY. (The Advisory Notes for the People's Republic of China and Notes indicating "favorable consideration" are *not* applicable to G–COM eligibility.) End-use and quantity restrictions in the Advisory Notes may be disregarded in determining whether G–COM may be used. However, certain advisory notes may contain specific restrictions on the applicability of G–COM. When the note is excluded from G–COM eligibility, the exclusion will be described by the phrase "NOT ELIGIBLE FOR GENERAL LICENSE G–COM." Shipments of eligible commodities are subject to the prohibitions contained in § 371.2(c).

3. A new § 371.23 is added, reading as follows:

§ 371.23 General license GFW; low level exports to certain countries.

(a) *Scope.* A general license designated GFW is established authorizing exports of commodities having performance characteristics that permit the United States to approve exports to controlled countries with only notification to other COCOM governments.

(b) *Eligible countries.* Shipments may be made under this general license to any destination listed in Supplement No. 2 to Part 373 and to any destination listed in Supplement No. 3 to Part 373 *except* Ethiopia, Lebanon and Nicaragua. Exports to eligible countries may be made under GFW *only* when intended for use or consumption within an eligible country or for reexport among eligible countries for use or consumption therein.

(c) *Eligible commodities.* The commodities eligible for export under this general license are described in Advisory Notes in certain entries on the Commodity Control List. When GFW is applicable, the "Controls for ECCN" section of the CCL entry will include a "GFW Eligibility" paragraph indicating which Advisory Notes apply. Only those commodities whose technical performance characteristics are specifically described in a designated Advisory Note may be exported to an eligible country under General License GFW. Eligibility for GFW is based on the technical performance characteristics of a given commodity, not its intended end-use. Only those portions of Advisory Notes that relate to technical specifications of commodities are to be considered in determining eligibility. End-use, quantity and other restrictions in the Advisory Notes may be disregarded in determining whether GFW may be used. For example, in Advisory Note 9 to ECCN 1565A, sub-paragraph (a)(3) refers to computers

exported as a complete system, and this restriction may be ignored in determining the eligibility of exports of peripherals and components individually or in bulk, separately from systems. However, shipments of such eligible commodities are subject to the prohibitions contained in § 371.2(c).

PART 374—[AMENDED]

4. The authority citation for Part 374 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; and E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

§ 374.2 [Amended]

5. Section 374.2(a)(1) is amended by adding "GFW," immediately after "G-COM,".

PART 399—[AMENDED]

6. Section 399.1 is amended by revising paragraph (f)(3)(i) to read as follows:

§ 399.1 The Commodity Control List and how to use it.

* * * * *

(f) *How to use the CCL.* * * *

(3) * * *

(i) If the code letter following the ECCN is A or B, and the country of destination is in Country Group T or V, you will need a validated export license if the value of the shipment exceeds the value shown under the heading "GLV $ Value Limit." (See § 371.5 for restrictions on the use of General License GLV.) However, if the shipment is to an eligible country and if the commodity meets the technical performance characteristics described in a designated Advisory Note that is listed in the paragraph titled "GFW Eligibility," you may ship under General License GFW (see § 371.23). The countries eligible for the GFW procedure are those destinations listed in Supplement No. 2 to Part 373 and any destination listed in Supplement No. 3 to Part 373 *except* Ethiopia, Lebanon, and Nicaragua. (Also see § 371.8 to determine if your shipment qualifies for export under General License G-COM.)

* * * * *

Supplement No. 1 to § 399.1 [Amended]

6a. In Supplement No. 1 to § 399.1 (the Commodity Control List), the heading of the "G-COM Eligibility" paragraph is revised to read "GFW Eligibility" in the following entries:

In Commodity Group 0 (Metal-Working Machinery), ECCN 1091A;

In Commodity Group 3 (General Industrial Equipment), ECCNs 1312A, 1353A, 1355A and 1391A;

In Commodity Group 5 (Electronics and Precision Instruments), ECCNs 1510A, 1519A, 1520A, 1522A, 1529A, 1531A, 1532A, 1533A, 1541A, 1544A, 1545A, 1548A, 1549A, 1558A, 1559A, 1564A, 1567A, 1568A, 1572A, 1586A and 1588A;

In Commodity Group 6 (Metals, Minerals and Their Manufacturers), ECCNs, 3604A and 3605A; and

In Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCNs 1754A, 1755A and 1767A.

7. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment), the Advisory Note in ECCN 1131A is amended by adding the phrase "(NOT ELIGIBLE FOR GENERAL LICENSE G-COM)" immediately before the phrase "For paragraph (b)".

8. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 1 (Chemical and Petroleum Equipment), ECCN 1133A is amended by removing the *G-COM Eligibility* paragraph.

9. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 2 (Electrical and Power-Generating Equipment), ECCN 1205A is amended:

a. By inserting in Advisory Note 1 the phrase "provided such fuel cells are not space qualified" immediately after the phrase "paragraph (a)(1) above"; and

b. By inserting in Advisory Note 2 the phrase "(NOT ELIGIBLE FOR GENERAL LICENSE G-COM)" immediately before the phrase "Licenses are likely to be approved".

10. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 3 (General Industrial Equipment), ECCN 1361A is amended by inserting the phrase "(NOT ELIGIBLE FOR GENERAL LICENSE G-COM)" immdiately before the phrase "Licenses are likely to be approved" in (Advisory) Notes 1 and 2.

11. In supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1460A is amended by inserting the phrase "(NOT ELIGIBLE FOR GENERAL LICENSE G-COM)" immediately before the phrase "Licenses are likely to be approved" in (Advisory) Note 6.

12. In Supplement No 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1485A is amended by inserting the phrase "(NOT ELIGIBLE FOR GENERAL LICENSE G-COM)" immediately before the phrase "Licenses are likely to be approved" in the Advisory Note.

13. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1501A is amended by revising the *G-COM Eligibility* paragraph to read as follows:

* * * * *

GFW Eligibility: Commodities that meet technical specifications described in Advisory Notes 1 through 5 and paragraphs (a) and (b) of Advisory Note 6 under this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c).

* * * * *

14. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1526A is amended by revising the *G-COM Eligibility* paragraph to read:

* * * * *

GFW Eligibility: Commodities that meet technical specifications described in sub-paragraphs (c)(1), (2) and (3) and paragraph (f) of the List of Cable under this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c).

* * * * *

15. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1537A is amended by revising the *G-COM Eligibility* paragraph to read:

* * * * *

GFW Eligibility: Commodities that meet technical specifications described in Advisory Note 1 through 4 under this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c).

* * * * *

16. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and precision Instruments), ECCN 1547A amended by adding a *GFW Eligibility* paragraph immediately after the *Special Licenses Available* paragraph reading:

* * * * *

GFW Eligibility: Commodities that meet technical specifications described in Advisory Note 1 under this entry regardless of end-use, subject to the prohibitions of § 371.2(c).

* * * * *

17. In Supplement No. 1 §399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1555A is amended

by revising the *G–COM Eligibility* paragraph to read:

* * * * *

GFW Eligibility: Commodities that meet technical specifications described in Advisory Note 2 under this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c). Commodities that meet technical specifications described in Advisory Note 4 under this entry are eligible *if they are for medical end use only* (notwithstanding the provisions of § 371.23(c) regarding the inapplicability of end-use).

* * * * *

18. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1565A is amended by revising the *G–COM Eligibility* paragraph to read as follows:

* * * * *

GFW Eligibility: Commodities that meet technical specifications described in Advisory Notes 3, 5, 7, and 9 under this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c). With regard to Advisory Note 9, the limitation imposed by paragraphs (a)(3), (b)(5)(i), (iii) and (iv), (b)(6)(iii), (b)(7)(iv), (v) and (vi), (b)(8)(i), (b)(9)(iii), and (c) are waived. However, Winchester disk drives exceeding a capacity of 130 Mbytes ARE EXCLUDED from GFW eligibility.

* * * * *

19. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1565A is amended by inserting the phrase "(NOT ELIGIBILE FOR GENERAL LICENSE G–COM)" immediately before the phrase "Licenses will received favorable consideration" in Advisory Note 12.

20. In Supplement No. 1 to § 399.1 (the Commodity Contol List), Commodity Group 5 (Electronics and precision Instruments), ECCN 1567A is amended by revising the Note in Advisory Notes 6 and 7 to read:

* * * * *

This Advisory Note will enter into force on 15 September 1988, but may be used for General License G–COM prior to that date.

* * * * *

21. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1595A is amended by inserting the phrase "(NOT ELIGIBLE FOR GENERAL LICENSE G—COM)" immediately before the phrase "Licenses are likely to be approved" in the Advisory Note.

Dated: November 12, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87–26450 Filed 11–16–87; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 270, 273, 375, and 381

[Docket No. RM86–14–000; Order No. 483]

Revisions to the Purchased Gas Adjustment Regulations

Issued November 10, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations governing the procedures by which a natural gas pipeline company (company or pipeline) passes through the cost of purchased gas to its jurisdictional customers.

The Commission's final rule modifies the mechanism by which a company can bill its purchased gas costs (purchased gas adjustment or PGA) by requiring a company to file a comprehensive annual PGA filing instead of two semi-annual filings and updating the annual filing with three additional quarterly filings.

EFFECTIVE DATE: This rule is effective December 17, 1987.

ADDRESSES: The FERC Form No. 542–PGA (Form 542), although not published in this order, is available initially during regular business hours at: Division of Public Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 1000, Washington, DC 20426.

Ultimately, the Form 542 will be available at: Energy Information Administration, Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585.

FOR FURTHER INFORMATION CONTACT:

For Further Legal Information Contact: Andrew S. Katz, Office of the General Counsel, Federal Energy Regulatory Commission, Washington, DC 20426, (202) 357–8020.

For Further Technical Information: Sherri L. Booye, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, Washington, DC 20426, (202) 357–5369.

SUPPLEMENTARY INFORMATION:

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

Table of Contents

I. Introduction
II. Background
  A. Development of Purchased Gas Adjustment Regulations
  B. Competition in the Natural Gas Industry
  C. The Proposal
III. The Rule Adopted
  A. Overview
  B. Election of a PGA Clause
  C. Computing the Current Adjustment
  D. Account No. 191
  E. Unpaid Accruals
  F. Refunds
  G. Assessment of Past Performance
  H. Filing Requirements
  I. Transition Rules
  J. Technical and Confirming Amendments
  K. Provisions in the Current PGA Regulations Not Incorporated Into the Final Rule
IV. Discussion of Comments
  A. General Comments on the Proposed PGA
  B. The PGA Election Procedure
  C. The Three-Year Requirement to Restate A New Base Tariff Rate
  D. The Annual and Quarterly PGA Filings
    1. The Need for Annual and Quarterly Filings
    2. Distortion and Fluctuations in Price from Quarterly Filings
    3. Protests to Quarterly Filings
    4. The Schedule of Annual and Quarterly PGA Effective Dates
    5. PGA Notice Periods
  E. The Methodology for Projecting Gas Costs for the Current Adjust
    1. Pipeline Supplies Rates
    2. Spot Marked Projections
    3. Definition of Purchased Gas Costs for Compiling the Current Adjustment
  F. The Treatment of Cost Changes from Various Types of Suppliers
    1. Definition of "As Billed" and Flow Through of "Supplier" Rate Changes
    2. "As Billed" Treatment of Imported Natural Gas
  G. Annual Surcharge Rate
  H. The Methodology for Computing Monthly Deferrals of Purchased Gas Costs
  I. The Method for Computing Carrying Charges
    1. Storage Accenting Adjustments
    2. Deferred Tax Issues
  J. The Unpaid Accrual Restrictions
    1. Accrued Expenses Within a 60-Day Billing and Payment Cycle
    2. Recognition of "Suspended Payable" Unpaid Accruals
    3. Three-Year Restrictions on Outstanding Unpaid Accruals
  K. The Exchange Transactions and Transportation Imbalance Adjustment
  L. The Refund Disbursement Procedure
    1. Lump Sum Payment
    2. Administrative Burden
    3. Apportionment of Refunds Based on Most Recent Twelve Months of Purchases

4. Accounting Entries to the Refund Subaccount
5. Direct Billing of Debit Entries In Account No. 191
M. Assessment of Past Performance
1. The Two-Percent Threshold for Underrecoveries
2. Gas Costs Used in The Assessment of Past Performance
3. Test Intervals
4. Least-Cost Purchasing Plan
N. The Optional Interim Adjustment
1. Interim Adjustment Rate Charge
2. Out-Of-Cycle Filings
O. Transition Rules
P. Data Collection and Filing Requirements
Q. A Formula Rate Alternative to The PGA
V. Section-by-Section Analysis
A. Definitions, § 154.302
B. PGA Election, § 154.303
1. Purchased Gas Adjustment Clause
2. Three Year Requirement to Establish New Base Tariff Rate
C. Scheduled Annual and Quarterly PGA Filings, § 154.304
D. Annual PGA Filing, § 154.305
1. Filing Requirements
2. Treatment of Change in Cost of Gas from Various Types of Suppliers
3. Projecting Purchased Gas Costs to Determine the Current Adjustment
E. The Surcharge Rate, § 154.305 (d), (e) and (g)
1. Surcharge Balance
2. Monthly Deferred Gas Costs
F. Unpaid Accrual Restrictions, § 154.305(f)
G. Carrying Charges, § 154.305(h)
H. Refunds, § 154.305(i)
I. Exchange and Transportation Imbalances, § 154.305(j)
J. Assessment of Post Performance, § 154.306
K. Quarterly PGA Filing § 154.308
L. Interim Adjustment, § 154.309
M. Transition Rules, § 154.310
N. Revised FERC Form No. 542-PGA
1. Annual General Information Report
2. Gas Purchases Report
3. Unrecovered Purchased Gas Cost Reports
4. Subaccounting of Account No. 191 and Carrying Charges in Account No. 191
5. Supporting Information
VI. Future Gas Supply Charges
VII. Administrative Findings
A. Deferral of Affiliated Entities Test
B. Fees
C. Regulatory Flexibility Act Certification
D. Paperwork Reduction Act Statement
E. Effective Date

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its regulations governing the procedures by which a natural gas pipeline company (company or pipeline) passes through changes in the cost of purchased gas to its jurisdictional customers.

II. Background

A. Development of Purchased Gas Adjustment Regulations

Prior to 1972, natural gas pipeline companies made general rate filings under section 4 of the Natural Gas Act (NGA)[1] to recover increases in their purchased gas costs caused by supplier-rate increases. Pipelines sought authority through Commission-approved settlement agreements to submit "tracking filings" based upon their suppliers' rate increases. On April 14, 1972, the Federal Power Commission (FPC), the predecessor of the Commission, promulgated regulations to permit natural gas pipeline companies to include purchased gas adjustment (PGA) clauses in their tariffs.[2] The PGA mechanism allowed a pipeline to flow through to its customers changes in purchased gas costs without requiring the pipeline to file a general NGA section 4 rate filing or to seek special permission to track gas costs.

In 1978, the Commission amended the PGA regulations to limit the number of PGA filings a pipeline could make to two per year.[3] The amendment allowed pipelines to collect carrying charges on the deferred balances.

Later in 1978, the Commission amended the PGA regulations to require each pipeline to make an election whether to recoup all changes in purchased gas costs through its PGA clause or pursuant to a general section 4 rate filing under § 154.63 of the regulations.[4]

After the passage of the Natural Gas Policy Act of 1978 (NGPA),[5] the Commission amended its PGA regulations to allow a pipeline to estimate its producer supply costs for computing the current adjustment in a PGA filing so as to reflect the automatic monthly escalations under the NGPA wellhead pricing regulations. On December 1, 1978, the Commission allowed these estimates on a one-time basis.[6] The Commission permitted PGA filings to reflect NGPA ceiling price projections on a regular basis in 1979.[7] The Commission limited the estimated cost projections to producer supplies subject to NGPA ceiling prices that were attached to a pipeline's system as of the date the new PGA rates would take effect. The latest amendment to the PGA regulations required a pipeline to use a standard PGA format prescribed in FERC Form No. 542-PGA.[8]

B. Competition in the Natural Gas Industry

Changes in the natural gas market, particularly an imbalance in the supply of and demand for natural gas, created a need for a more flexible PGA mechanism. Also, Commission Order No. 380[9] made it easier for a sales customer to change its pipeline suppliers by eliminating variable cost minimum bill provisions in pipeline tariffs. Thus, as customers shifted purchases away from their traditional suppliers in order to purchase less expensive gas, pipelines were forced to compete and had to reflect any price changes in their rates more quickly. Since under § 154.38(d)(4) of the Commission's regulations the pipelines were unable to do that, many pipelines sought case-by-case waivers.

In order to give the pipelines greater flexibility, the Commission waived the time-of-filing and cost support provisions in § 154.38(d)(4) when justified by the pipelines. These are requests to allow a pipeline to file an "out-of-cycle" adjustment to its gas cost between the pipeline's established PGA filing dates.[10] However, because a pipeline may not accurately project the gas acquisition costs reflected in its out-of-cycle PGA filings, the Commission has frequently conditioned these waivers of the PGA regulations to require the pipeline to assume the risk of underrecovering its actual gas costs. A pipeline that is placed "at risk" for underrecoveries must demonstrate why it should be permitted to later recover its underrecoveries in a PGA filing.[11]

[1] 15 U.S.C. § 717c (1982).

[2] Purchase Gas Cost Adjustment Provision in Natural Gas Pipeline Companies' FPC Gas Tariffs, 47 FPC 1049 (1972) (Order No. 452), *modified*, 47 FPC 1550 (1972) (Order No. 452-A) and 49 FPC 84 (1973) (Order No. 452-B).

[3] Modification of Purchased Gas Cost Adjustment Clause Regulations (Order No. 13), FERC Stats. & Regs., 1977-1981 Regulations Preambles ¶ 30,020A (1978).

[4] Final Regulation Requiring Jurisdictional Pipelines to Elect Either Adoption of PGA Clauses or General Section 4 Rate Filings to Recover Changes in the Cost of Purchased Gas (Order No. 16), FERC Stats. & Regs., 1977-1981 Regulations Preambles ¶ 30,023.

[5] 15 U.S.C. 3301-3432 (1982).

[6] Regulation Allowing Jurisdictional Pipelines with a PGA Clause in Effect on January 1, 1979, Which Includes a Deferred Account, to Include in Their PGA Tariffs, One Time, Certain Estimated Changes in Purchased Gas Costs Due to Implementation of the Natural Gas Policy Act of 1978 (Order No. 18), FERC Stats. & Regs., 1977-1981 Regulations Preambles ¶ 30,027 (1978).

[7] Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978 (Order No. 49), FERC Stats. & Regs., 1977-1981 Regulations Preambles ¶ 30,085 (1979).

[8] Standard Form for Purchased Gas Adjustment Filings submitted by Natural Gas Pipeline Companies (Order No. 349), FERC Stats. & Regs., 1982-1985 Regulations Preambles ¶ 30,515 (1983).

[9] Elimination of Variable Costs From Certain Natural Gas Pipeline Minimum Commodity Bill Provisions (Order No. 380-C), FERC Stats. & Regs., 1982-85 Regulations Preambles ¶ 30,607 (1984), *aff'd* Wisconsin Gas Co. v. FERC, 770 F.2d 1144 (D.C. Cir. 1985), *cert. denied*, 106 S. Ct. 1969 (1986).

[10] *See, e.g.*, Midwestern Gas Transmission Company, 32 FERC ¶ 61,176 (1985).

[11] *E.g.*, Transcontinental Gas Pipeline Corporation, 29 FERC ¶ 61,148 (1984); Northern

Continued

If a pipeline reflects large quantities of spot market gas in its PGA filing purchased gas supply, the Commission imposes an "at risk" condition for underrecoveries, unless the pipeline supports the gas cost projections with information in addition to that required by FERC Form No. 542-PGA.[12] This recognizes the price fluctuations and the uncertainty of deliverability generally associated with the spot market.

The Commission has recently allowed pipelines to adopt "flexible" PGA tariff clauses to allow frequent adjustments (as often as daily) to the pipelines' rates.[13] Under the flexible PGA, a pipeline continues to make its scheduled PGA filings. In addition, between the regularly scheduled filings, the pipeline is permitted to file interim adjustments, at any time, to adjust its jurisdictional rates to reflect a revised average cost of gas. Although an interim adjustment can reflect either a decrease or increase in a pipeline's jurisdictional rates, the pipeline is precluded from making any interim rate adjustment based on a projected average cost of gas that would be above the projected average cost of gas established in its most recent scheduled PGA filing or in a fully cost supported out-of-cycle PGA filing.

Because a pipeline cannot precisely control its gas costs, the Commission currently permits a three-percent margin for underrecoveries for the flexible PGA filings.[14] Thus, a pipeline is required to demonstrate the reasonableness of its actions, and why it should be permitted to recover any underrecovery of gas costs only with respect to underrecoveries due to a flexible PGA rate that exceed three percent of the actual jurisdictional cost of gas during the current deferral period.

To prevent manipulation of the PGA mechanism, the Commission modified the flexible PGA proposals to provide that the interim adjustment could track only known and measurable changes in a pipeline's gas costs. By including only known and measurable changes, a pipeline should not be able to accumulate large underrecovered gas costs in one portion of a PGA deferral period and then offset those underrecoveries with gas cost overcharges accumulated in another portion of the same PGA deferral period. Such underrecoveries could result from arbitrary rate reductions. A pipeline could incur overrecoveries by intentionally not passing on gas cost decreases.

The Commission also places an "at risk" condition on *all* underrecoveries of gas cost to the extent a pipeline's flexible interim adjustment is not based on known and measurable changes in gas costs. Thus, a pipeline must support its entire deferred balance.[15]

The Commission requires a pipeline to seek Commission approval before it will be permitted to include undercollections in excess of the three-percent margin in a semi-annual PGA rate. A pipeline is deemed to waive its guaranteed recovery rights under NGPA section 601(c)(2)[16] to the extent its undercollections exceed the three-percent margin. Also, any undercollections falling within the three-percent margin are subject to the scrutiny imposed by the fraud and abuse standards of the NGPA and the prudence standards of the Natural Gas Act. Finally, the Commission requires that in making a comparison between the projected cost of gas in an interim PGA filing and the actual cost of gas for the three-percent test, the actual cost of gas must exclude the effect of storage activity,[17] retroactive payments, or other out-of-period adjustments.[18]

C. The Proposal

The Commission proposed amendments to the PGA regulations to make the PGA mechanism more responsive to market conditions; to codify the PGA policies already established by the Commission on a case-specific basis; to clarify the existing PGA regulations; and to facilitate the PGA review process by streamlining the filing requirements, by standardizing the PGA computations, and by requiring information supporting rate changes to be submitted in a computerized format.

The Commission responded to the need for revised PGA regulations to meet the needs of a competitive gas market by issuing a notice of proposed rulemaking (NOPR) on May 20, 1987.[19] The NOPR left the existing PGA mechanism substantially intact but revised the manner of reporting purchased gas cost adjustments. The Commission proposed that a pipeline would file only one comprehensive PGA per year. The annual filing would include an annual surcharge. Quarterly filings would be required to track any changes in gas costs that occur after the annual filing becomes effective. The NOPR proposed to codify the flexible PGA tariff as an optional cost recovery mechanism. The Commission also proposed to consider out-of-cycle PGA rate filings as long as they are fully supported and justified.

The Commission received 54 comments on its proposed rule—23 from pipelines, five from producers or imported gas suppliers, 14 from local distribution companies, four from trade associations, and eight from State Commissions.[20] In response to comments received, the Commission is adopting the proposed regulations with modifications.

III. The Rule Adopted

A. Overview

The final rule retains the existing PGA mechanism consisting of a current adjustment and surcharge rate adjustment to the base rates a pipeline establishes in a NGA section 4 general rate proceeding. The current adjustment shows the change in what a pipeline

Natural Gas Company, 29 FERC ¶ 61,342 (1984); Midwestern Gas Transmission Company, 33 FERC ¶ 61,471 (1985).

[12] This information consists of the following:

(1) That the projected rate is the contractual rate in effect as of the effective date of the PGA filing;

(2) The lengths of the contracts and their termination dates;

(3) The relationships of the projected takes of such purchases to prior period historical takes and rates, both on a general overall spot purchase basis and individual contract basis;

(4) Information regarding the stability of the transportation arrangements necessary to transport such spot gas to the pipelines' gas system; and

(5) Any other facts that the pipeline believes will support the inclusion of short-term spot market purchases in its projected costs.

Mississippi River Transmission Corporation, 35 FERC ¶ 61,152 at 61,365 (1986).

[13] *E.g.*, Florida Gas Transmission Company, 34 FERC ¶ 61,406 (1986); Transwestern Pipeline Company, 34 FERC ¶ 61,409 (1986); Tennessee Gas Pipeline Company, 35 FERC ¶ 61,148 (1986); Panhandle Eastern Pipe Line Company, 36 FERC ¶ 61,255 (1986). Between April and December 1986, most major pipelines using the PGA cost recovery mechanism have applied for permission to adopt a flexible PGA tariff.

[14] The Commission's approval of the three-percent margin is subject to a 12-month "test period" for each pipeline with a flexible PGA tariff. At the end of the "test period," the Commission will review the pipeline's actual experience with the three-percent margin to determine if this level should be revised in subsequent PGA filings. The Commission has reviewed the three-percent margin for several pipelines and issued orders to allow the three-percent margin to remain in effect in future flexible PGA filings. *See, e.g.*, Florida Gas Transmission Company, 38 FERC ¶ 61,310 (1987) and Transwestern Pipeline Company, Commission letter order issued March 30, 1987, in Docket No. TA87-3-42-000 and 001.

[15] The Commission defines a "known and measurable" change in gas cost as a change that a pipeline has a reasonable basis for assuming will actually occur. Such changes could be based on the exercise of contract market-out provisions or other price redeterminations based on changes in the price of competitive fuels such as No. 6 residual oil.

[16] 15 U.S.C. 3431(c)(2) (1982).

[17] Panhandle Eastern Pipe Line Company, 36 FERC ¶ 61,255 (1986).

[18] *See* note 15, *supra*.

[19] 52 FR 20828 (June 3, 1987); FERC Stats. and Regs., Regulations Preambles ¶ 32,443 (1987).

[20] *See* Appendix A for a complete list of commenters.

predicts its gas costs will be from one PGA rate period to the next PGA rate period. The surcharge adjustment is a charge or refund to a pipeline's current customers to adjust for imprecise gas cost forecasting and rate setting in a prior period. The surcharge adjustment makes a pipeline's customers whole by providing a mechanism to refund overrecovered amounts to its customers if the rates established by the current adjustment were higher than necessary to recover the cost of a pipeline's gas supply expenditures. Conversely, the surcharge adjustment reimburses the pipeline if the rates in a prior period were too low to recover the cost of the pipeline's gas purchases. A pipeline determines its overrecovered or underrecovered gas costs each month and either credits or debits these amounts to Account No. 191 of the Uniform System of Accounts.[21]

The current regulations allow a pipeline to collect interest (carrying charges) on the monthly ending balances of Account No. 191. Monthly interest is either credited or debited depending on whether the monthly ending balance reflects a net overrecovery or underrecovery of purchased gas costs. If a pipeline receives a refund of overcharged gas costs from one of its suppliers, the pipeline credits the refund amount to Account No. 191. To develop the surcharge, a pipeline is required to group the monthly balances recorded in Account No. 191 into deferral periods of six or 12 months (according to its tariff). At the end of each deferral period, the pipeline divides the ending balance in Account No. 191 by its projected sales quantities for the next PGA period to determine the surcharge adjustment. The surcharge adjustment is intended to amortize the balance that accumulated at the closing day of the deferral period over the next PGA period.

The current regulations do not permit a pipeline to track its gas costs frequently enough to reflect changes in today's gas market. This is because a pipeline is limited to two PGA rate changes per year, unless it is granted waiver of the regulations by the Commission. The filing limitation can cause a pipeline to accumulate large deferred gas cost balances in its Account No. 191. A large deferred account balance results in large surcharge adjustments which distort the current market cost of gas reflected in the current adjustment. Large refund credits to Account No. 191 have a similar distorting effect.

[21] 18 CFR Part 201 (1987).

The final rule requires a pipeline to revise its projections of gas costs four times per year. A pipeline will submit a current adjustment that reflects three months of projected gas costs in an annual PGA filing and in three quarterly PGA filings which will track any changes in gas costs that occur after the annual filing becomes effective. The final rule establishes a schedule of annual and quarterly PGA effective dates for each pipeline that files a PGA under the current regulations. If a pipeline wishes to track its costs more frequently, the final rule allows the pipeline to use its flexible PGA tariff, which has been permitted on a case-by-case basis, as an optional cost recovery mechanism. This will permit a pipeline to make interim adjustments to its rates to reflect known and measurable changes in gas costs on 24 hours notice to the Commission.

The annual PGA will be the forum for reviewing a pipeline's purchasing patterns for the past 12-month period. All challenges to a pipeline's purchasing practices in the past year's PGA filings will be addressed in the annual PGA. For the upcoming year, the rule requires a pipeline to project its annual purchase quantities and costs. In addition, the pipeline is required to make a statement in the annual PGA that outlines the pipeline's purchasing policies that gave rise to the annual projection.

Finally, the accuracy of a pipeline's projections of gas cost during the past 12 months will be tested in the assessment of past performance.

B. Election of a PGA Clause

The final rule retains the existing requirement that a pipeline must elect whether to collect its purchased gas costs through a PGA clause or as a cost of service item in a general rate case under section 4 of the NGA. If a pipeline elects to adopt the PGA mechanism established in the rule, it must file a revised PGA clause that adopts all the terms and conditions specified in the rule. One condition is that a pipeline must use either a unit-of-purchase or a unit-of-sales methodology for both the computation of a current adjustment and for determining monthly deferred gas costs. Most pipelines use a unit-of-sales methodology for their PGA computation since this methodology permits recovery of the deferred account balance on a current basis. In contrast, pipelines that use the unit-of-purchase methodology might have to recover some of the difference between gas costs and revenues in a NGA section 4 rate filing.

The Commission will require a pipeline to adopt and to consistently use one methodology for the current adjustment and for determining monthly deferrals to avoid double recovery of purchased gas costs through PGA filings and NGA section 4 filings.

Adopting a methodology is a rate design issue which is determined in a section 4 general rate proceeding. Therefore, the rule permits a pipeline to wait until its first NGA section 4 rate filing after the final rule is in effect to elect the methodology it wants. Similarly, the final rule requires specific calculations for the current adjustment and for determining monthly deferrals using either the unit-of-purchase or unit-of-sales methodology. These specific calculations will not be required until a pipeline elects a methodology.

C. Computing the Current Adjustment

In computing the current adjustment, the final rule allows a pipeline to estimate the price of a projected purchase of gas from a supplier other than a pipeline. The estimated price must reflect a known and measurable change that will occur during the current adjustment period by operation of a provision of the purchase contract. This is a departure from the NOPR's requirement that a pipeline must base its projected gas costs on the prices in effect on the PGA effective date except for estimates of the monthly escalations of NGPA ceiling prices. The Commission believes that allowing estimates of prices in the current adjustment will result in rates that are more representative of the actual gas cost a pipeline will experience than rates based on historical prices in effect on the PGA effective date. For pipeline supplier purchases, the rate on file with the Commission, as of the PGA effective date, would be the most accurate price for a projection.

The final rule permits a pipeline to allocate projections of large annual payments, such as an annual minimum bill charge, to each quarterly adjustment to avoid having the pipeline's customers bear the cost of such payments in one quarter.

The final rule limits the "as billed" treatment of changes in the cost of imported natural gas supplies. The current regulations permit a pipeline to charge its customers for changes in purchased gas costs in the same manner it is billed by its gas suppliers. The Commission decided in Opinion No. 256 (Natural Gas Pipeline Company of America, 37 FERC ¶ 61,215 (1986)) that the inclusion of certain costs associated with imported gas in the U.S. pipeline's demand charges was inconsistent with Commission rate design principles. The domestic pipeline was thus precluded

from flowing these Canadian gas costs through its PGA on an "as billed" basis. The Commission directed the domestic pipeline to modify its demand charge to remove those fixed costs charged by its Canadian suppliers that were improperly included in their demand charge to reflect the Commission's rate design policies. The final rule adopts the rationale of Opinion No. 256 that imported gas supply should not be treated any differently from gas supply subject to the Commission's jurisdiction. Therefore, the cost of imported natural gas must be flowed through a pipeline's PGA consistent with the Commission's rate design precedents.

D. Account No. 191

The annual PGA will report a pipeline's deferred gas cost activity over a 12-month period and will include a surcharge rate to amortize the deferred costs over a 12-month period commencing with the effective date of the annual PGA. The final rule defines the types of actual costs that are appropriate for determining overrecovered or underrecovered purchased gas costs. In order to send the most accurate market signal of a month's gas costs, the final rule permits only actual amounts paid and known costs payable that have not been paid within a normal billing and payment cycle of 60 days, to be recognized as actual gas costs for natural gas purchased in that month. After 60 days, as amounts due become known, these amounts must be recognized as adjustments to the deferred account in the month the amounts become known or paid. The rule distinguishes between amounts that are recognized as monthly actual costs and out-of-period adjustments because the rule will assess each pipeline's performance in projecting its purchased gas costs over the year. If a pipeline were permitted to use all costs recorded on its books, including prior period charges or estimates as a monthly cost of gas, there might be a distortion of the comparison of projected to actual costs in the assessment of past performance.

E. Unpaid Accruals

The final rule requires a pipeline to recognize as a monthly gas cost certain expenses for gas delivered that remain unpaid after the 60-day billing and payment cycle. These expenses are a category of the costs known as "unpaid accruals." The Commission determines that certain types of unpaid accruals will be properly recognized as gas costs because the pipeline's ratepayers receive the benefit of the gas supply associated with the unpaid amounts and the amounts due are known. Suspended payable unpaid accruals are known amounts that are not paid because of some impediment to payment such as the payee is unknown or is subject to lien, garnishment, or court order. In contrast, accrue-but-don't-pay accruals frequently represent estimated or anticipated amounts which may or may not be paid contingent upon some future event. The final rule recognizes only suspended payable accruals as gas costs since they represent known amounts and have a higher probability of being paid. The final rule's definition of "unpaid accruals" reflects this distinction. The final rule requires a pipeline to list in the annual PGA all suspended payable accruals that remain unpaid three or more years from the time they were originally recognized as gas costs. A pipeline is required to seek the Commission's permission to continue recognizing these unpaid accruals as a gas cost.

F. Refunds

The intended effect of the frequent tracking of gas costs required by the final rule is to reduce deferred account balances and thus minimize the distortion of current cost signals caused by the amortization of prior period costs by a surcharge. The amortization of refunds (which are credits to prior period costs) also distorts current costs. Therefore, the final rule requires a pipeline to maintain refunds separately in a subaccount of Account No. 191 to be disbursed in cash when the refund balances reach the lesser of either one cent per MMBtu of the most recent 12 months of a pipeline's sales or $2 million. The final rule requires all downward price adjustments to a prior month's cost of gas to be treated as refunds. Also, the final rule provides a methodology for computing carrying charges on the balances in Account No. 191.

G. Assessment of Past Performance

The final rule reviews a pipeline's performance in projecting gas costs during the 12-month deferral period for the annual PGA. Because the final rule gives a pipeline increased flexibility to track changes in gas costs, a pipeline should not incur substantial underrecovered costs, unless it experiences unforeseen operational or marketing problems. Therefore, the final rule requires a pipeline to provide additional justification for underrecoveries that exceed a threshold established for the level of underrecovered gas costs during the deferral period. In recognition of the difficulty of a pipeline precisely controlling its gas costs, the final rule adopts a three-percent margin for underrecoveries. Under the procedures of the assessment of past performance, a pipeline must seek the Commission's approval to recover by a surcharge any underrecovered actual purchased gas cost that exceeded the pipeline's projected gas cost by a three-percent margin.

The final rule does not automatically deny a company recovery of its gas costs on the basis of the assessment of past performance. Instead, the pipeline may be permitted to put its surcharge rate into effect subject to refund while the Commission determines whether a pipeline has exceeded the three-percent threshold due to circumstances beyond its control or from manipulating the PGA mechanism by projecting artificially low gas costs.

H. Filing Requirements

The final rule requires a pipeline to file its annual PGA by giving at least 60 days notice. This is to allow the Commission and all interested parties time to fully evaluate the annual PGA filing. The final rule provides streamlined filing requirements for the quarterly PGA and the optional interim adjustment because these filings are meant to be effective virtually automatically, with minimal staff review. The quarterly PGA will be submitted on 30 days notice and will contain tariff sheets and a report showing the derivation of the current adjustment. In addition, the rule requires a pipeline to report its Account No. 191 balances as of three months before the quarterly PGA effective date. An interim adjustment will be filed on at least 24 hours notice and will consist of a summary tariff sheet showing the amount of the proposed adjustment, the resulting rates, the calculation of the adjustment, and the revised volumes and costs underlying the proposed rate.

Currently, the reports supporting PGA rate adjustments are submitted in a standardized format that is prescribed in FERC Form No. 542–PGA (Form 542). The final rule revises the Form 542 to reflect the proposed changes in the reporting of PGA adjustments and to collect other information that is of interest to the Commission. Furthermore, to facilitate the analysis and review function of the Commission, the revised Form 542 requires annual and quarterly PGA data to be submitted on magnetic computer tape. Compliance with the magnetic tape requirement may impose special hardships for some companies. Therefore, the Commission

will entertain requests from pipelines for a waiver of this requirement.

I. Transition Rules

The final rule provides for an orderly transition from the existing PGA regulations. So that no pipeline will gain a competitive advantage over another, the transition rules require all pipelines that elect a PGA clause to implement the new PGA regulations at the same time, June 1, 1988. The Commission recognizes that pipelines will need time to convert their existing computer systems and PGA records for the transition to the new PGA regulations. Any pipeline that elects the PGA for cost recovery must file a revised PGA clause and revised PGA rates computed under the new regulations on May 1, 1988, to be effective on June 1, 1988.

J. Technical and Conforming Amendments

The PGA regulations will be codified in a new Subpart §§ 154.301 through 154.310 and the current PGA regulations in § 154.38 will be revoked. The final rule amends other sections of the Commission's regulations and removes cross-references to any revoked rule. Additionally, the final rule makes those technical or conforming changes necessary to incorporate the final PGA regulations into the Commission's overall regulatory program.

K. Provisions in the Current PGA Regulations Not Incorporated Into the Final Rule

In addition to amending and updating the PGA regulations, the final rule deletes several provisions of the current regulations that are no longer necessary. First, the Commission no longer requires a pipeline to file a cost study with its proposed PGA clause, currently required in § 154.38(d)(4)(i). Every company with a currently effective PGA clause already has such a study on file with the Commission.

Also, the final rule eliminates § 154.38(d)(4)(x) promulgated in 1978. This section authorizes a one-time passthrough of certain NGPA costs for companies with a PGA clause in effect on January 1, 1979, and is no longer needed. Similarly, the Commission deletes § 154.38(d)(4)(ii). The passage of the NGPA replaces the special rate structure for small producers established in this section, and thus this section is no longer necessary.

In recognition of the small amounts of Btu refunds [22] left to be paid and the infrequency of payment, together with the revised refund procedures in the final rule, the Commission believes that retention of § 154.38(h) as a separate refund requirement is no longer necessary.

IV. Discussion of Comments

A. General Comments on the Proposed PGA Regulations

Although most of the commenters support the Commission's goal of creating a more market-responsive PGA mechanism, some commenters raised concerns about the procedures. For example, they object to the additional PGA filings, arguing that these additional reporting requirements diminish a pipeline's ability to compete in the gas commodity market with unregulated sellers of gas. In addition, a few commenters propose terminating the rulemaking procedure and allowing pipelines to retain their existing PGA clauses and flexible PGA tariffs.

The Commission believes that the revisions to the PGA mechanism in this rule offer a reasonable and orderly transition from the highly regulated pipeline merchant function of the past to the less regulated national commodity market envisioned by the Commission. Although this rule requires additional reporting, the Commission is requiring less information in the quarterly and interim filings than it currently requires for existing PGA filings. Also, the Commission is permitting a pipeline to project its purchased gas costs for the quarterly current adjustments based on known and measurable changes in gas cost which will give a pipeline an additional tool to compete.

B. The PGA Election Procedure

Enron Interstate Pipelines (Enron) requests clarification of the procedures a pipeline must follow if it does not elect a purchased gas cost recovery option. Enron claims the NOPR does not define how a pipeline which has waived its PGA clause (by filing to remove the clause on December 1, 1987) should determine its base cost of gas in its rates on January 1, 1988. Additionally, Enron asks whether a pipeline must file a section 4(e) general rate proceeding to implement its election to discontinue using the PGA. Enron believes that December 1, 1987, seems an unrealistic election date because of the need to have certain provisions in the NOPR clarified and the regulatory lag time involved in issuing a final rule.

A pipeline that elects to remove its PGA clause from its tariff must file a section 4(e) rate proceeding to implement its election. The pipeline will determine its base cost of gas as any other cost of service is determined under § 154.63 of the regulations. The Commission recognizes that additional time is required to allow a transition from the existing PGA regulations to the new regulations. The Commission is delaying implementation of the PGA revisions until June 1, 1988. Therefore, for purposes of the transition, the Commission is requiring a pipeline to make a section 4(e) rate filing on or before May 1, 1988, to remove its PGA clause. A pipeline with its existing PGA clause in effect after May 1, 1988, is deemed to have adopted the new PGA procedures unless it has filed to remove its PGA clause. A pipeline that adopts the revised PGA mechanism must file tariff sheets containing a conforming PGA clause on May 1, 1988. After the transition period, a pipeline must implement its election to remove its PGA clause by making a section 4(e) filing on December 1, preceding the next three-year PGA election period.

The Northern Distributor Group (NDG) believes the Commission should make the PGA election permanent or establish a longer election period than three years in order to avoid exploitation by pipelines of the cyclical demand and prices for natural gas. NDG poses the following hypothetical. If a pipeline expects generally declining prices over a three-year period, it will elect to recover gas costs in base rates with the possibility of overrecovery as prices decline. If market conditions change near the end of the election cycle, the pipeline could elect a PGA clause on one month's notice and track gas cost increases without risking recovery of purchased gas costs.

The PGA election regulations have been in place since 1978 without any evidence of abuses by the pipelines.[23] The Commission does not believe that this codification of the PGA regulations will enable pipelines to manipulate the PGAs as argued by NDG. Therefore, except for the transitional election period, the Commission is adopting the election procedures in the final rule. However, any customer or other interested person which believes that a pipeline is abusing the PGA mechanism may file a complaint.

[22] In Order No. 399, 49 FR 37735, (Sep. 26, 1984), FERC Stats. and Regs. [Regulations Preambles 1982–1985] ¶ 30,597, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of *America* v. *Federal Energy Regulatory Commission*, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[23] *See* note 4, *supra*.

C. The Three-Year Requirement to Restate a New Base Tariff Rate

The Commission's current regulations require a pipeline with a PGA clause in its tariff to restate its base tariff rate every three years. The regulations also require a pipeline to file a cost study with the restated base tariff rate.

Northern Illinois Gas Company (NIGAS) requests that a pipeline should be required to file as part of its base tariff restatement cost study (in § 154.303(e)(1)(ii)), Statement N—"cost determinates for minor changes in rate level" and Statement P—"explanatory text and prepared testimony" (which are required under § 154.63(b)) for section 4 rate changes). NIGAS argues that a full explanation of a pipeline's rate practices and assumptions is necessary if a pipeline has not filed a rate case in three years.

Statement N is already required to support the cost study in § 154.303(e)(1)(ii). Since most restatement rate filings are accepted without formal proceedings, the Commission will not require a pipeline to file Statement P. The Commission can, of course, require that a pipeline file a Statement P if the need arises.

D. The Annual and Quarterly PGA Filings

1. The Need for Annual and Quarterly Filings

The commenters that support the proposed annual/quarterly PGA mechanism [24] agree with the Commission that the new mechanism will minimize deferred account surcharges and enhance transmission of market signals. Also, they believe that the annual filing would make it easier to respond to inquiries into a pipeline's purchasing practices and reduce administrative burdens.

Several commenters argue that the Commission should not require a pipeline to file both an annual PGA and three quarterly PGAs. They consider the annual/quarterly PGA mechanism administratively burdensome and costly to implement.[25] ANR/CIG states that the Commission's proposal does not provide pipelines with any greater degree of flexibility because pipelines can now change their rates on 30 days notice using an out-of-cycle PGA and on 24 hours notice using a flexible PGA. ANR/CIG, therefore, suggest that the Commission retain the annual or semi-annual PGA as mandatory (depending on a pipeline's existing tariff).[26] Quarterly, flexible, and other out-of-cycle filings would be voluntary and, like the flexible PGA, could be subject to the assessment of past performance. Arkla, INGAA, and Southern also believe the quarterly PGA should be optional.[27] They consider that the quarterly PGA is merely a mechanism to allow interim (flexible) PGA adjustments to reflect increases in gas costs above the level established in a pipeline's last scheduled filing. Therefore, the quarterly PGA would only be necessary if a pipeline elects the interim adjustment option. Columbia Gas Transmission Corporation (Columbia), Enron, and INGAA suggest the quarterly PGA can be replaced with a more flexible interim adjustment mechanism that would allow increases in rates above the rate ceiling established in a prior scheduled PGA filing.

Panhandle/Trunkline argue that a rigid filing schedule is not needed to prevent the build-up of deferred purchased gas costs. The competitiveness and volatility of the current market provides an incentive for a pipeline to minimize its surcharge rate. Inter-City Minnesota Pipelines, Ltd., Inc. (Inter-City) states that the additional filings are burdensome and unnecessary for small pipelines with a single supplier.

The Commission believes that pipelines should accurately reflect their gas costs on a current basis. A schedule of quarterly adjustments to the PGA accomplishes this goal by implementing projections of gas costs that closely approximate actual costs. Accomplishing this goal prevents the build-up of deferred account balances, allows pipeline customers to make better purchasing decisions, and gives the Commission an accurate representation of how pipelines manage their purchasing patterns. The Commission does not agree with the commenters that quarterly filings are unduly burdensome on the pipelines. In fact, the Commission is requiring less information to support the quarterly projection than it requires for an existing semi-annual or annual PGA. Also, the Commission is streamlining the quarterly PGA review process by delaying the challenges to these filings until the next annual PGA which avoids multiple proceedings.

Niagara Mohawk Power Corporation (Niagara) requests that the Commission require monthly tracking filings, instead of quarterly, along with a comprehensive annual PGA. Niagara states that it needs the most accurate price information available to decide whether to purchase gas from its traditional pipeline supplier or on the spot market.

The Commission declines to adopt Niagara's suggestion. It is not necessary to require monthly tracking of costs because quarterly filings will accomplish the Commission's objective of implementing a projection which closely approximates actual costs, without the added burden.

2. Distortion and Fluctuations in Price From Quarterly Filings

ANR/CIG argues that the quarterly PGA mechanism may operate to send confusing price signals to pipeline customers and could possibly damage a pipeline's ability to compete. Panhandle/Trunkline argues that the quarterly adjustment cycles will shift gas costs to consumers more frequently and these periods will bear no relationship to timing of annual variations in purchase levels due to temperature sensitivity or the timing of storage injections and withdrawals. These commenters argue that quarterly adjustments would produce sharp price fluctuations between quarters as compared with a more price normalized six month or annual PGA cycle. Mountain Fuel Resources, Inc. and Celsius Energy Company (MFR) states that it makes an annual minimum bill payment to one of its pipeline suppliers. MFR suggests that some method of allocating this annual payment would be appropriate to avoid any price distortion during the quarterly PGA period when the minimum bill charge is paid.

The Commission recognizes that certain projections of cost in a quarterly filing may reflect periodic payments based on a longer period than the upcoming three-month quarterly effective period. Therefore, the Commission will permit a pipeline to apportion annual minimum bill costs or annual production tax assessments over

[24] Associated Gas Distributors (AGD), the Public Utilities Commission of California (CPUC), NIGAS, Pacific Gas and Electric Company (PG and E), Peoples Gas Light and Coke Company and North Shore Gas Company (Peoples Gas/North Shore), and the Public Service Commission of New York (PSCNY).

[25] ANR Pipeline Company and Colorado Interstate Gas Company (ANR/CIG), Arkla, Inc. and Mississippi River Transmission Company (Arkla), Enron, Interstate Natural Gas Association of America (INGAA), NDG, Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Panhandle/Trunkline), Southern Natural Gas Company (Southern), and the Public Utility Commission of Oregon (Oregon).

[26] Panhandle/Trunkline believes pipelines should be permitted to convert to an annual PGA cycle on a case-by-case basis.

[27] Southern argues that the proposed PGA mechanism encourages the use of the PGA as a marketing tool which is contrary to Commission policy. Southern states that pipelines that prefer a traditional PGA should not be required to shed their current PGA tariff.

four quarterly projections to normalize these payments. The Commission will require a pipeline to record the actual annual payment in Account No. 191 in the month it was paid. However, the Commission will allow the pipeline to allocate the actual payment to the test intervals for the assessment of past performance. The pipeline may utilize any reasonable allocation methodology for allocating the annual payment for the current adjustment and the assessment of past performance. In contrast, the Commission will not permit pipelines to apportion the anticipated cost of gas during an upcoming quarterly period.

Three pipelines that use an annualized LIFO storage costing methodology that have large storage operations were particularly concerned that quarterly estimates of supply and requirements will lead to unnecessary price fluctuations that could constitute a distortion between costs and revenues.[28] When those pipelines inject gas into storage, the injections are priced at an annualized last-in first-out ("LIFO") rate and are treated as a credit to Account No. 808–2.[29] When the pipelines withdraw gas from storage, the withdrawals are priced at the annualized LIFO rate and are treated as a debit to Account No. 808–1. Significant price swings occur if only injection or withdrawal months are included in the estimated purchase and supply data of a quarterly filing. Consolidated and National Fuel suggest that allowing a pipeline to make an annual estimate of supply and requirements would eliminate seasonal price swings, since storage activity is designed to be in balance by the end of the storage year.[30]

The Commission has decided not to allow these pipelines to include an annual supply and requirements estimate in their quarterly projections of gas costs in order to annualize the effect of storage on the quarterly projections. Allowing annual supply and requirements estimates in the quarterly filings would unnecessarily delay the assessment of past performance. Further, it would provide an opportunity to shift purchased gas costs between quarters. In fact, the Commission has recently addressed this issue in a PGA proceeding involving one of these commenters, Consolidated. Consolidated filed tariff sheets to revise its PGA clause to allow annual supply and requirements estimates.[31] In addition, its proposal would have allowed it to collect, over a 12-month period, the costs accumulated in its deferred account (Account No. 191) over a six-month period. The Commission rejected this proposal because the period of incurring the costs was different from the period of recovering those costs. The Commission has historically disallowed different periods of cost incurrence and cost recovery because of the potential manipulation of the PGA mechanism.

3. Protests to Quarterly Filings

The Commission proposes to streamline the quarterly PGA review by limiting challenges to the quarterly filing and deferring any purchasing practice challenges until the pipeline's next annual PGA filing. Baltimore Gas and Electric Company (Baltimore), the Minnesota Department of Public Service Energy Issues Intervention Office (EIIO), and Southwest Gas Corporation (Southwest Gas) believe that this change would restrict the rights of customers to challenge unjust and unreasonable rates.

The PSCNY requests that the Commission clarify that all costs collected under the PGA mechanism are subject to refund and subject to the outcome of the annual PGA review proceeding. The PSCNY claims such a clarification will ensure that an effective remedy can be ordered for any purchasing practice violations by a pipeline during the past annual period.

The Commission emphasizes that the rights of pipeline customers are not abrogated because of changes to the PGA mechanism. First, all costs collected by a quarterly PGA filing, interim adjustment, or out-of-cycle filing are subject to refund and review in the succeeding annual PGA. Furthermore, in the annual PGA review, the Commission will consider the pipeline's purchasing practices over the past 12 months. It will review any challenges to the quarterly adjustment filing when it reviews the next annual PGA filing.

4. The Schedule of Annual and Quarterly PGA Effective Dates

The Commission established a schedule of annual and quarterly PGA effective dates in the NOPR for all pipelines that have a PGA clause. The proposed schedule maintained, as nearly as possible, one of each pipeline's current PGA effective dates. In establishing this schedule, the Commission considered a pipeline's purchasing patterns in an effort to schedule a pipeline's annual effective date after the annual effective date of its major pipeline supplier. Also, the Commission evenly distributed the effective dates over the year to reduce the administrative burden on the Commission staff, state commissions and other interested parties.

Columbia Gas Distribution Companies (CDC) propose that all pipelines be required to file their annual PGA to be effective on the same date. They reason that customers would be able to make better purchasing decisions based on comparable pricing information from all their suppliers. The Commission rejects this proposal because the Commission, state commissions, and other interested parties do not have adequate staff resources to conduct a review of all pipelines' annual PGA filings at the same time.

Five pipelines request to change their effective dates proposed in the NOPR.

Midwestern Gas Transmission Company (Midwestern) requests to change its Southern System's PGA effective dates to coincide with its pipeline supplier, Tennessee Gas Pipeline Company (Tennessee). Similarly, Midwestern requests that its Northern System have only an annual PGA effective date of November 1 to correspond with the effective date for contract pricing renegotiations with its sole supplier, Transcanada Pipeline Ltd. MFR requests that its annual PGA effective date be changed to June 1 to maintain a consistent amortization of its Account No. 191 balances. Williams Natural Gas Company (WNG) requests that its annual PGA effective date be changed to May 1 to track the rates of its pipeline supplier, Arkla.

Transcontinental Gas Pipe Line Corporation (Transco) requests that its annual PGA effective date be changed to either May 1 or November 1 to reflect the gas acquisition pattern of its current gas purchase contracts. Panhandle and its subsidiary, Trunkline, request that they both have the same annual PGA effective date instead of Panhandle's proposed March 1 date and Trunkline's proposed September 1 date. They argue that this would allow Panhandle to track Trunkline's rates without the need for special tracking filings.

The Commission finds good cause to grant Midwestern's, MFR's, and WNG's requests for different annual PGA effective dates. The changes requested will not disrupt the Commission's plan to evenly schedule the pipelines' PGA

[28] ANR/CIG, Consolidated Gas Transmission Corporation (Consolidated); and National Fuel Gas Supply Corporation (National Fuel).

[29] The annualized LIFO rate is equal to the estimated average annual purchased gas unit cost.

[30] National Fuel suggests that the annual cycle should be the same as the pipeline's accounting or fiscal year to avoid any conflict with Internal Revenue Service Regulations.

[31] Docket No. TA87–3–22–000, 40 FERC ¶ 61,205 (1987).

filings throughout the year. Also, the Commission believes the revised effective dates will not cause any hardship on other pipelines that track these companies' rates and will allow these companies to track closely cost changes from their pipeline suppliers. However, the Commission establishes quarterly PGA effective dates for Midwestern's Northern System because the pipeline is not restricted to only one supplier. Therefore, quarterly PGA filings would be necessary to track any changes in the Northern System's purchasing patterns.

With respect to Transco's and Panhandle/Trunkline's requests, the Commission will not grant them the effective dates they propose. To do so would disrupt the balanced schedule of effective dates the Commission established because of the number of pipelines that track these companies' rates.

5. PGA Notice Periods

The Commission proposed to establish a 60-day notice period for an annual PGA filing and a 30-day notice period for each quarterly PGA filing. Currently, the notice period for a PGA filing is 30 days.

Generally, pipeline customers and state commissions support the proposed 60-day notice period for the annual PGA.[32] They argue that the 60-day notice period will facilitate the annual PGA review process and obviate the need for informal conferences.

The Commission notes that although it supports the 60-day comment period, Baltimore requests that the Commission extend the time period during which parties may intervene and protest the proposed rate change. Currently, the Commission provides between five to 10 days for a party to comment on the proposed rate change although no such requirement appears in the Commission's regulations. This comment period is specified in the notice of proposed rate change, pursuant to § 385.210(b) of the Commission's regulations. Baltimore suggests that 20 days is more appropriate in order to address all the issues in the annual PGA.

The Commission finds merit in Baltimore's request and is amending the regulations to provide a comment period of 20 days during which time customers may file interventions or protests to the annual PGA filing.

Pipelines generally did not support the proposed 60-day notice requirement for the annual PGA.[33] They argue that since the rule requires a standardized computer submission for all PGA filings, 30 days would be sufficient time to review the annual PGA. Pipelines argue that a longer notice period will not reduce or eliminate the need for technical conferences.

Additionally, the pipelines argue that increasing the notice period by 30 days makes it more difficult for the pipeline to accurately project its purchased gas costs for the current adjustment in the annual PGA [34] and to accurately estimate 12 months of sales which are required to compute the surcharge adjustment. Finally, the pipelines contend that section 4(d) of the NGA and case law limits the notice period for rate changes to 30 days.[35]

The Commission understands that a 60-day notice period may result in less accurate projections of purchased gas costs and may make the projection of the annual sales quantity to compute the surcharge rate less certain. Although the Commission proposed in the NOPR to limit the projected price for a purchase to the price in effect on the effective date of the current adjustment or last known price, it will allow a pipeline to project its purchased gas prices. Also, the Commission will consider on a case-by-case basis allowing a pipeline to make an adjustment to the surcharge rate in effect during an annual PGA period should a pipeline experience a substantial unexpected gain or loss of sales load. These modifications should remove the pipelines' concerns that the 60-day notice period for an annual PGA is too long.

With respect to setting PGA issues for a technical conference, the Commission's experience is that most of these issues are resolved before the conferences are actually held. Therefore, it rejects the commenters' arguments that the additional notice period will not have any effect on resolution of the issues by technical conferences.

Finally, the Commission agrees that NGA section 4(d) requires a pipeline to provide at least a 30-day notice period before its rates can go into effect.[36] However, it does not preclude a pipeline from providing more than a 30-day notice period.[37]

The change the Commission is making to the PGA mechanism provides the pipeline with the flexibility it needs to compete in today's natural gas market. It allows the pipeline to make virtually automatic gas cost rate adjustments based on projections of known and measurable changes in gas costs. The Commission believes that the additional 30 days it is requiring the pipeline to provide is necessary to fully evaluate the pipeline's performance over the past year. It intends to use the additional time to resolve many of the PGA issues. The Commission does not believe that the additional 30-day period is burdensome in light of the benefits to the pipelines.

Oregon requests that the Commission extend the notice period for the quarterly PGA from 30 to 45 days so that customers have adequate lead time to prepare tracking filings for approval by state regulatory Commissions.

The Commission is not adopting this commenter's suggestion. The quarterly PGA filing is designed to be an abbreviated, expedited filing. The Commission believes that 30 days is sufficient time to review such an abbreviated filing. The additional 15 days will unnecessarily delay the process.

E. The Methodology for Projecting Gas Costs for the Current Adjustment

The Commission proposed to limit the projected price of purchased gas to the price in effect on the effective date of the current adjustment or the last known rate in effect before the PGA effective date. Monthly escalations for inflation would have been permitted for gas that is still subject to NGPA ceiling prices.

Several commenters argue that restricting projection of purchased gas costs to historical prices would lead to inaccurate market signals and would force the pipeline to undercollect actual costs in future periods.[38] Some of these

[32] The CPUC, the PSCNY, AGD, NIGAS, and the Public Service Commission of Wisconsin (Wisconsin).

[33] *E.g.*, Arkla, Columbia, Kentucky-West Virginia Gas Company (Kentucky-West), Panhandle/Trunkline, Texas Eastern Transmission Corporation (Texas Eastern), and Transco.

[34] Arkla suggests that the Commission allow the data supporting the deferred account to be filed 60 days in advance but allow data supporting the current adjustment to be filed 30 days in advance.

[35] *Indiana and Michigan Electric Company* v. *FPC*, 502 F.2d 330, 341 (D.C. Cir. 1974).

[36] NGA section 4(d) provides in pertinent part:

(d) Unless the Commission otherwise orders, no change shall be made by any natural gas company in any such rate, charge, classification, or service, or in any rule, regulation or contract relating thereto, except after thirty days' notice to the Commission and to the public. * * *

[37] For example, four pipelines have PGA clauses in their tariffs, approved by the Commission, in which they voluntarily agreed to PGA notice periods longer than 30 days: KN Energy, Inc. (60 days); Northern Natural Gas Company (60 days); Colorado Interstate Gas Company (45 days); and West Texas Gas, Inc. (45 days).

[38] CDC, NIGAS, INGAA, Panhandle/Trunkline, and Texas Gas Transmission Corporation (Texas Gas).

commenters argue that the Commission's attempt to provide the pipeline with greater flexibility to change its rates under the rule is inconsistent with not allowing the pipeline to project its gas costs. In fact, they argue, the assessment of past performance serves no purpose if a pipeline is only allowed to project historical prices because the assessment of past performance is only necessary to check abusive or predatory pricing practices if pipelines are allowed to estimate the prices of gas. Panhandle/Trunkline states that pipelines should be allowed to file projected rate adjustments which reflect known and measurable changes within the same range of circumstances that may be reflected in general rate changes under § 154.63 of the regulations.

The Commission agrees with the commenters, and will permit a pipeline to estimate the rate for projected purchases of natural gas, except pipeline supplier rates, to allow for known and measurable changes based on existing contractual obligations.

The Commission considers a known and measurable change to be one that a pipeline has a reasonable basis for assuming will occur during the PGA effective period based on an existing contractual obligation. Such changes could be based on the exercise of contract market-out provisions or other price redeterminations based on changes in the price of competitive fuels such as No. 6 residual oil. However, the estimated change must occur by operation of a purchase contract within the effective period of the current adjustment. In other words, a pipeline may not estimate a rate based on a contract's price redetermination clause if the contract does not allow a price redetermination during the current adjustment effective period. Also, the Commission will not permit a pipeline to estimate the price of any contract that is undergoing renegotiation. This is consistent with the Commission's actions taken in orders [39] disallowing estimates of producer contracts undergoing renegotiation pursuant to the "good faith" renegotiation provisions of Order No. 451.[40]

1. Pipeline Supplier Rates

The Commission is not allowing a pipeline to estimate pipeline supplier rates for projected purchases of natural gas. The Commission believes that a pipeline supplier's tariff rate in effect on the date the estimating pipeline's PGA becomes effective represents the best rate to use for calculating known and measurable rates.

2. Spot Market Projections

The Commission proposed to allow pipelines to include projections of spot market purchases in their PGA filings. However, the Commission stated that it will continue to impose an "at risk" condition for underrecoveries unless a pipeline supports the spot market projections with additional information because of the price fluctuations and the uncertainty of deliverability generally associated with the spot market. The Commission originally expressed the policy in *Mississippi River Transmission Corp.*, 35 FERC ¶ 61,152.[41]

INGAA and Texas Eastern object to the Commission's statement in the NOPR that it would continue to scrutinize spot market purchases in the PGA under more restrictive criteria.

Because spot market transactions are typically of short duration, the cost of a spot market purchase is usually much lower than the cost of a long term supply commitment. However, a pipeline must give some assurance that it will continue to receive the cost benefit from a projected spot purchase for the duration of the gas cost projection period. Otherwise, a pipeline may underrecover its gas costs during that period. The Commission is modifying the criteria it will now use to scrutinize spot market projections because a pipeline projects its gas costs for up to three months at a time under the revised PGA mechanism. The current review criteria are too restrictive because the likelihood a pipeline will enjoy the cost benefit of the projected spot purchase during a three-month period is greater than for a semiannual or annual projection. Also, the deferred cost effect is less severe if a pipeline does not experience the cost benefit of a projected spot purchase for the duration of a three-month period. Therefore, a pipeline is required to demonstrate for each projected spot purchase:

(1) That the projected rate is a known and measurable rate based on contractual obligations which are in effect on the date the PGA is filed.

(2) That the terms of the contract encompass part of the cost projection period.

(3) The relationship of the projected takes of such purchases to prior period historical takes and rates, both on a general overall spot purchase basis and individual contract basis;

(4) Information regarding the stability of the transportation arrangements necessary to transport such spot gas to the pipeline's gas system; and

(5) Any other facts that the pipeline believes will support the inclusion of short-term spot market purchases in its projected costs.

3. Definition of Purchased Gas Costs for Computing the Current Adjustment

The Commission proposed to define purchased gas costs by including certain types of purchases. It intended the pipeline to use the types of gas included in the definition to compute the current adjustment. Several commenters sought to include additional costs in the definition of purchased gas costs in § 154.302(j).

Tennessee states that the Commission failed to include purchases of synthetic fuels (under Account No. 805), in the definition of purchased gas costs and urges the Commission to include these purchases. Tennessee argues that since the Commission has previously approved PGA passthrough of purchases from the Great Plains coal gasification plant, excluding synthetic gas from the definition would deny passthrough of authorized costs. Similarly, Southwest Gas requests that Canadian gas purchases be included in the definition of purchased gas costs. By contrast, Producer Associations requests that the Commission explicitly exclude from the definition of purchased gas costs, Canadian gas costs.[42] Southwest Gas also requests that the Commission include in the definition gas purchased from marketers.

The Commission did not intend to exclude any costs that it currently allows a pipeline to include in its PGA by defining purchased gas costs in § 154.302(j). Therefore, to the extent that the Commission has allowed pipelines to passthrough the purchased gas costs of synthetic gas, Canadian gas, and gas purchased from marketers, it will allow the pipeline to include those costs in the definition as purchased gas costs in § 154.302(j)(11). Additionally, the Commission will consider on a case-by-case basis any other costs that a pipeline may want to include as gas costs in its PGA rate filings.

[39] *See, e.g.*, Colorado Interstate Gas Company, 37 FERC ¶ 61,330 (1986).

[40] Ceiling Prices; Old Gas Pricing Structure, 51 FR 22168 (June 18, 1986), FERC Stats. & Regs. ¶ 30,710.

[41] *See* note 12, *supra.*

[42] Producer Associations would exclude natural gas, purchased at points of importation from the definition of "natural gas transmission line purchases" in § 154.302(j)(5). Thus, imported gas would require prior Commission approval for PGA recovery by operation of § 154.302 (j)(11) "any other costs of natural gas purchased by a pipeline and approved by the Commission."

F. The Treatment of Cost Changes From Various Types of Suppliers

1. Definition of "As Billed" and Flow Through of "Supplier" Rate Changes

NIGAS, Northern Illinois Public Service Company (NIPSCO), and Peoples Gas/North Shore state that the proposed definition of "as billed" (in § 154.302(b)), and proposed § 154.305(b)(1), which provides for the flow through of "supplier" cost changes, makes no distinction between producer and non-producer suppliers. The commenters request that the Commission clarify whether it intends to permit the flow through of domestic producer supplier demand costs on an "as billed" basis. NIGAS and Peoples Gas/North Shore argue that allowing "as billed" treatment for domestic producer demand costs conflicts with the Commission's policy in Opinion No. 256 because, as in the case of Canadian imports, the Commission does not review the appropriateness of producer demand charges. NIPSCO supports "as billed" treatment for domestic producer supplier demand costs.

The Commission is clarifying in the final rule that it does not intend to allow the flow through of producer demand charges on an "as billed" basis. Accordingly, the final rule revises the definition of "as billed" in § 154.302(b) to include only billings by pipeline suppliers.

2. "As Billed" Treatment of Imported Natural Gas

Several commenters [43] objected to the rule's generic application of the Canadian gas "as billed" policy as expressed in *Natural Gas Pipe Line Company of America.*[44] The proposed rule would have required that imported natural gas rate changes must be "applied to a pipeline's rates consistent with the Commission's rate design precedents," instead of on an "as billed" basis. Western Gas argues that the proposed regulatory text was too vague to provide an adequate standard to follow.[45] The Commission is adopting in the final rule the imported gas as billed policy it established in Opinion No. 256. However, the Commission agrees with the commenter that the regulatory text used in the NOPR to implement this policy was not specific enough to provide an adequate standard. Therefore, the final rule codifies the specific cost classification and rate design principles outlined in Opinion No. 256.

The commenters argue that the Commission's "as billed" policy applied in *Natural* and other Commission orders that are currently under review in the United States Court of Appeals for the District of Columbia Circuit.[46] Therefore, they argue that the Commission should not prejudge the outcome of these cases, by applying its "as billed" policy on a generic basis. The Commission does not believe that because certain orders that applied its "as billed" policy are currently under review in the courts is dispositive of its intent to implement the "as billed" policy in this rulemaking.

Also, the commenters state that the Commission has exempted Boundary Gas, Inc. (Boundary) from the application of Opinion Nos. 256 and 256–A on the basis that Boundary is an administrative conduit that enables its customers to import and buy gas from Canada.[47] Therefore, the commenters argue that a generic application of Opinion No. 256 would not be warranted as the unique circumstances of a particular pipeline may not justify the imposition of the "as billed" policy.[48] It is not unprecedented for the Commission to grant a pipeline an exemption from the policies expressed in its orders and regulations when the circumstance's are warranted. However, that should not prevent the Commission from implementinq a generic policy in this rulemaking. In fact, the Commission has granted Boundary an exemption from the prohibition against variable cost minimum bills in Order No. 380. For the same reason, it granted Boundary an exemption from Order No. 256.

G. Annual Surcharge Rate

The Commission proposed a 12-month surcharge rate for all pipelines in order to avoid cost shifting. Most of the commenters support this proposal. They argue that an annual surcharge rate would prevent large rate swings and send more accurate price signals.

However, a few commenters argue that a pipeline cannot accurately project sales over a 12-month period for computing the surcharge rate because the sales market is so volatile, and they suggest modifications. For example, Columbia and Texas Gas suggest allowing quarterly revisions to update the annual sales projection. INGAA recommends allowing a pipeline to adjust the surcharge rate at the end of each test interval for the assessment of past performance. Niagara suggests allowing monthly amortization of the surcharge balance over a twelve-month period. Enron believes a pipeline should be allowed, but not required, to adjust the surcharge rate more frequently than once a year.

The Commission declines to generically allow interim modifications to the annual surcharge rate. The Commission anticipates that most pipelines will maintain relatively small balances in Account No. 191 because they will be tracking their gas costs more frequently under the new PGA mechanism. Thus, it should not be necessary for the pipeline to make modifications to its annual surcharge rate. However, if a pipeline demonstrates that its initial projection of sales is no longer accurate because of a major load loss or gain, or because of other unforeseen circumstances, the Commission may consider the pipeline's request to adjust its surcharge rate during the annual effective period on a case-by-case basis.

The CPUC suggests that the quarterly filing should include information on a pipeline's Account No. 191 balance to alert the Commission and pipeline customers to a buildup of undercollections. Since large undercollections would cause a drastic increase in a pipeline's next surcharge rate, customers of the pipeline and the Commission need to know of large undercollections to better monitor and predict the new rates of the pipeline. Also, the customers and the Commission need to know whether the current surcharge rate is appropriately amortizing the surcharge balance. For

[43] Great Lakes Transmission Company (Great Lakes); PG and E; Producer Associations; ProGas Limited (ProGas); Southwest Gas; Western Gas Marketing Limited (Western Gas).

[44] Natural Gas Pipeline Company of America, Opinion No. 256, 37 FERC ¶ 61,215 (1986); Opinion No. 256–A, 39 FERC ¶ 61,218 (1987).

[45] Producer Associations suggests that § 154.305(b) (1) and (2) be amended to read:

(1) Except for imported natural gas, supplier rate changes must be applied either as billed to a pipeline's two-part rates or applied to a pipeline's volumetric rates consistent with the pipeline's one-part rate design.

(2) Imported natural gas rate changes must be applied to a pipeline's rates consistent with a demand-commodity rate design which reflects the standards applied to domestic natural gas and not on an "as billed" basis.

[46] ProGas Limited v. FERC, No. 87–1230 (D.C. Cir. filed May 28, 1987) (involving Opinion Nos. 256 and 256–A); ProGas Limited v. FERC, No. 87–1282 (D.C. Cir. filed June 25, 1987) (involving ANR Pipeline Co., Docket Nos. TA87–3–48–000, et al.); ProGas Limited v. FERC, No. 87–1296 (D.C. Cir. filed June 30, 1987) (involving Tennessee Gas Pipeline Co., Docket Nos. TA87–1–9–000, et al.); and ProGas Limited v. FERC No. 87–1297 (D.C. Cir. filed June 30, 1987) (involving Texas Eastern Transmission Corp.) Docket Nos. TA87–2–17–000, *et al.*).

[47] *Boundary Gas, Inc.*, 40 FERC ¶ 61,047 (July 20, 1987). Great Lakes states that it has pending requests before the Commission for a similar exemption in Docket Nos. TA86–6–51–000, *et al.*

[48] Southwest Gas argues that the Commission must consider on a case-by-case basis how demand costs will be allocated to the D_1 and D_2 components of a pipeline's modified fixed variable rates.

these reasons, the Commission will require a pipeline to report in each quarterly PGA filing the subaccount balances as of the date that is three months prior to the quarterly PGA's effective date.

H. The Methodology for Computing Monthly Deferrals of Purchased Gas Costs and Adjustments to Actual Gas Costs

Columbia requests clarification of whether adjustments to a prior month's gas costs must be recorded in a separate subaccount of Account No. 191 or should be recorded in the current subaccount of Account No. 191. The Commission is not requiring a pipeline to maintain a separate subaccount for a prior month's adjustment. However, a pipeline may do so if it wishes.[49] Columbia also argues that the final rule should provide for adjustments to sales volumes booked in the current month that are applicable to prior month's sales. The Commission proposed to require pipelines to record as a monthly purchased gas cost a gas cost that was paid or known within a 60-day period. Adjustments to a month's gas costs would be recorded as a prior month's adjustment if they become known after a 60-day period. The Commission agrees with the commenter and is allowing a pipeline to adjust its sales volumes booked in a current month to Account No. 191 in the final rule (§ 154.305(g)(3)).

Northwest Pipeline Corporation (Northwest) requests that the Commission clarify whether it has to record a "billing adjustment" and a "prior month" adjustment in separate subaccounts of Account No. 191 because the proposed regulations would have required separate subaccounts for carrying charge calculations and refund requirements.[50]

The Commission is clarifying that a pipeline must treat as a refund all retroactive billing adjustments that represent decreases to a cost of gas originally recognized as an actual cost of gas purchased as defined in § 154.305(g)(1)(iii).[51] Thus, a pipeline is required to credit all downward retroactive price decreases to the refund subaccount.

The Commission believes that downward price adjustments should be treated as refunds because a pipeline may passthrough only just and reasonable costs it paid for natural gas under section 601(c)(2) of the NGPA. The Commission believes that if a pipeline receives a downward pricing adjustment to a prior billing, it should refund the cost difference to its customers since the amount originally recognized as a purchased gas cost is not the amount the pipeline ultimately paid. The Commission does not allow a pipeline to treat billing adjustments the same as a prior month's adjustment because the PGA only is intended to allow a "dollar-for-dollar" recovery for PGA costs.[52]

In § 154.305(g)(1)(iii), the Commission proposed that the actual cost of gas must be attributable to gas quantities purchased and received in a month, that are paid for or are costs known within 60 days of the end of the month in which the purchases were made. Southern suggests that the 60-day limitation for including actual gas costs as a monthly deferred gas cost should be measured from the beginning of a pipeline's accounting cycle rather than the end of the calendar month. The Commission declines to adopt this suggestion on a generic basis since the accounting cycles for most pipelines are measured on a calendar month basis. Therefore, it is not necessary to change this requirement.

Similarly, Tennessee requests that the Commission should grant an exception to the 60-day limitation for determining actual cost for deferrals for the plant volume reduction (PVR) credits a pipeline receives for gas volumes lost during gas products extraction in a processing plant. Tennessee claims PVR credits are not determined within 60-days of a purchase month, therefore failure to apply the credits to a purchase month could cause the deferred account to reflect undercollections for that month.

PVR credits are not treated as purchased gas costs in the PGA. They are treated as liquid hydrocarbon revenues. Therefore, it would be inappropriate to allow PVR credits to offset undercollections in Account No. 191.

I. The Method for Computing Carrying Charges

1. Storage Accounting Adjustments

The Commission proposed in § 154.305(h)(3)(ii)(D) to require the carrying charge base for "all other subaccounts" of Account No. 191 (non-refund) to be adjusted for the difference between any estimated rates used for storage gas and the rates that would be effective for storage gas if a "rolling weighted average inventory costing methodology" had been used.

Four commenters request that the Commission clarify what is meant by "rolling weighted average inventory costing methodology."[53]

In order to clarify this term, the Commission is adding a definition of rolling weighted average costing methodology in § 154.302. The definition provides that the methodology is a way to price gas inventory where injections are priced at the month's jurisdictional system cost of purchase gas and withdrawals are priced by dividing the total purchase cost of the gas in storage by the quantity of gas in storage.

Some of the commenters argue that the Commission failed to explain why the new methodology is better than the current LIFO methodology. Specifically, Transco states that a new methodology would require it to maintain two sets of books for storage inventory. Natural states that it already provides a "LIFO credit" adjustment in its rate base component for storage inventory. This adjustment is computed as the difference between the valuation of gas withdrawn from storage and its actual LIFO layered cost. Thus, Natural argues its customers would receive a double credit—one through the rate base and a second through reduced carrying charges.

The Commission understands the concerns of the commenters. Therefore, the Commission will entertain other methods to accomplish the objective of applying carrying charges to a cash based Account No. 191 if estimated inventory costing methodologies have been used to price storage withdrawals and injections. The Commission will review on a case-by-case basis whether a pipeline's rates have already been adjusted to eliminate the effect of estimates on the carrying charge base. Until a pipeline shows that its method of eliminating estimated storage rates from the carrying charge base results in a cash based Account No. 191 balance, it shall continue to use a comparison with

[49] As discussed more fully *infra*, the Commission will require a pipeline to record any pricing adjustments that are decreases to a prior month's actual gas costs as a credit to the refund subaccount.

[50] Northwest claims that it has received accounting and reporting relief from the Commission because its accounting system cannot differentiate these different types of adjustments when they relate to unitized wells. Therefore, the final rule should allow for grandfathering of any special relief previously granted by the Commission in consideration of any special accounting and operational problems faced by a pipeline. Docket No. SA82-31-000 (August 3, 1983) and Docket No. SA82-31-001 (March 11, 1986).

[51] That is, amounts attributable to gas quantities purchased and received in a month, that are paid for or are amounts known within 60 days of the end of the month in which the purchases were made.

[52] Order No. 13, *supra* at note 3.

[53] Arkla, Columbia, Natural Gas Pipeline Company of America (Natural), and Transco.

rates determined using the rolling weighted average costing methodology. If the pipeline fails to eliminate the effects of estimates on the carrying charge base, the Commission will require the pipeline to remove all estimates of costs, including storage cost estimates from the carrying charge base.

2. Deferred Tax Issues

The rule requires an adjustment to the carrying charge base for applicable deferred income taxes in addition to adjustments for exchange imbalances, storage, and unpaid accruals. Northwest argues that there are associated deferred taxes applicable to exchange imbalances and unpaid accruals. Northwest proposes that the Commission allow adjustments to deferred taxes consistent with the adjustments to the carrying charge base. Such a procedure would use a corporate tax rate applied to the adjusted carrying charge base to approximate the applicable deferred taxes. The Commission does not intend to change the basis for the deferred tax adjustment because the Commission's regulations have always required that the balance in Account No. 191 be adjusted for the appropriate items in Account Nos. 190 or 283. By so doing, the company will accurately calculate carrying charges. Since the methodology results in the accurate calculation of carrying charges the Commission is not amending the existing regulation.

Columbia argues that under current tax laws, accruals must be paid within 8½ months of the end of the test year to be deductible for tax purposes. Therefore, Columbia argues that deferred taxes should be computed on the entire monthly carrying charge base before any reduction for unpaid accruals that are not tax deductible.

The Commission requires deferred taxes to be computed on tax deductible unpaid accruals only. Deferred income taxes represent cost-free capital to a company. This cost-free capital has an economic benefit in the form of the time value of the funds held by a company until the tax is paid. If an unpaid accrual is not tax deductible, there is no economic benefit received by the company and therefore, no recording of deferred taxes is required.

J. The Unpaid Accrual Restrictions

1. Accrued Expenses Within a 60-Day Billing and Payment Cycle

The NOPR proposed to consider a "normal" cycle for the billing receipt and payment of gas purchases by a pipeline to be 60 days from the month of purchase. The Commission proposed to require a pipeline to record as a monthly gas cost certain known expenses for gas delivered (or services rendered for gas delivered) that remain unpaid after the 60-day billing and payment cycle. These "unpaid accruals" [54] must be given special accounting treatment both for carrying charge purposes and for continued recognition as gas costs.

Six commenters object to the 60-day limitation for the recognition of accrued expenses as gas costs.[55] These commenters argue that a 60-day billing and payment cycle does not reflect actual industry practice and would exclude certain transactions such as purchases of gas that is transported to the pipeline by another pipeline or purchases of gas at the tailgate of a gas processing plant. Thus, the commenters recommend that the Commission revise the regulations to either increase the time frame for a normal billing and payment cycle or to allow pipelines to demonstrate their average normal billing and payment cycles on a case-by-case basis. Arkla suggests that 90-days would be a realistic billing and payment cycle.

The Commission does not agree with the commenters. Based on the Commission's experience with gas purchase contracts and the terms of gas sales service agreements in the pipeline tariffs on file at the Commission, it finds that the majority of gas purchase transactions involve the payment of invoiced amounts by a pipeline well within the 60-day billing and payment cycle provided for in the rule. The Commission intends for the definition of unpaid accruals to apply to most gas purchase transactions. However, the Commission recognizes that certain transactions do give rise to extended accounting cycles, such as some plant outlet purchases. The Commission will consider specific problems involving gas purchase transactions that do not fall within the 60-day billing cycle on a case-by-case basis.

2. Recognition of "Suspended Payable" Unpaid Accruals

The NOPR described two kinds of unpaid accruals. First, "suspended payables" (SP) are known amounts that are not paid because of some impediment to payment, for example when the payee is unknown or the payee is subject to lien, garnishment, or court order. "Accrue-but-don't pay" (ABDP), are estimated or anticipated amounts which may or may not be paid contingent upon some future event. For example, ABDPs usually occur when a contract is under renegotiation and a pipeline accrues for the estimated renegotiated price instead of the rate in effect. The Commission proposed to define unpaid accruals by allowing only SP amounts to be recognized as gas costs for rate purposes. In other words, ABDP were to be excluded.

Producer Associations supported the Commission's decision to exclude ABDP. They argue that the Commission should prevent recovery in a PGA of expenses which a pipeline accrues but refuses to pay.

However, Transco, Southern, and United argue that the Commission should also allow ABDP amounts as purchased gas costs. Southern claims that pipelines must be able to challenge producers' charges and their ability to contest such charges will be hampered if they are not permitted to recognize ABDP amounts in their deferred accounts.[56]

The Commission believes it is inappropriate to allow passthrough of ABDP accruals in the PGA because they represent *inter alia*, rates that are not in effect. The Commission emphasizes that it does not intend that a pipeline's current customers should avoid cost responsibility for gas supply currently flowing into the pipeline's system. Instead, these customers should only pay for gas that is priced based on known and measurable amounts.

3. Three-Year Restriction on Outstanding Unpaid Accruals

In order to prevent the possibility that a pipeline would be unjustly enriched if SP accruals are never paid, the Commission proposed that a pipeline list and describe in its annual filing each unpaid accrual if it had remained unpaid for three or more years from the month it was originally recognized as a gas cost to the end of the deferral period. The Commission proposed that the pipeline would have to provide justification for and request specific approval from the Commission to continue to recognize these unpaid accruals as gas costs. Seven commenters [57] argued that the proposed listing of individual unpaid accruals in the annual PGA and the three-year tracking requirement were overly burdensome.[58] They argue that

[54] Defined in § 154.302(r).

[55] Arkla, Enron, INGAA, Southern, Transco, and United Gas Pipe Line Company (United).

[56] Southern argues that the three-year review of outstanding unpaid accruals (*see* discussion *infra*) will protect ratepayers.

[57] Columbia, Enron, INGAA, Northwest, Panhandle/Trunkline, Transco, and WNG. WNG and Columbia claim that SP amounts will often be paid by the pipeline to the state by operation of local escheat statutes.

[58] Southern and United support the three-year tracking requirement provided both SP and ABDP amounts are allowed as gas costs.

the current Commission policy of requiring the payment of time value for unpaid accruals provides adequate protection to the ratepayers. Enron requests that if the Commission adopts a three-year tracking requirement, it should do so prospectively.

The Commission believes that a three-year tracking requirement is the most equitable approach. The Commission is convinced that since it is allowing a pipeline to collect for gas costs which it has not paid, it is reasonable for it to ensure that the pipeline is not unjustly enriched. In fact, the Commission notes that pipelines already maintain records of suspended payables which contain the necessary information to report any unpaid accruals that are outstanding for three years. Therefore, the Commission disagrees that the tracking requirement is unduly burdensome. Alternatively, the Commission would have to disallow all accrued gas expense beyond three years so that it ensures that the pipeline is not unduly enriched.

K. The Exchange Transaction and Transportation Imbalance Adjustment

The Commission proposed to codify existing Commission policy. Specifically, monthly imbalances between receipts and deliveries of gas caused by exchange and transportation transactions will not affect the calculation of monthly deferred purchased gas costs. The Commission proposed to amend its regulations to reflect the methodology it adopted in its orders which directed pipelines to remove the effects of out-of-balance exchange transactions from their rates.[59] This methodology requires a pipeline to assign a cost to its exchange transaction and transportation imbalances based on its monthly weighted average cost of gas (WACOG).

Some of the commenters proposed modifications to the methodology. Columbia suggests that the exchange imbalances should be valued at the current PGA base rate instead of the monthly WACOG. Columbia argues that an imbalance valued at the base rate would have no impact on the calculation of monthly deferrals because gas purchases and sales would be valued at the same rate. The Commission is adopting the exchange transaction adjustments proposed in the NOPR. The Commission's policy has always been that concurrent exchange transaction should have no rate impact.

The Commission explained in *Mid-Louisiana Gas Company*,[60] that a distortion of rates occurs when a pipeline's concurrent exchanges are out-of-balance because the level of purchase quantities used to compute the aggregate cost of gas will not be the same as the volumes sold. An imbalance creates a distortion of rates when a pipeline computes monthly deferrals of purchased gas costs using a unit-of-sales methodology. Therefore, the Commission declines to adopt Columbia's suggestion.

WNG suggests that the adjustment to the monthly WACOG in proposed § 154.305(j)(2) should only exclude the non-gas portion of the "other costs" that require prior Commission approval for PGA recovery (in proposed § 154.302(j)(11)). The monthly WACOG for assigning costs to the net exchange-in and exchange-out quantities cannot include any non-gas costs regardless of whether the Commission otherwise allows these costs to be collected in the PGA. This is because the transportation and exchange imbalance quantities give rise to a distorted deferral of purchased gas costs. The Commission believes that only gas costs attributable to the purchase of gas quantities should be used to value exchange imbalances. A pipeline's non-gas costs, however, are not attributable to the quantities of gas purchased. Therefore, nongas costs should not be used to value exchange imbalances.

Northwest contends that the exchange adjustment calculations are burdensome to perform on a monthly basis and requests that it be permitted to perform the calculations at the end of the deferral period. The Commission notes that a pipeline must perform exchange calculations on a monthly basis, otherwise its financial statement will be distorted. This is because if a pipeline does not perform the monthly exchange calculations, the pipeline's reported expenses during each month would be distorted. If a pipeline does not perform the monthly exchange imbalance adjustments, the imbalance that arose in one accounting period would be incorrectly reported in another financial reporting period and thus both financial statements would be incorrect.

L. The Refund Disbursement Procedure

1. Lump Sum Payments

The Commission proposed to require lump sum disbursement of supplier refunds from a separate refund subaccount of Account No. 191. Although the majority of the commenters supported the proposal, some commenters prefer to apply refunds against their underrecovered purchased gas costs in Account No. 191 to reduce the surcharge rate.[61] The American Paper Institute and Consolidated object to lump sum distribution because state commissions may not require a pipeline's wholesale customers to disburse the refunds in a lump sum to their retail customers.

The Commission emphasizes that a primary goal of this rulemaking proceeding is to reduce the deferred account balances a pipeline accumulates in its Account No. 191. Thus, the Commission cannot allow a pipeline to offset the balances in Account No. 191 with refunds. In fact, the Commission rejects the argument that lump sum disbursements will not be carried through to the retail level. The Commission is not persuaded by arguments that state commissions will not understand or not implement its accepted rate design process.[62]

2. Administrative Burden

The Commission proposed that when the refund subaccount balance reaches a trigger level of the lesser of one percent per MMBtu or $2 million, the amounts accumulated would be disbursed in cash. Some pipeline commenters oppose the refund procedures arguing that it would be administratively burdensome to determine when the refund disbursement trigger level of one cent per MMBtu is reached and would be expensive to issue checks to their customers. They suggest that the Commission change the disbursement trigger.[63] They argue that the threshold is too low and would result in a pipeline frequently having to disburse small individual cash amounts to its customers.[64]

The Commission believes the refund thresholds are appropriate. Cash refunds also prevent distortions of the cost of gas in current rates and ensure that customers are actually provided with the benefits of the refunds a pipeline obtains.[65] In contrast, if a

[59] *See* Mid Louisiana Gas Company, 34 FERC ¶ 61,051 (1986); United Gas Pipeline Company, 34 FERC ¶ 61,052 (1986).

[60] 34 FERC ¶ 61,051 at 61,076 (1986).

[61] Consolidated, Midwestern, and Southern prefer to use refund credits to reduce the surcharge rate.

[62] Texas Eastern Transmission Corp., 30 FERC ¶ 61,144 at 61,284 (1985).

[63] ANR/CIG, Enron, INGAA, and United. ANR/CIG suggests a three or four cent per MMBtu threshold and elimination of the $2 million threshold. United suggests a trigger level based on a refund balance to sales ratio of two percent of a pipeline's currently effective average cost of gas.

[64] Enron states that most refund amounts will not distort current costs.

[65] In a proceeding in Docket No. TA86-3-3-000, the Commission allowed El Paso Natural Gas

Continued

pipeline includes refunds in Account No. 191 and offsets refunded amounts against costs incurred, that pipeline may simply absorb the refund amounts by incurring additional gas costs or by delaying cost reductions. The Commission retains the $2 million threshold since a pipeline may receive refunds at a time when no sales were made that may be used to calculate the one cent per MMBtu threshold. The Commission notes that a disbursement threshold based on a percentage of a pipeline's current average cost of gas would permit a pipeline with a higher average cost of gas to retain a higher level of refund credits in its surcharge balance. Some pipelines suggest that the Commission should reduce the frequency of the refund disbursements by eliminating the requirement that disbursement must be made within 30 days of receipt of the refund which causes the refund subaccount to reach the trigger level. WNG requests that disbursement be made within 45 to 60 days from the close of the accounting month in which the disbursement trigger was reached. NDG argues that the Commission should allow pipelines and their customers to implement a cash refund mechanism that reflects each pipeline's operating conditions. The Commission rejects the commenters' arguments that 30 days is inappropriate. In fact, the Commission will now require that disbursement must be made within 30 days of the end of a month in which the refund balances reach the trigger level. The Commission generally requires a pipeline to make refunds to its customers within 30 days after the pipeline files revised tariff sheets reflecting lower rates in most rate proceedings. To further reduce the burden associated with making refunds in lump sum, the final rule reduces the frequency of when a pipeline must determine the trigger level. A pipeline must check if the trigger level has been reached at the end of each month in which the pipeline receives a refund or billing adjustment instead of each time a refund is received.

3. Apportionment of Refunds Based on Most Recent Twelve Months of Purchases

The Commission proposed that when the refund subaccount balance reaches the trigger level, the cash disbursement would be apportioned among the pipeline's jurisdictional customers based on the ratio of an individual customer's latest 12 months of purchases to the pipeline's latest 12 months of actual sales for the same 12-month period.

Some commenters assert that an individual customer's share of a lump sum distribution should not always be based on the customer's most recent 12 months of purchases. Arizona Direct Customers and PG and E suggest that the apportionment of refunds should coincide with the level of purchases during the period when overpayments were made in order to adequately match the refund to the incurrence of excess costs. Often, a determination that a pipeline's customers made overpayments will occur two or three years after the purchases were made. The PSCNY states that a distinction must be made between refunds related to commodity charge and refunds related to demand charges. The PSCNY argues that demand related refunds should be returned on an as-billed basis, since demand charges are paid by customers of a pipeline regardless of the level of their commodity purchases.

The Commission believes that in most cases the amount credited to the refund subaccount will match the period of overpayment by customers during a pipeline's most recent 12 months of sales. Therefore, it is adopting the disbursement proposal. However, the Commission will consider requests for a special allocation of extraordinary prior period refunds on a case-by-case basis. Also, to the extent the Commission does not otherwise order special treatment of demand cost related refunds in an individual case, the Commission will require demand charge overpayments by a pipeline with two-part rates to be disbursed based on each downstream customer's demand billing determinants for the period covered by the refund.

4. Accounting Entries to the Refund Subaccount

The NOPR provided that any balance remaining in the refund subaccount at the end of the 12-month deferral period of an annual PGA would be cleared from the refund subaccount. A pipeline would have the option of refunding the remaining amounts to its customers through a cash disbursement or by transferring the balance to the current deferral subaccount to be surcharged.

Northwest argues that the NOPR implies that the refund subaccount will always have a credit balance. However, it points out that the subaccount for refunds, billing adjustments, and revenue credits could reflect debit entries because of adjustments, revenue trackers or other transactions. Therefore, Northwest requests that the Commission clarify the appropriate accounting for debit transactions. Similarly, Tennessee suggests that the refund subaccount entries should not include meter adjustments, computation adjustments, or other minor billing adjustments.

The Commission is requiring that a pipeline must include in the refund subaccount any billing adjustment. A credit billing adjustment receives the same tax treatment as a refund, therefore it must be included in the refund subaccount.[66] Only refunds, revenue credits, and billing adjustments which are credits should be included in the refund subaccount. In fact, debit amounts, because they receive a different tax treatment, should be recorded in the other subaccounts of Account No. 191. In the event a pipeline is assessed an extraordinary retroactive payment, the Commission will review the appropriate treatment of the out-of-period debit amounts on a case-by-case basis.

5. Direct Billing of Debit Entries in Account No. 191

Several commenters [67] argue that debit and credit entries to Account No. 191 should receive the same ratemaking treatment to avoid distortion of market signals. These commenters argue that if supplier refunds must be disbursed in cash, retroactive payments made to suppliers must be directly billed to pipeline customers. The commenters state that by making all out-of-period adjustments by refund or direct billing, the PGA will reflect the true market cost of gas. Texas Gas suggests that at a minimum retroactive payments to suppliers should be used to offset refund amounts. United recommends that the final rule should allow pipelines to reflect retroactive cost adjustments to the refund subaccount of Account No. 191, with interest, and to invoice and collect cash payments from customers if the debit balance divided by the most recent 12 months of jurisdictional sales exceeds two percent of the then-effective average unit of cost of gas.

The Commission cannot permit a pipeline to directly bill its customers for out-of-period debits or underrecoveries of purchased gas costs. To do so would

Company (El Paso) to use a $40 million refund to offset gas costs in Account No. 191. The Commission reached its decision in the *El Paso* case because the PGA provisions in El Paso's tariff specifically required that refunds received by El Paso from gas suppliers, including any refunds for past periods, should be credited to Account No. 191. *El Paso Natural Gas Company*, 34 FERC ¶ 61,411 (1986); rehearing denied, 36 FERC ¶ 61,022 (1986).

[66] The Commission does not intend to limit "billing adjustments" to those a pipeline makes pursuant to the general refund obligation and the interim collection regulations of the NGPA.

[67] ANR/CIG, Arkla, Enron, INGAA, Natural, Northwest, and Panhandle/Trunkline.

be retroactive ratemaking. Generally, the Commission does not have the authority under the NGA to retroactively change the rates pipelines have charged their customers or to impose a rate increase for gas already sold.[68] However, the Commission will consider requests for special treatment of extraordinary out-of-period charges on a case-by-case basis.

M. Assessment of Past Performance

The Commission proposed to review a pipeline's performance in projecting gas costs during the 12-month deferral period at the time of the annual PGA filing. It proposed to establish a review threshold for the level of underrecovered gas costs contained in an annual PGA filing's surcharge balance. The threshold was proposed to be 1.02 or 102 percent of a pipeline's computed projected gas costs. If the actual gas costs equal or exceed the threshold, the Commission would have to approve recovery of any underrecovered gas costs that equal or exceed the threshold. The Commission recognized that the threshold introduces an element of risk into the collection of gas costs, but it reasoned that the added flexibility of the proposed PGA mechanism would allow the pipeline to keep its gas costs under better control than is possible under the twice a year PGA rules.

Local distribution companies and state commissions generally support the proposed assessment of past performance. They argue that it will help prevent manipulation of the PGA mechanism and give pipelines an incentive to accurately project purchased gas costs.[69]

Most pipeline commenters dispute the need for the proposed assessment of past performance.[70] Some of these commenters question whether the Commission needs a standard for reviewing a pipeline's purchasing practices in addition to the general refund obligation and prudence standards of NGA section 4 and the fraud and abuse standard of NGPA section 601(c)(2). Several commenters express concern that a pipeline's guaranteed right to pass through prudently incurred costs under section 601(c)(2) would be infringed to the extent a pipeline was denied recovery of gas costs by the review standard imposed by the assessment of past performance without a finding of fraud and abuse.[71] MFR argues that the Commission has not shown a nexus between a pipeline exceeding the proposed two percent threshold and its violating the statutory tests under section 4 of the NGA and section 601(c)(2) of the NGPA. Texas Gas Transmission Corporation (Texas Gas) believes that the assessment of past performance would be illegal to the extent the statutory burden of proof is shifted to a pipeline to demonstrate its right to recover gas costs. Some of these commenters request that the Commission permit a pipeline to show that its undercollections beyond the threshold of two percent were due to uncontrollable factors and that a full surcharge recovery should be allowed pending the Commission's inquiry into excessive undercollections.[72]

The Commission emphasizes that the assessment of past performance merely establishes a review threshold for the level of underrecovered gas costs contained in an annual PGA filing's surcharge balance. The Commission does not intend for the threshold to be used to automatically deny passthrough of purchased gas costs that equal or exceed the threshold. The Commission would deny a pipeline recovery of its purchased gas costs only if the Commission finds after a full evidentiary hearing that a pipeline violated the statutory tests under either the NGA or the NGPA.

The Commission believes that a pipeline must justify why it should be permitted to collect underrecovered gas costs that equal or exceed the threshold. A pipeline that files a rate change bears the ultimate burden of persuasion that its rates are just and reasonable. However, if a pipeline exceeds the threshold for underrecoveries, the Commission may permit the full surcharge rate to go into effect, subject to refund, while it reviews the reasons for the underrecoveries. The Commission expects a pipeline that seeks to collect through its surcharge, amounts in excess of the threshold must explain why it should be allowed to collect the underrecoveries.

The Commission recognizes that there may be instances where underrecoveries are beyond the pipeline's control. Therefore, the Commission will allow a pipeline the opportunity to demonstrate the reasons and justification for these underrecoveries.

Several commenters state that pipelines now agree to be subject to a performance standard as a trade-off for their voluntary choice to have a flexible PGA in their tariffs since a flexible filing is not fully-supported. However, they contend that the Commission should not apply a performance standard if a pipeline files a fully-supported PGA during a deferral period and does not file a flexible PGA.[73]

The Commission believes the assessment of past performance must apply to each scheduled quarterly projection period regardless of whether a pipeline makes an interim adjustment. The Commission is allowing pipelines to implement the quarterly adjustments based on known and measurable projected changes in supplier costs. Therefore, since the Commission is providing pipelines with greater flexibility to raise and lower their rates in the quarterly adjustment, the assessment of past performance is necessary to ensure the accuracy of the quarterly projections.

1. The Two-Percent Threshold for Underrecoveries

Many commenters believe that the two-percent review threshold proposed in the NOPR is too restrictive and ignores the increased difficulties faced by pipelines in projecting their gas costs. The commenters attribute these difficulties to several factors: (1) A volatile gas market characterized by an oversupply and competitively priced alternative fuels; (2) displacement of system sales with interruptible transportation service; (3) market responsive price redetermination clauses under supplier contracts; (4) producer price renegotiations under Order No. 451; (5) take-or-pay renegotiations; (6) weather; and (7) the spot market.[74]

Several of these commenters assert that the Commission has already approved the use of a three-percent

[68] Arkansas Louisiana Gas Co. v. Hall *et al.*, 453 U.S. 571 (1981); FPC v. Tennessee Gas Co., 371 U.S. 145 (1961).

[69] AGD, CDC, the CPUC, the PSCNY, NIGAS, Northern Indiana Public Service Company (NIPSCO), Peoples Gas/North Shore, and the Indiana Consumer Counselor. The Public Service Commission of Wisconsin is concerned that a pipeline would be tempted to project higher levels of gas costs to avoid the danger of having the Commission deny certain undercollections. CDC qualified its support for the assessment provided that the Commission permits rate changes based on projected (estimated) gas prices.

[70] Arkla, Columbia, Consolidated, Enron, Great Lakes, Kentucky-West, MFR, Natural, Northwest, Panhandle/Trunkline, Texas Eastern, Southern, and United.

[71] INGAA, Enron, Panhandle/Trunkline, Texas Gas, and United.

[72] ANR/CIG, Consolidated, and Natural.

[73] Enron, MFR, Natural, Texas Gas, Southern, and United.

[74] The American Gas Association (AGA), ANR/CIG, Arkla, Columbia, Consolidated, INGAA, Enron, Natural, Northwest, Panhandle/Trunkline, Tennessee, Texas Gas, WNG, and Williston Basin Interstate Pipeline Company (Williston).

threshold in individual orders.[75] In addition to recommending the adoption of the three-percent test for all pipelines, some commenters suggested other alternatives. They urge the Commission to: allow a five-percent threshold for periods when only regularly scheduled PGA filings are effective and a three-percent margin when a flexible PGA rate is effective; raise the proposed margin to three percent or even five percent; use the two-percent margin for a one-year trial period, or determine the margin on a case-by-case basis.[76]

The Commission has evaluated the performance of pipelines' with flexible PGA tariffs under the three-percent test for underrecoveries. The Commission's experience thus far has proven that the three-percent test is more appropriate than the two-percent test it has proposed. The Commission thus will modify the regulations to provide a three-percent margin as proposed by the commenters.

2. Gas Costs Used in the Assessment of Past Performance

Some commenters argue that the Commission should only evaluate certain gas costs in the performance test. Three commenters request that the Commission exclude from the assessment of past performance pipeline supplier costs because a pipeline has no control over its pipeline supplier's rates.[77] Specifically, demand charges must be paid regardless of the quantity of gas purchased and demand costs cannot be manipulated.[78] ANR/CIG suggests that the Commission should determine which fixed costs are to be included in the assessment on a case-by-case basis.

Similarly, because the prudence of Canadian gas costs are reviewed by the National Energy Board of Canada and the prudence of contracts between United States importers and Canadian sellers are reviewed by the Economic Regulatory Administration, some commenters request that Canadian gas costs should be excluded from the assessment of past performance. Also, three of these commenters suggest that demand charges that are shifted to the commodity component of a pipeline's rates because of a Commission order implementing its "as-billed" Canadian gas cost policy (Opinion Nos. 256 and 256-A) should also be excluded from the assessment of past performance.[79]

Columbia and Consolidated suggest that storage costs should be excluded from the test because fluctuations in storage costs attributable to storage accounting and seasonal requirements could distort the actual gas costs experienced within any one of the four test intervals. The commenters also suggest excluding out-of-period adjustments, exchange transaction and transportation imbalance adjustments, and minimum bill costs.[80]

The Commission is requiring a pipeline to include all valid actual gas supply costs so that it can adequately perform the assessment test in the pipeline's annual PGA filing.

The Commission is excluding from the test adjustments for exchange transaction and transportation imbalances and all prior month adjustments (§ 154.306(d)). However, the Commission is providing the following clarifications as to how it intends to review certain costs and charges. A pipeline must include demand costs, Canadian gas costs, pipeline supplier costs, and minimum bill costs if these costs were projected as a gas cost during the test period. The Commission is requiring the pipeline to include these gas cost components to review the accuracy of the pipeline's projection of costs because they are used by the pipeline to compute a current adjustment during the test period.

The Commission is including minimum bill costs in its review to determine if a pipeline's decision to incur a minimum bill from a pipeline supplier by purchasing alternative gas supply results in a lower net cost of gas. However, a pipeline must apportion, by any reasonable means of allocation, its annual minimum bill charge to each of the assessment test intervals.

"Second tier" pipelines that purchase most of their gas supply from upstream pipeline suppliers are also included in the assessment of past performance. Since pipelines can purchase alternative gas supplies, second tier pipelines need not purchase gas solely from their pipeline suppliers and may seek the lowest cost gas available.

The Commission recognizes that some actually incurred gas costs may substantially exceed the projected levels for reasons that are beyond a pipeline's control. Therefore, the Commission will give a pipeline the opportunity to explain in its annual PGA filing the reasons why any cost items caused the pipeline to exceed the threshold of three percent during a particular test interval.

3. Test Intervals

Six commenters object to the proposal to assess past performance within each of four test intervals over the twelve-month deferral period.[81] The commenters believe the test intervals are so short that they would magnify short-term fluctuations in cost caused by seasonal demand for gas, storage activity, or other operational factors. Some suggest an assessment based on a semi-annual or annual period.[82] ANR/CIG and Panhandle/Trunkline suggest making the test intervals three months long to match the quarterly current adjustment periods.

The Commission is adopting the test intervals proposed in the NOPR. The Commission intends that the test intervals match as closely as possible with the pipeline's quarterly projection periods.[83] The Commission intended to prevent the possibility that a pipeline could shift costs if it used a longer test period. The Commission will allow a pipeline to explain any short term fluctuations in cost that occur during a test interval.

4. Least-Cost Purchasing Plan

AGD, the PSCNY, and Michigan Consolidated Gas Company suggest that the Commission require pipelines to submit a least-cost purchasing plan with the annual PGA. Such a plan would describe the criteria on which a pipeline bases its present and future purchasing decisions. A pipeline would be required to identify and explain any purchases that deviate from the pipeline's least-cost plan.

Rather than adopting the request of the commenters, the Commission is requiring a pipeline to make a statement

[75] Arkla, Inc., Docket No. TA88-1-31-000, 40 FERC ¶ 61,354 (1987); Colorado Interstate Gas Company, Docket No. TA88-1-32-000, Commission letter order issued September 30, 1987; East Tennessee Gas Company, Docket No. TA87-2-2-000, Commission order issued July 10, 1987; Midwestern Gas Transmission Company, Docket No. TA87-4-5-000, Commission order issued July 10, 1987; and Trunkline Gas Company, Docket No. TA87-2-30-000, 40 FERC ¶ 61,203.

[76] ANR/CIG, Columbia, Consolidated, Enron, Kentucky-West, INGAA, MFR, Natural, Northwest, Panhandle/Trunkline, Tennessee, and Texas Gas.

[77] Columbia, Consolidated, and National Fuel.

[78] Enron, Natural, Northwest, Tennessee, and Great Lakes.

[79] ANR/CIG, Great Lakes, and Northwest.

[80] Natural requests that the Commission convene a technical conference to clarify what costs would be included in the assessment test.

[81] The test intervals consist of one four-month period, two three-month periods, and one two-month period. The results of the performance test in one test interval cannot offset the results in any other test intervals.

[82] Consolidated, MFR, Northwest, and Southern.

[83] The Commission recognizes that a pipeline must close its books early to prepare the Annual PGA's reporting of Account No. 191 activity. Therefore, it cannot match the test intervals exactly with the quarterly projections during the year. To do so would require a 90-day notice period for an annual PGA filing or would require a one year delay in conducting the assessment test.

in each annual filing that outlines the purchasing policies that gave rise to the annual projection it includes in Schedule A1. In addition, a pipeline must make a statement outlining the purchasing policies that gave rise to the twelve months of actual purchases included in Schedule A1. A pipeline must explain why it purchased or is including in the projection any purchases that are above prevailing market rates and if it is taking any steps to reduce its high cost gas purchases. The Commission intends that the annual projection of gas purchases in Schedule A1 included in the annual PGA filing will provide a purchasing plan for the upcoming annual period.

N. The Optional Interim Adjustment

1. Interim Adjustment Rate Change

Several commenters object to the requirement that interim rate adjustments must be based on a projected average cost of gas that is less than the projected average cost of gas established in either a pipeline's last scheduled PGA filing or in a fully supported out-of-cycle PGA filing. These commenters urge that the Commission permit interim adjustments to reflect known and measurable changes in gas costs that are above and below the projected average cost of gas set in the most recent scheduled PGA or out-of-cycle PGA filing. They argue that maximum flexibility is required by pipelines to compete against unregulated brokers, marketers, and sellers, who can undercut a pipeline's posted rates without restriction. Some suggest that the Commission eliminate the quarterly filing and allow optional fully flexible interim adjustments with a mandatory fully supported annual PGA.[84] PG and E suggests that a pipeline be permitted a downwardly flexible interim adjustment without giving 24 hours advance notice. Notice would be provided 24 hours after the rate change so that competitors could not match or undercut the new rate.

In this rule, the Commission is waiving the 30-day notice requirement in the NGA for rate changes. It is providing the pipeline with flexible PGA authority to allow it to make interim adjustments to its rates on a 24-hour notice. Pursuant to NGA section 4(d), the Commission finds good cause exists to waive the notice requirement. The Commission believes that all pipelines should be permitted to quickly reflect a decrease in purchased gas costs below the level established in a regularly scheduled quarterly adjustment or out-of-cycle PGA.

However, the Commission is not granting a general waiver of the NGA's notice requirements to allow pipelines to *increase* their rates on less than a 30-day notice. The Commission believes that its three-month schedule of quarterly adjustments should be sufficient to allow pipelines the opportunity to track all but the most sudden price increases. However, if a pipeline experiences an extraordinary need to quickly increase its rates, the Commission will consider a pipeline's request to allow it an out-of-cycle PGA increase on less than 30 days notice.

The Commission is not allowing a pipeline to file an interim adjustment 24 hours after it has begun to charge its customers the new interim rate. To do so would violate the "filed rate doctrine" which prohibits a regulated seller of natural gas from charging rates for its services other than those properly filed with the Commission.[85]

2. Out-of-cycle Filings

Columbia, Enron, and Tennessee argue that an out-of-cycle PGA filing should not be subject to the 30-day notice requirement of section 4(d) of the NGA. Such a requirement restricts a pipeline's ability to react quickly to gas cost increases above the level established in its most recent scheduled PGA. However, Florida Public Utilities Company argues that it needs at least a 30-day notice of a supplier's out-of-cycle filing because a local distribution company must receive advance authority from its state regulatory commission to track the rate change. Additionally, Columbia argues that the Commission should require no greater amount of data to support an out-of-cycle PGA rate change than it does for a quarterly PGA because both filings serve to limit the rate increase of an interim adjustment. The Commission notes that because a pipeline must specifically request a waiver of the Commission's regulations in order to implement an out-of-cycle PGA rate change, it is more appropriate for the Commission to determine whether good cause exists to waive the 30-day notice requirements of the NGA on a case-by-case basis. The Commission is not requiring a pipeline to provide more supporting information in an out-of-cycle PGA filing than is required for a quarterly PGA filing, even though the pipeline would only project purchased gas costs from the effective date of the out-of-cycle filing until its next scheduled quarterly adjustment. The Commission agrees with the commenter that since both filings serve to limit the rate increase of an interim adjustment, the supporting information for each should be the same.

O. Transition Rules

Some commenters request that the Commission extend the compliance date for the new PGA procedures (the "new PGA date") from 90 days after the final rule is in effect to six months or a year later.[86] These commenters claim that they need additional time to modify their present computing and accounting procedures to comply with the proposed PGA filing requirements. ANR/CIG and Enron [87] request clarification of the transition rules. Enron requests that the Commission provide actual dates for the transition filing schedule.

The Commission understands that the pipelines will need more time to convert their existing procedures and records to implement the new requirements than originally proposed. Therefore, the Commission is delaying implementation of the transition procedures to June 1, 1988. A pipeline that wishes to use the new PGA mechanism must file a revised PGA clause that adopts the procedures in this rule on May 1, 1988. Also, on May 1, 1988, the pipeline, must file an initial current adjustment and a revised surcharge rate to be effective on June 1, 1988. A pipeline that does not wish to use a PGA must file on May 1, 1988, to eliminate its existing PGA clause from its tariff.

P. Data Collection and Filing Requirements

Many pipelines argue that the requirement to report the information contained in the revised FERC Form No. 542–PGA on nine-track computer tape would impose a substantial burden.

The Commission believes that filing PGA data on magnetic computer tape will greatly enhance the Commission's review capability. However, in order to allow pipelines additional time to convert their existing operations to the computerized filing format, the Commission will delay implementation of the new PGA reporting procedures until June 1, 1988.

The Commission will require a pipeline to submit paper copies, along with its computer tapes, for a three-year

[84] Arkla, Columbia, Enron, INGAA, and Kentucky-West.

[85] *See, e.g.*, T.I.M.E. Inc. v. United States, 359 U.S. 464 (1959); City of Piqua v. FERC, 610 F. 2d 950 (D.C. Cir. 1979).

[86] ANR/CIG, Enron, Panhandle/Trunkline, Northwest, Texas Gas, and WNG.

[87] Enron argues that because of the complexity of the new PGA regulations, it cannot realistically make an election for a new PGA clause on December 1, 1987.

transition period. The Commission believes that a three-year period is enough time to verify the accuracy of the computerized filings and to resolve any other problems that may arise. The Commission will make available a paper copy of the computer tape submissions in the Office of Public Affairs for any interested party who wishes to obtain copies of a pipeline's PGA filings.

Q. A Formula Rate Alternative to the PGA

The NOPR requested comments on the feasibility of using a formula rate to recover purchased gas costs rather than using a stated rate.

Most of the commenters that addressed this issue opposed the use of a formula rate for recovery of purchased gas costs, or requested that the Commission consider the issue in a separate rulemaking.[88] Most of the commenters object to the formula rate approach because a pipeline's customers would not know, in advance, the unit cost of gas they purchased. Without such advance knowledge, the commenters claim that customers could not make comparisons with alternative fuels or alternative gas supply and pipelines would be free of competitive restraints.

Other objections to formula rates were: (1) A formula rate would yield wide monthly swings in price; (2) a formula rate would reduce the level of regulatory control over gas costs flowed through the PGA; (3) the recovery of gas costs by second tier pipelines would always lag behind the commodity prices of their pipeline suppliers; (4) retail gas purchasing decisions would be more difficult because local distribution companies would always adjust their rate in response to their pipeline suppliers' formulas; and (5) a formula rate would assign the risk of underrecoveries to the pipeline and the pipeline's customers would not receive the benefit of overrecoveries.

In light of the opposition to this alternative, the Commission has decided to continue using the PGA mechanism.

V. Section-by-Section Analysis

A. Definitions, § 154.302

The Commission is defining specific terms in the final rule. The definition "purchased gas costs" is designed to be a limitation on the specific costs that may be included in a PGA rate. The rule defines the types of actual costs that are appropriate for the determination of monthly deferrals of overrecovered or underrecovered purchased gas costs. The rule permits only actual amounts paid and known costs payable that have not been paid within a normal billing and payment cycle of 60 days to be recognized as actual gas costs for natural gas purchased in that month. After 60 days, as amounts due become known, unpaid and additional amounts owed are recognized as separate adjustments to the deferred account in the month the amounts become known. The final rule also adds a definition of "rolling weighted average costing methodology" in § 154.302(s) as a method of pricing gas inventory in which injections are priced at the month's jurisdictional system cost of purchase gas and withdrawals are priced by dividing the total purchase cost of gas in storage by the quantity of gas in storage.

B. PGA Election, § 154.303

The final rule establishes the procedure a pipeline must follow to choose between recovering its purchased gas costs through a PGA clause or through a general NGA section 4 rate case. The final rule incorporates the procedure outlined in § 154.38(d)(4)(ix) of the prior PGA regulations now modified by this final rule.

The rule provides a transition period election date of June 1, 1988. The election whether or not to use the PGA option is binding for approximately a two and one-half year period that begins on June 1, 1988, and ends December 31, 1990. "Election periods" continue on a three-year cycle beginning on January 1 of every third year, except for the one-time transitional period.

A company that chooses the PGA option may not include purchased gas cost changes in general rate filings during the PGA election period. If a pipeline wishes to change its elected option, it must file tariff sheets to implement its decision by the December 1 preceding the three-year election period that commences on January 1.

1. Purchased Gas Adjustment Clause

The rule requires a pipeline that chooses the PGA option to file a revised PGA clause that conforms to all the terms and conditions of the rule. A pipeline that elects a PGA clause must also follow the Commission's regulations regarding comprehensive interperiod income tax allocation.

In the PGA clause, a company must choose a unit-of-purchase or unit-of-sales methodology for computing a current adjustment [89] and for determining the monthly deferrals of purchased gas costs to Account No. 191.[90] Both the current adjustment and the gas cost deferrals must be calculated using the same methodology. If a company did not use the same methodology to compute costs and adjustments, the pipeline might double recover the cost of gas quantities it could not sell through both the PGA and through a NGA section 4 rate case. The revised PGA clause will become effective only after the Commission issues an order accepting the PGA clause for filing. The procedures for implementing the revised PGA clause are outlined in transition rules in § 154.310.

2. Three Year Requirement to Establish New Base Tariff Rate

Since most pipelines already use the PGA clause option,[91] the final rule ties a three-year restatement period to the effective date of a previously-effective base tariff rate,[92] instead of the effective date of a new PGA clause. The restated base tariff rate uses the system average cost of gas established by a pipeline's most recent PGA filing.

C. Scheduled Annual and Quarterly PGA Filings, § 154.304

A pipeline that elects to recover its purchased gas costs under a PGA clause must file one comprehensive annual filing. The annual filing must include a current adjustment for the next three months and a surcharge rate adjustment for the next year. During the year, a pipeline files, at three-month intervals, three quarterly PGA filings, each proposing a current adjustment. At the end of the twelve-month period, a pipeline files its next annual PGA.

The rule establishes a schedule of annual quarterly PGA effective dates. This schedule is based on the annual or semiannual dates set forth for each pipeline in § 154.38(d)(4)(iv)(a) of the PGA regulations, amended by this rule. To the extent possible, the new schedule maintains one of each pipeline's historical effective dates.

[88] AGA, ANR/CIG, Columbia, Florida Public Utilities Company, the Iowa Utilities Board, the EIIO, National Fuel, NIGAS, NDC, Oregon, Tennessee, and Williston Basin.

[89] For the current adjustment, the unit-of-purchase methodology is defined in § 154.302(m) and the unit-of-sales methodology is defined in § 154.302(n).

[90] The method for determining monthly deferrals to Account No. 191 on either a unit-of-purchase or unit-of-sales basis is provided in § 154.305(g)(1).

[91] See, note 4 supra.

[92] As defined in proposed § 154.302(c), the effective base tariff rate is the rate on file with the Commission excluding PGA rates or other adjustments.

D. Annual PGA Filing, § 154.305

1. Filing Requirements

A pipeline must make its annual PGA filings at least 60 days before the company's annual PGA effective date in § 154.304(c). Sixty days permits a thorough review of the deferred account to evaluate a pipeline's performance in projecting its gas costs before the PGA adjustment and surcharge go into effect. Any issues concerning the prudence of a pipeline's gas purchases over the past year will be considered in the annual filing.

In its annual filing, a pipeline must also include tariff sheets and a report showing the derivation of the current adjustment and the surcharge rate. The format for the tariff sheets is derived from the format in § 154.38(c)(4)(c) of the regulations amended by this final rule.

2. Treatment of Change in Cost of Gas From Various Types of Suppliers

Rate changes associated with imported natural gas must be allocated to a domestic pipeline's rates consistent with a rate design methodology approved by the Commission. Thus, the flowthrough of supplier cost changes on an as-billed basis in the case of imported natural gas is limited to reflect the Commission's policy on as-billed treatment of cost changes associated with imported natural gas.[93] Domestic pipeline supplier rate changes must be allocated on an as-billed basis to a pipeline's two-part rates or consistent with the pipeline's one-part rate design.

3. Projecting Purchased Gas Costs To Determine the Current Adjustment

The rule establishes the procedure for determining the current adjustment using projected purchased gas costs. The definition of "current adjustment" sets out the method for computing the current adjustment (§ 154.302(o) of the rule) using either the unit-of-purchase or unit-of-sales methodology (§ 154.302 (m) and (n) of the rule). Projected purchased gas costs are based on purchases over the three-month period following the annual PGA effective date. Moreover, a pipeline that uses the unit-of-sales methodology to compute a current adjustment must also use the best estimate of the quantities of natural gas the pipeline expects to sell over the three months following the annual PGA effective date. For each projected purchase of natural gas from a non-pipeline supplier, a pipeline may estimate the purchase rate using known and measurable changes in costs based on existing contractual obligations. In contrast, the projected rate for pipeline supplier costs must be the effective rate of the pipeline supplier filed with the Commission on the PGA effective date of the purchasing pipeline. Projected spot market purchases may be used to determine a current adjustment. However, the Commission intends to apply review criteria similar to what were established in prior orders concerning projections of spot purchases.[94]

The Commission is modifying the criteria for supporting the projected spot purchase rate and the duration of the spot purchase contract. The Commission now will require a pipeline to demonstrate for each projected spot purchase that the projected rate is a known and measurable rate based on contractual obligations which are in effect on the date the PGA is filed and that the terms of the contract will encompass part of the cost projection period.

As in the past, rates used for projecting gas costs may be adjusted by the monthly ceiling price escalations allowed under the NGPA if the supply is still subject to wellhead price controls under Title I. Similarly, a pipeline may not project the costs of gas that cannot flow into the company's system as of the current adjustment effective date.

E. The Surcharge Rate, § 154.305 (d), (e) and (g)

In its annual PGA filing, a pipeline must adjust its PGA rates to include a twelve-month surcharge to recover underrecovered costs or to refund overrecovered costs that have accumulated in Account No. 191 over the twelve-month deferral period ending four months before the surcharge rate effective date.

1. Surcharge Balance

The surcharge balance consists of the balances accumulated in the current deferral subaccount of Account No. 191 during the deferral period and any other costs the Commission allows a pipeline to include in the surcharge balance. These other costs would include extraordinary, non-recurring costs, such as retroactive repricing of company-owned production pursuant to Order No. 391.[95] The balances accumulated in the current deferral subaccount of Account No. 191 include:

(1) The monthly deferrals of purchased gas costs during the twelve-month deferral period;

(2) Any adjustments to prior months' costs;

(3) The transfer of any unamortized surcharge balance from a prior surcharge rate amortization period;

(4) Any adjustments to prior months' revenue due to a revision to the prior months' sales level if a unit-of-sales methodology is adopted;

(5) Carrying charges (interest) accumulated in the deferral period; and

(6) The transfer from the refund, revenue credits, and billing adjustment subaccount of amounts not yet refunded in cash.

2. Monthly Deferred Gas Costs

The rule specifies how to compute monthly deferrals of underrecovered or overrecovered purchased gas costs under the unit-of-purchase or unit-of-sales methodology. In determining monthly deferrals, a pipeline may only include the actual cost of gas quantities purchased during the month. These costs may include wellhead purchases, wellhead intracompany transfers, field line purchases, gasoline plant purchases, transmission line purchases, non-concurrent exchange transactions authorized by contract, severance taxes, production related costs, and unpaid accruals. In addition, a pipeline using a unit-of-sales methodology must adjust its monthly actual purchased gas costs to reflect the effect of imbalances in its exchange and transportation transactions. In order to determine its monthly deferrals, a pipeline that uses a unit-of-purchase methodology must multiply the difference between (1) the actual unit cost of gas for that month and (2) the appropriate projected unit cost or gas recovered by the applicable purchase quantities.[96]

Similarly, a pipeline that uses a unit-of-sales methodology determines its monthly deferrals by calculating its total purchased gas costs for the month and the revenues received from its gas sales.[97]

[93] *See* Natural Gas Pipeline Company of America, Opinion No. 256, 37 FERC ¶ 61,215 (1986); Opinion No. 256-A, 39 FERC ¶ 61,218 (1987).

[94] *See* note 12, *supra.*

[95] Production under section 2(21) of the Natural Gas Policy Act of 1978, 49 FR 33849 (Aug. 27, 1984), FERC Stats. and Regs., 1982-1985 Regulations Preambles, ¶ 30,588 (1984).

[96] Because a pipeline that uses a unit-of-purchase methodology may not be compensated through its PGA for the costs of the differences between the quantities purchased and the quantities sold, the actual total cost of gas may not be recovered through the pipeline's PGA rates, and those differences may instead be included in a general rate filing under § 154.63.

[97] A pipeline that uses a unit-of-sales methodology can be compensated through the PGA for compressor station use or other operation factors. For purposes of determining monthly

Continued

In general, the normal cycle for the billing receipt and payment of gas purchases by a pipeline is 60 days from the month of purchase. For this reason, any amounts that are paid or become known but are still unpaid within 60 days from a purchase month must be reflected as an actual gas cost for purposes of determining monthly deferrals for that month.

F. Unpaid Accrual Restrictions, § 154.305(f)

A pipeline must record certain expenses for gas delivered (or service rendered for gas delivered) that remain unpaid after the 60-day billing and payment cycle ("unpaid accruals") as a monthly gas cost. Only the "suspended payable" type of unpaid accruals are recognized as gas costs and not the "accrue-but-don't-pay" type. Suspended payables are considered gas costs because not only have the pipeline's ratepayers received the benefit of the gas supply associated with the unpaid accrual, but the costs are known amounts. In contrast, "accrue-but-don't-pay" are not recognized as gas costs because these amounts are not known and measurable. In order to prevent unjust enrichment, the rule requires a pipeline to list and describe in each annual filing each unpaid accrual which has remained unpaid for three or more years from the month it was originally recognized as a gas cost to the end of the current deferral period. The pipeline would have to provide justification and request the Commission's approval to continue recognizing the unpaid accruals listed as gas costs. If the Commission does not approve the continued recognition of any of the unpaid accruals listed as a gas cost, the pipeline must credit the unpaid amount to the current refund subaccount of Account No. 191. If a pipeline does eventually pay an outstanding accrued cost that was previously credited to Account No. 191, the pipeline may recover the amount through its deferred account surcharge rate by debiting the payment to Account No. 191.

G. Carrying Charges, § 154.305(h)

A pipeline must reimburse its customers for the time value of unpaid accruals collected as gas costs. To compensate the ratepayers for the time value of the monies they have paid to the pipeline before the pipeline has paid the supplier, the final rule requires a pipeline to effectively credit carrying charges to the customer for all unpaid accrual amounts included on the pipeline's books that have been collected through the pipeline's rates.

The rule requires a pipeline to compute carrying charges on the Account No. 191 balances. A pipeline computes the carrying charge by multiplying the carrying charge rate by the carrying charge base. The carrying charge rate is calculated by dividing the annualized quarterly rate provided in the Commission's regulations by the number of days in the year and multiplying the result by the number of days in the applicable month. A carrying charge base is calculated for the refunds, revenue credits or billing adjustments subaccount and a separate carrying charge base is calculated for all other subaccounts of Account No. 191.

The carrying charge base for all the subaccounts of Account No. 191 must reflect the Commission's requirements of comprehensive interperiod income tax allocation. Moreover, the carrying charge base for refunds, revenues credits, and billing adjustments is not adjusted for the activity recorded in the other subaccounts of Account No. 191. In contrast, the carrying charge base for the other subaccounts of Account No. 191 must be adjusted for exchange, storage, and unpaid accruals.

Similarly, the rule provides that the carrying charge base for these other costs must also be adjusted for annualized LIFO inventory accounting or any other estimated inventory costing methodology and the assignment of costs for exchange transactions and transportation imbalances.

H. Refunds, § 154.305(i)

The rule requires a pipeline to make a lump sum distribution of refund amounts, once the refund amounts exceed certain thresholds. A pipeline must credit the jurisdictional portion of refunds (with interest), billing adjustments, or revenue credits it receives to a separately-identified subaccount of Account No. 191.[98] A pipeline must determine at the end of each month whether the refund subaccount balance of Account No. 191 has reached the threshold level. In computing the threshold amount, the pipeline would include carrying charges on the accumulated refund balances as part of the balance.

Within 30 days of the end of a month in which the refund subaccount balance reaches one cent per MMBtu of the latest 12 months of actual sales or $2 million, whichever is lower, a pipeline must make a cash disbursement. For those refunds based on commodity rates, the disbursement is apportioned among the pipeline's jurisdictional customers based on the ratio of an individual customer's latest 12 months of purchases to the pipeline's latest 12 months of actual sales for the same 12-month period. For demand related refunds, the final rule requires apportionment based on the customer's demand billing determinants during the overcharge period.

Any refund balance remaining in the refund subaccount at the end of the 12-month deferral period of an annual PGA must be cleared from the refund subaccount. A pipeline has the option of refunding the remaining amounts to its customers through a cash disbursement or by transferring the balance to the current deferral subaccount to be surcharged. A refund report that shows how the pipeline disbursed its refunds would be filed with each annual filing.

I. Exchange and Transportation Imbalances, § 154.305(j)

As in the past, exchange transactions and transportation imbalances that cause an imbalance between receipts and deliveries of gas may not affect the calculation of monthly deferred purchased gas costs.[99] Accordingly, the definition of "exchange-in" quantities (receipts exceeding deliveries) and "exchange-out" quantities (deliveries exceeding receipts) includes concurrent, and nonconcurrent exchange transactions and transportation imbalances.[100]

J. Assessment of Past Performance, § 154.306

After a pipeline files its annual PGA filing, the Commission will consider issues raised by customers' protests, including whether a pipeline's practices violated the fraud and abuse standards of section 601 of the NGPA. The Commission also will review a pipeline's performance in projecting gas costs during the 12-month deferral period at the time of the annual PGA filing. Without prior Commission approval a pipeline may include in a surcharge balance any underrecovered gas costs accumulated in each of four test intervals, provided these

deferrals on a unit-of-sales basis when more than one current adjustment is in effect in a month, a pipeline must allocate the volumes sold under each current adjustment in effect.

[98] The revenue credits may include transportation revenue credits or any other credits the Commission designates.

[99] *See* Mid-Louisiana Gas Company, 34 FERC ¶ 61,051 (1986); United Gas Pipeline Company, 34 FERC ¶ 61,052 (1986). The Commission ordered pipelines to adopt a specific methodology to remove the effects of out-of-balance concurrent exchange transactions from their rates.

[100] "Exchange-in" is defined in § 154.302(h) and "Exchange-out" is defined in § 154.302(i).

underrecovered gas costs do not exceed, in each interval, three percent of the company's projected gas costs. The Commission must approve recovery of any amounts that equal or exceed three percent of its projected gas costs.

The Commission will assess a pipeline's past performance in four "test" intervals within the 12-month deferral period. Specifically, the final rule establishes the following test intervals: the first four months of the deferral period; the next three months of the deferral period; the next three months, and finally, the remaining two months of the deferral period (months eleven and twelve). The intervals match, as closely as possible, the effective dates for any new ceiling rates established in either an annual or quarterly PGA filing.

Under the rule, a pipeline is required to determine which gas costs will require specific Commission approval for surcharge recovery within each test interval. This calculation is a four-step process. First, the pipeline must compute its actual cost of gas purchased for each test interval [101] which will be the sum of the actual cost of gas purchased that is used to determine monthly deferrals of underrecovered or overrecovered purchased gas costs under § 154.305(g)(1). These actual gas costs must exclude adjustments for exchange transactions and transportation imbalances and out-of-period adjustments.

Second, the pipeline subtracts the test interval's actual cost of gas purchased from the test interval's "test amount." The "test amount" is determined by first calculating the computed projected gas costs for the test interval. To do this a pipeline first allocates the quantities of natural gas purchased and received to each current adjustment in effect in the test interval and then multiplies these quantities by a projected average rate.[102] The projected average rate is derived by dividing the projected gas costs the pipeline used to calculate each current adjustment by the related quantities of gas the pipeline projected to purchase during each current adjustment effective period.

Third, the computed projected gas costs for the test interval are then multiplied by 1.03 to arrive at the test amount.

Fourth, the pipeline subtracts a test interval's actual costs from the test amount. Any costs that remain may be included in the PGA filing surcharge balance, but collection of these cost must be approved by the Commission. Amounts below the review threshold of three percent in one test interval cannot be used to offset amounts at or above the threshold in other intervals. The rule provides that the pipeline must include the computation of the test results in its annual filing (in schedule D1 of the proposed Form 542) and that it must specify any costs that require prior approval for surcharge recovery. An example of the assessment test calculations appears in Appendix B.

K. Quarterly PGA Filing, § 154.308

The quarterly filing revises the current and cumulative adjustments to a pipeline's existing rates to reflect changes in gas costs which have occurred three, six, and nine months from the effective date of the last annual filing. A pipeline must submit tariff sheets 30 days before the quarterly PGA effective date that reflect these revisions in the same format as the "Notice of Purchased Gas Cost Adjustment Rate Change" specified in proposed § 154.305 for annual filings. Additionally, the rule requires the pipeline to submit three months of projected cost data with the quarterly filing which is outlined in Schedule Q1 of the proposed revised FERC Form No. 542–PGA. The projected cost data underlying the quarterly adjustment must be computed in the same manner as in the annual PGA current adjustment in proposed § 154.305(c).

The projected average cost of purchased gas established in a quarterly filing would be the ceiling for any interim adjustments filed under proposed § 154.309 during that quarter. In other words, the cost of gas underlying an interim adjustment could not exceed the projected average cost of gas in the quarterly filing in effect or, if applicable, the out-of-cycle PGA filing in effect. Moreover, a pipeline could not file a revised surcharge rate in the quarterly filing.

To simplify the PGA review process, the rule provides that all challenges to a pipeline's purchasing practices as reflected in a quarterly filing would have to be raised when the pipeline files its next annual PGA. The Commission intends that the quarterly adjustments would go into effect subject to refund and subject to revisions for errors in mathematical computation of rates, typographical errors on the tariff sheets, or an accounting error that affects the computation of a quarterly adjustment.

L. Interim Adjustments, § 154.309

The final rule allows a pipeline to adopt a PGA clause in its tariff that permits interim adjustments to its rates. The adjusted rates may not exceed the ceiling established in the pipeline's last scheduled PGA filing or fully supported out-of-cycle PGA filing. Moreover, these interim adjustments may only track known and measurable changes in gas costs. Known and measurable changes in cost are cost changes a pipeline has a reasonable basis for believing will occur. Adjustment may take effect upon a 24-hour notice to the Commission, applicable state commissions, and other interested parties.

M. Transition Rules, § 154.310

The transition rules are intended to provide an orderly transition from the existing PGA regulations. Every pipeline choosing to use a PGA clause must file a new current adjustment and a surcharge rate on May 1, 1988, which becomes effective on June 1, 1988. Also, these pipelines must file tariff sheets reflecting a new PGA clause that adopts the terms and conditions of the new PGA regulations on May 1, 1988, to be effective on June 1, 1988.

The transition rules permit a pipeline to retain certain terms and conditions from its existing PGA clause during the transition period. Of particular note, a pipeline may retain its existing methodology for computing a current adjustment and monthly deferrals to Account No. 191 until the pipeline files its first request for a general rate change under § 154.63 of the regulations, after June 1, 1988. The transition rules allow a pipeline to amortize its deferred gas costs that accumulated in Account No. 191 before the new regulations take effect.

The transition rules provide that if June 1, 1988, is also the scheduled effective date for a pipeline's annual or quarterly PGA, the pipeline would file a tariff sheet that reflects the rate change in the annual format specified in § 154.305(a) or the quarterly format specified in § 154.308(b). The pipeline must support the current adjustment with reports filed in the FERC Form No. 542–PGA for either the annual or quarterly PGA depending on which type of filing was effective on June 1, 1988.

If June 1, 1988, is not an effective date for a pipeline's annual or quarterly PGA filings, the pipeline must compute an initial current adjustment to be effective until the pipeline's first scheduled

[101] The pipeline must only include the gas cost components that were used to compute the current adjustments in effect during the test interval to compute the actual cost of gas purchased.

[102] The Commission would consider any reasonable method for allocating quantities. For example, a pipeline may allocate the purchase quantities based on the number of days in a month that the related current adjustment was in effect. The pipeline could also allocate the purchase quantities based on the quantities of gas sold under each current adjustment.

annual or quarterly PGA effective date. The tariff sheet filed by the pipeline would be in the quarterly format specified in § 154.308(b). The current adjustment would be supported by the Form No. 542-PGA Schedule Q1.

Under the transition rules, a pipeline must also file a surcharge rate to be effective on the new PGA date. The surcharge rate that is filed would depend on whether a pipeline is continuing to amortize a surcharge balance from the last PGA in effect before the June 1, 1988, date. This period is described in the transition rules as the "existing surcharge rate amortization period."

The transition rules allow amortization of an existing surcharge balance to continue for the length of time the underlying deferred gas costs are accumulated in Account No. 191. If the existing surcharge rate amortization period runs over the June 1, 1988, date, the pipeline must file the existing surcharge rate to be effective on the June 1, 1988, date. If the existing surcharge rate amortization period ends by June 1, 1988, the pipeline must file a new surcharge rate to be effective on June 1, 1988. The amortization period for the new surcharge to be effective on June 1, 1988, is defined as the "new surcharge rate amortization period." If the pipeline's first annual PGA effective date is on June 1, 1988, the new surcharge rate would be included as part of the annual filing.

The transition rules require that a pipeline must file tariff sheets 30 days before the end of either a new or existing surcharge rate amortization period to eliminate or change the new or existing surcharge rate as of the end of the amortization period. The regulation provides that a surcharge balance must not be amortized for longer than 12 months.

The surcharge rate a pipeline files after June 1, 1988, depends on when a pipeline's initial annual PGA filing becomes effective. If the initial annual PGA becomes effective on the June 1, 1988, date, the pipeline must file a subsequent surcharge rate with its second annual PGA. If a pipeline's initial annual PGA becomes effective after the end of the new surcharge rate amortization period (for the new surcharge rate effective on June 1, 1988), the pipeline must file a subsequent surcharge rate with the initial annual PGA. If a pipeline's initial annual PGA becomes effective during the new surcharge rate amortization period (for the new surcharge rate effective on June 1, 1988), the pipeline must retain the new surcharge rate in the initial annual PGA and file a subsequent surcharge rate with its second annual PGA filing.

The surcharge rate a pipeline files after June 1, 1988, when the existing surcharge rate amortization period (for the surcharge in effect before June 1, 1988) continues beyond the June 1, 1988, date, would depend on when a pipeline's initial annual PGA rates become effective. As mentioned above, the existing surcharge rate would be filed to be effective on June 1, 1988. If a pipeline's initial annual PGA becomes effective during the existing surcharge rate amortization period, the pipeline must retain the existing surcharge rate in the initial annual PGA. The pipeline must file a subsequent surcharge rate 30 days before the end of the existing surcharge rate amortization period to be effective the day after the end of the existing surcharge rate amortization period. If a pipeline's initial annual PGA becomes effective after the end of the existing surcharge rate amortization period, the pipeline must file a subsequent surcharge rate with its initial annual PGA.

The length of the various surcharge amortization periods that will occur during the transition period will depend on the number of months the deferred gas costs have accumulated in the appropriate subaccount of Account No. 191. This reflects the Commission's policy of allowing amortization of deferred gas costs over a similar period of time as the period the deferrals accumulated.

The general rule for all surcharges a pipeline files with an initial annual PGA filing is to allow amortization of deferrals that accumulated up to four months before the annual PGA becomes effective. An exception to the general rule is when the initial annual PGA becomes effective on June 1, 1988, and the existing surcharge rate amortization period ends the day before the June 1, 1988, date. In this case, a pipeline must file a new surcharge rate with the annual PGA to amortize deferrals that accumulated up to three months before June 1, 1988. If a pipeline files a new surcharge rate to be effective on a date other than the date the initial annual PGA becomes effective, the general rule provides for amortization of deferred gas costs accumulated up to three months before the surcharge rate becomes effective. To illustrate the operation of the transition rules, Appendix C includes a series of hypothetical transition scenarios.

N. Revised FERC Form No. 542-PGA

As previously discussed, the Commission is retaining the requirement that pipelines file supporting information with their PGA filings in a standardized format prescribed in FERC Form 542-PGA. In addition, the Commission will require that all data supporting the rate adjustments filed with the annual and quarterly PGAs be submitted on nine-track computer tapes. For purposes of providing copies of the annual and quarterly PGA filings to customers and interested state commissions, a pipeline must provide a paper copy of the revised Form 542 as contained in Exhibit C unless the customers or state commissions agree to accept the magnetic tape format. Also, the suggested format for the interim PGA support (Schedule F1) will be submitted in a paper copy. To assist pipelines in the preparation of their magnetic tape submissions, the revised Form 542 includes in Exhibit D, specific instructions for filing on magnetic tape.

The Commission will review each magnetic tape a pipeline submits to determine if the tape contains the minimum data the Commission needs to complete processing. The Energy Information Administration (EIA) will make available before the implementation of the new reporting requirements the details concerning the software programs the Commission will use to evaluate the sufficiency of a magnetic tape submission.

The Commission recognizes that filing data on magnetic computer tape may involve a special hardship for some companies. Certain companies will need additional time to comply with the computer tape requirement or the cost of compliance for a particular company may be prohibitive. For these reasons, the Commission will consider requests for waiver of the computer tape filing requirement. A waiver may be granted on a permanent basis or it may be temporary depending on the basis of the request. If such a waiver is granted to a pipeline, the pipeline will be required to submit the annual and quarterly supporting information in the paper format provided at Exhibit C of the revised Form 542.

The Form 542 is revised to reflect the final rule's changes in the PGA mechanism and to collect other information that is of interest to the Commission. In particular, the Form 542 revisions reflect the required method for computing monthly deferrals, carrying charges, and quarterly compounding of interest specified in the rule. A mandatory format for reporting activity in the subaccounts of Account No. 191 is also included in the Form 542. Although the rule requires certain changes to the Form 542 format, the majority of the information that is required from

pipelines is identical to the information now collected in the present Form 542. The Form 542 retains in Exhibit A the current price category codes used in the existing Form 542. However, the Exhibit A is expanded in the final rule to incorporate certain NGPA codes that indicate whether or not certain purchases of gas remain committed or dedicated to interstate commerce. These pricing codes replace the reporting requirement proposed by the NOPR that a pipeline identify the commitment status of each gas purchase. Certain special pricing codes are added to identify the rate components of pipeline purchases, minimum bill payments, or purchases under section 311 of the NGPA.

Exhibit B also retains the listing of FERC geographical names for regional source of supply.

In addition, the final rule revises certain elements of the Form 542 in response to requests for clarification of the format issued in the NOPR. The paper copy format of Exhibit C is revised to incorporate all the data reporting elements of the magnetic tape format. Thus, the paper copy version of Schedule A1 now contains the detailed rate components that appear in the magnetic tape format.[103] These data elements are cross referenced to their location (by sequence number) as they will appear in the magnetic tape format. This revision provides all parties with access to the same data whether they are referencing the paper copy or the magnetic tape submission of a filing. The paper copy reporting of the calculation of carrying charges in Exhibit C is also revised to be consistent with the magnetic tape format.

The information to support the annual PGA filing will be reported in the following schedules.

1. Annual General Information Report

The Annual General Information report, Schedule G1, reports general information applicable to all the schedules in the annual filing. This information consists of the company name, effective date of the rate change, the ending date of the actual purchase period reported, the number of months of the actual purchase period, and the number of months of projected purchase data. In addition, Schedule G1 reports the grand totals for actual and projected purchase costs and purchase quantities, and the actual and projected average rate for all the purchases reflected in the annual filing.

[103] *E.g.*, "Volume Adjustments;" "Out of Period Costs;" "Actual Order No. 94 Costs;" "Actual Gathering Costs;" and "Actual Other Costs."

2. Gas Purchases Report

The Gas Purchases Report, Schedule A1, collects detailed data on a pipeline's actual purchases for the twelve-month period ending four months before the effective date of the annual PGA. In addition, Schedule A1 reports the pipeline's projected purchases for the first quarter of the annual cycle. The instructions for reporting the quarterly projection reflects the final rule's allowance for estimates of price based on known and measurable changes in gas cost. Schedule A1 also collects a pipeline's best estimate of its annual purchase quantities and costs.

The actual purchase record reflects the emphasis the Commission is placing on obtaining actual purchase data. The actual purchase record details the components of the actual rate paid for individual purchases over a twelve-month period. The organization of actual and projected purchase data in this report by geographic area, NGPA category/subcategory (or special pricing category/subcategory), and FERC Uniform System of Accounts is similar to what is now required in the Form 542.

The final rule does not, however, require pipelines to report their actual purchases in monthly submissions. Thus, Schedule A1 reflects the deletion from the Form 542 of the monthly Actual Gas Purchases Record—Record 2.

The revised Form 542 will require a pipeline to identify any actual or projected spot market purchases by a "spot market indicator." However, the Commission is deleting the "Order No. 451 Indicator" that is the identification of contracts subject to renegotiation under Commission Order No. 451,[104] proposed in the NOPR. Instead, the revised Form 542 will require each pipeline to include a report of its negotiations resulting from the implementation of Order No. 451. This report will be submitted in Schedule D1—Supporting Information and will include for each renegotiation package [105]: (1) The name of the producer with whom the pipeline renegotiated; (2) the sequence numbers where the renegotiated transactions appear in Schedule A1; (3) the NGPA categories involved in the renegotiation; (4) the date of the renegotiation; (5) the rates before and after the renegotiation; (6) the contract number(s) involved in the renegotiation; and (7) an indication whether the renegotiations were conducted on a voluntary basis or were pursuant to the one-time good faith negotiation rule.

In addition, the Commission will require a pipeline to identify any purchases that it discontinued due to a failure to reach an agreement with its producer suppliers during the renegotiations under Order No. 451. The Commission believes that the reporting of Order No. 451 transactions in this format will reduce the reporting burden on pipelines since the information will only be required when the purchase contracts are renegotiated instead of whenever a renegotiated purchase is listed in Schedule A1.

3. Unrecovered Purchased Gas Cost Reports

The Unrecovered Purchased Gas Cost Schedules B1 (for unit-of-purchase methodology) or B2 (for unit-of-sales methodology) are similar to the schedules for reporting monthly deferred purchased gas costs in the current Form 542. Schedule B1 is divided into five formats, Records A through E, in recognition of the impact of the interim (flexible) PGA on determining monthly deferrals. If a pipeline had a single projected average cost of gas in effect during a month, it would file the Unrecovered Purchased Gas Cost Record A to reflect the monthly totals of actual and deferred purchased gas costs and purchase quantities, and the monthly unit cost of gas purchased; and Record B to reflect the monthly total actual purchased gas costs by FERC Account number. A single actual unit cost of gas would be computed because only one projected average unit cost of gas was in effect during the subject month. If a pipeline had two or more projected average unit costs of gas in effect during a month, it would file Unrecovered Purchased Gas Cost Record C to reflect the monthly totals of actual and deferred purchased gas costs and purchase quantities, and the monthly unit cost; Unrecovered Purchased Gas Cost Record D to reflect monthly total actual purchased gas costs and unit costs by FERC Account number; and Unrecovered Purchased Gas Cost Record E that allocates the monthly total gas costs quantities purchased, and unit cost of gas purchased to the periods during a month for which a different projected unit cost of gas was in effect.

Schedule B2 is divided into three formats, Records A through C. Record A reflects monthly totals of purchased gas costs and quantities, the total unit cost of gas purchased, and the monthly total

[104] Specifically, the good faith negotiation provisions in 18 CFR 270.201 (1987).

[105] The Commission recognizes that one or more contracts may be considered under a single renegotiation. When a group of contracts are renegotiated together, they must be reported as a renegotiation package.

deferred purchased gas costs. Record B shows the total purchased quantity, total cost, and total unit cost by FERC Account number. Record C allocates the monthly applicable sales quantity, gas cost recovered in rates, actual cost of gas, and the monthly deferred gas costs for the period a projected unit cost of gas is in effect during the month. Both Schedule B1 and B2 are set up to reflect the appropriate methodology for computing deferrals specified in the proposed rule. A pipeline must submit these schedules with the annual PGA. One schedule will be submitted for each month of the applicable deferral period.

4. Subaccounting of Account No. 191 and Carrying Charges on Account No. 191

Also submitted with the annual filing is Schedule C1 which shows details of subaccount debits and credits to Account No. 191 on a monthly basis. The Commission's goal is to standardize the reporting of Account No. 191 activity to facilitate review of the annual PGA. In addition, the methodology for computing carrying charges and quarterly compounding of interest required by the final rule is implemented by the proposed mandatory format of Schedule C2. The final rule revises the Schedule C2 format to clarify the reporting of the computation of carrying charges on the subaccount balance for refunds, billing adjustments, and revenue credits.

5. Supporting Information

Any supporting schedules a pipeline must submit with the annual PGA that are not provided for by one of the detailed schedules mentioned above, must be filed on Schedule D1. The schedules supporting the cost adjustment for exchange and transportation transaction imbalances will be included in Schedule D1, as will the schedule of unpaid accruals requiring Commission approval for continued recognition as a gas cost. The computations for the assessment of past performance will be in Schedule D1. The Schedule D1 will also contain any explanatory footnotes to the detailed schedules submitted with the annual PGA. Schedule D1 is revised in the final rule to enable reviewers to more easily extract information and to provide a more structured format for pipelines to follow. Examples of the Schedule D1 format are included in Appendix D.

For the quarterly PGA filings, a pipeline will be required to submit a Quarterly General Information Report—Schedule G2. The Schedule G2 will report the total projected quarterly purchase costs and quantities, and the total projected average rate for a quarterly PGA. An addition to the Schedule G2 format is added to allow the Commission and interested parties the opportunity to review a pipeline's Account No. 191 balances periodically. In recognition of the possibility of sales fluctuations which may affect the level of amortization and deferrals, the final rule requires a pipeline to report the Account No. 191 subaccount balances as of the month ending three months before the proposed quarterly PGA effective date. Pipelines will not be required to report their refund subaccount balances in Schedule G2.

A pipeline must also submit its individual projected purchased gas cost and quantities for the quarterly adjustment effective period in Schedule Q1. Schedule Q1 consists of a projected cost record for all purchases and a special supply record for spot market and pipeline purchases. The special supply record separately identifies these special purchases for purposes of applying the Commission's review standards for spot purchases (spot purchases are identified with a "spot supplier code") and for determining that the pipeline supplier rate on file with the Commission is reflected in the filing.

VI. Future Gas Supply Charges

In the final rule, the Commission has made a number of changes in the PGA regulations to allow the PGA mechanism to better reflect a pipeline's actual current cost of gas. Reporting gas costs on a current basis will help eliminate price distortions caused by large deferrals or refunds that hinder the transmission of accurate price signals. In Order No. 500,[106] the Commission stated a policy that pipelines that transport pursuant to Part 284 of the regulations may include in their rates charges to reflect the current cost of maintaining gas supplies to serve their customers. Several pipelines have recently filed proposals to reflect these future gas supply charges in their rates, *e.g.*, Natural Gas Pipeline Company of America in Docket No. RP87-141-000 and 001 and El Paso Natural Gas Company in Docket No. RP87-84-000.

The Commission believes that the revised PGA regulations and the future gas supply charges discussed in Order No. 500 can operate together to provide accurate price signals of both the current cost of gas and the current cost of maintaining gas supplies. The revised PGA regulations do not preclude a pipeline from including a future gas supply charge in its tariff. Conversely, Order No. 500 does not require that a pipeline eliminate its PGA clause as a condition of obtaining a future gas supply charge. The Commission recognizes that pipelines, at their option, may propose future gas supply charges that could result in the elimination or the suspension of the pipeline's PGA clause. The Commission will consider such proposals on a case-by-case basis. However, the Commission will also consider proposals where the pipeline will include both a PGA clause and a future gas supply charge in its tariff.

VII. Administrative Findings

A. Deferral of Affiliated Entities Test

In the NOPR, the Commission proposed to standardize its policies and procedures for deciding cases involving affiliated entities. NGPA section 601(b)(1)(E) provides that amounts paid by an interstate pipeline to an affiliate will be deemed just and reasonable if "such amount does not exceed the amount paid in comparable first sales between persons not affiliated with such interstate pipeline." The Commission proposed that amounts paid by a pipeline to an affiliate or charged for its own production will be deemed just and reasonable if the amounts paid do not exceed the average of prices paid by all pipelines to non-affiliated producers in a designated geographic area for a particular type of gas.

In response to a motion by the Affiliated Gas Producers, the Commission is severing from the final rule the affiliated entities test proposed in § 154.307 of the NOPR. Because of the policy, legal, and administrative concerns expressed by the Affiliated Gas Producers and other commenters, the Commission has decided to consider the proposal in a separate rulemaking docket. The new docket number for this proceeding is RM88-2. The record pertaining to the affiliated entities test in this proceeding will be transferred to the new proceeding.[107]

Since the final rule does not include the proposed affiliated entities test, the Commission will not require pipelines to submit a monthly report of their actual

[106] Regulation of Natural Gas Pipelines after Partial Wellhead Decontrol, Docket No. RM87-34-000, Interim Rule and Statement of Policy, issued August 7, 1987, III FERC Stats. and Regs. ¶ 30,761, 52 FR 30334 (Aug. 14, 1987).

[107] Until the Commission adopts a generic affiliated entities test, it will continue to review a pipeline's affiliate transactions under the standards adopted in Opinion No. 269, Tennessee Gas Pipeline Company, 38 FERC ¶ 61,306 (1986), which represents current Commission policy. In addition, because the revised Form No. 542-PGA requires a pipeline to identify purchases from its affiliates, the Commission and other interested parties will be able to monitor a pipeline's affiliate purchases.

gas purchases. Accordingly, the Commission is deleting the "Monthly Actual Purchases Record" (Schedule A1(2)) from the revised Form No. 542-PGA.

B. Fees

The Commission is amending § 381.205 by replacing a single fee of $5,100 for a tariff filing which tracks costs by three separate fees. The Commission will require an $1,800 fee for an annual PGA filing, including any adjustments; a $300 fee for a quarterly filing, and a $300 fee for an interim filing. The fee for a PGA filing was established by the Commission in a separate rulemaking.[108] The Commission is changing the fee schedule to reflect the change from the current semi-annual PGA filing procedures to the one annual, three quarterly, and the voluntary interim filings established by this rule.

The Commission's calculation of the cost of providing each of the services represented by the new fee categories is directly related to the amount of time the Commission expects to spend providing each of the services. The fees in this rule are based on information obtained through the Commission's Management Information System (MIS) which provides the amount of time spent on all Commission functions.

The fees for annual and quarterly filings are based on past experience with the cost of all staff time expended during the current 30-day review period. Staff time expended on follow-up activities for the small number of filings which exceed the initial review period is excluded, for inclusion would create an inequitable fee for the majority of filings. Fees for PGA interim (flexible) filings are tracked separately from the annual and quarterly filings and reflect the Commission costs associated with providing the interim review and the recommended action by staff.

C. Regulatory Flexibility Act Certification

When the Commission is required by section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553 (1982), to publish a notice of proposed rulemaking, it is also required by section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612 (1982), to prepare, and make available for public comment an initial regulatory flexibility analysis unless the Commission certifies pursuant to section 605(b) of the RFA that the proposed rule would not have a significant economic impact on a substantial number of small entities.[109]

In this case, the RFA requires the Commission to analyze only the impact on small entities that would be subject to this rule. This rule would only apply to natural gas companies whose services, rates, or facilities are regulated under the Natural Gas Act or the NGPA. Most jurisdictional natural gas companies that would comply with this rule do not fall within the RFA's definition of small entity because: (1) The jurisdictional natural gas company is too large to be considered a "small-entity", or (2) the regulated natural gas company holds exclusive selling rights within its respective fields of operation and is therefore dominant in that field of operation. Pursuant to section 605(b) of the RFA, therefore, the Commission certifies that this rule will not have a "significant economic impact on a substantial number of small entities."

D. Paperwork Reduction Act Statement

The information collection provisions in this final rule are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act, 44 U.S.C. 3501-3502 (1982) and OMB's regulations, 5 CFR 1320.13 (1986). Interested persons can obtain information on the proposed information collection provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 (Attention: Ellen Brown, (202) 357-8272). Comments on the information collection provisions, including the impact of the proposed automated filing requirements, can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission).

E. Effective Date

This final rule is effective December 17, 1987.

List of Subjects

18 CFR Part 154

Alaska, Natural gas, Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 270

Natural gas, Price controls, Reporting and recordkeeping requirements.

18 CFR Part 273

Natural gas, Price controls, Reporting and recordkeeping requirements.

18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

18 CFR Part 381

Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Parts 154, 270, 273, 375, and 381 of Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 154—RATE SCHEDULES AND TARIFFS

1. The authority citation for Part 154 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w (1982); Department of Energy Organization Act, 42 U.S.C. 7102-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriations Act, 31 U.S.C. 9701 (1970), unless otherwise noted.

2. The Table of Contents is amended by adding §§ 154.301 through 154.310 under the heading *"Purchased Gas Adjustment Clauses"* to read as follows:

* * * * *

Purchased Gas Adjustment Clauses

Sec.

154.301 Applicability.
154.302 Definitions.
154.303 Election of a PGA clause.
I54.304 Scheduled annual and quarterly PGA filings.
154.305 Annual PGA filing.
154.306 Assessment of past performance.
154.307 [Reserved]
154.308 Quarterly PGA filing.
I54.309 Interim adjustment filings.
154.310 Transition rules.

3. Section 154.28 is revised to read as follows:

§ 154.28 Form of notice for Federal Register.

The company must file a form of notice suitable for publication in the Federal Register which must be in the following form:

[108] Fees Applicable to Natural Gas Pipeline Rate Matters, (Order No. 361) 49 FR 5083 (February 10, 1984), FERC Stats. and Regs. 1982-1985 Regulations Preambles, ¶ 30,543 (1984).

[109] 5 U.S.C. 601(3) citing section 3 of the Small Business Act, 15 U.S.C. 632 (1982). Section 3 of the Small Business Act defines "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation. *See also*, SBA's revised Small Business Size Standards, 49 FR 5024 (Feb. 9, 1984) (to be codified at 13 CFR Part 121).

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

(Name of Company)
Docket No.

Notice of Proposed Changes in FERC Gas Tariff

Take notice that (name of company), on (date), tendered for filing proposed changes in its FERC Gas Tariff, Volume No. (number). [The following language in the first paragraph applies only to rate increase filings.] The proposed changes would increase revenues from jurisdictional sales and service by (dollar amount) based on the 12-month period ending (date), as adjusted. [For proposed changes other than increased rates and charges, the company must state concisely the nature of these changes.]

[The company must briefly describe the reasons for the proposed changes in the second paragraph.]

Copies of the filing were served upon the company's jurisdictional customers (and other parties the company served, *inter alia*, state regulatory commissions, other government agencies, etc.).

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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before_____. 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 in the Public Reference Room.

4. In § 154.38, paragraph (d)(4) is revised to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) * * *

(4) *Refunds.* If a pipeline does not elect to recover its gas costs under the PGA filing procedures in §§ 154.301 through 154.310, and holds supplier refunds for more than 30 days, the jurisdictional portion of supplier refunds (including interest received), applicable to periods in which a PGA clause was in effect, must be flowed through to the pipeline's jurisdictional customers with interest. The reporting requirements for refunds accomplished through billing adjustments are set forth in §§ 270.101(f) and 273.302(f) of this chapter. An interstate pipeline, that does not make a PGA filing under §§ 154.301 through 154.310, but has recovered refunds through billing adjustments pursuant to §§ 270.101(e) or 273.302 of this chapter during a calendar year, must file a refund report for that year by the following March 1 which sets forth all the information required by §§ 270.101(f) and 273.302(f)(2)(i) of this chapter. Any requirement for the serving and filing of other reports showing details of the computations of any such refunds, must be either as agreed in settlement discussions held among the pipeline, jurisdictional customers, interested state commissions, other interested parties, and the Commission staff, or as prescribed by Commission order.

* * * * *

§ 154.38 [Amended]

5. Section 154.38(h) is removed.

6. In § 154.42, paraqraph (e)(2) is revised to read as follows:

§ 154.42 Pricing of gas produced on or after December 1, 1978, by pipelines and pipeline affiliates.

* * * * *

(e) * * *

(2) *Pipeline rate proceeding.* The term "pipeline rate proceeding" includes a proceeding under §§ 154.305, 154.308, and 154.309.

7. In § 154.52, paragraph (c) is revised to read as follows:

§ 154.52 Exception to form and composition of tariff.

* * * * *

(c) Purchased gas cost tracking under special operating arrangements filed pursuant to this section must conform to the requirements set forth in §§ 154.301 through 154.310.

§ 154.63 [Amended]

8. In § 154.63, paragraphs (b)(3) and (b)(4), and (f) *Statement H(1)–2* are revised by removing the reference to "§ 154.38(d)(4)" and inserting in its place "§ 154.303."

9. In § 154.206, paragraph (b)(1)(i) is revised to read as follows:

§ 154.206 Filing to recover ANGTS charges incurred prior to delivery of Alaska natural gas.

* * * * *

(b) *Terms and conditions.* (1) * * *

(i) It may file any such adjustment at the same time it files its annual purchased gas adjustment pursuant to § 154.305 and its quarterly purchased gas adjustment which becomes effective 6 months from the effective date of the annual purchased gas adjustment pursuant to § 154.308. By so doing the shippers will file to recover ANGTS charges on a semi-annual basis; or

* * * * *

10. In § 154.208, paragraph (b)(1) is revised to read as follows:

§ 154.208 Filing to track changes in ANGTS charges.

* * * * *

(b) * * *

(1) It may coincide the proposed effective date of such rate adjustments with the proposed effective date of the shipper's rate adjustments for changes in purchased gas costs ("PGA") pursuant to § 154.305 or § 154.308 as designated in § 154.206(b)(1)(i); or

* * * * *

§ 154.209 [Amended]

11. In § 154.209, paragraph (a)(2) is amended by removing the reference to "§ 154.38(d)(4)(iv)" and inserting in its place "§ 154.310."

§ 154.212 [Amended]

12. Section 154.212 is amended by removing the reference to "§ 154.38(d)(4)" and inserting in its place "§§ 154.301 through 154.310."

13. Sections 154.301 through 154.310 under the heading "Purchased Gas Adjustment Clauses" are added to read as follows:

Purchased Gas Adjustment Clauses

§ 154.301 Applicability.

(a) *Scope.* These sections establish procedures for an interstate natural gas pipeline to recover the changes in the cost of purchased natural gas through a purchased gas adjustment (PGA) clause instead of in a general rate proceeding pursuant to section 4 of the Natural Gas Act and § 154.63.

(b) *Cross reference.* The procedures for recovering purchased gas costs in a general rate proceeding under section 4 of the Natural Gas Act are set forth in § 154.63.

§ 154.302 Definitions.

For purposes of §§ 154.301 through 154.310:

(a) "Pipeline" means an interstate natural gas pipeline company subject to the Commission's jurisdiction under section 1 of the Natural Gas Act.

(b) "As-billed" means a method by which a pipeline charges its customers the costs of gas in the same manner it is billed by its pipeline suppliers.

(c) "Base tariff rate" is the rate level determined at the time a pipeline adopts a PGA clause, in a general rate case under § 154.63, under section 5 of the Natural Gas Act, or in a proceeding under § 154.303(e).

(d) "Effective rate" means the rate a pipeline charges, including adjustments, as provided for in the pipeline's FERC Gas Tariff, as accepted or approved by the Commission.

(e) "Base cost of gas" means the component in the base tariff rate that represents the average cost of purchased gas.

(f) "Concurrent exchange transaction" means a transfer of equal quantities of natural gas between two parties that is intended under a written agreement to occur at the same time.

(g) "Nonconcurrent exchange transactions" means a transfer of equal quantities of natural gas between two parties that is intended under a written agreement to occur at different times.

(h) "Exchange-in" means the quantities of natural gas a pipeline receives during a month:

(1) As part of concurrent and nonconcurrent exchange transactions, and

(2) In excess of the quantities of natural gas it delivers under transportation agreements authorized under Parts 157 and 284 of this chapter.

(i) "Exchange-out" means the quantities of natural gas a pipeline delivers during a month:

(1) As part of concurrent and nonconcurrent exchange transactions, and

(2) In excess of the quantities of natural gas it receives under transportation agreements authorized under Parts 157 and 284 of this chapter.

(j) "Purchased gas cost" means the cost of natural gas purchased by a pipeline. These costs, adjusted to reflect net injections to or withdrawals from storage, include:

(1) Wellhead purchases from producers in gas fields or production areas where only the pipeline's facilities are used to bring the gas from the wellhead into the pipeline's natural gas system;

(2) Wellhead intracompany transfers of gas supplied by a pipeline's production division when the price of the gas is not determined by a cost-of-service proceeding;

(3) If the facilities of the vendor or others are used to bring the gas from the wellhead to the point of entry into the pipeline's natural gas system, field line purchases in gas fields or production areas at points along gathering lines and at points along the pipeline's transmission lines within field or production areas, excluding purchases at outlets of gasoline plants;

(4) Natural gas gasoline plant purchases at the outlet side of a vendor's natural gas products extraction plant;

(5) Natural gas transmission line purchases at points along the pipeline's transmission lines not within gas fields or production areas, excluding purchases at the outlets of product extraction plants;

(6) Pipeline or affiliate production that qualifies under § 154.42;

(7) The cost of nonconcurrent exchange transactions when authorized under a written agreement;

(8) Taxes under § 271.1102 of this chapter;

(9) Costs under § 271.1104 of this chapter;

(10) Unpaid accruals, as defined in paragraph (r) of this section; and

(11) Any other costs of natural gas purchased by a pipeline and approved by the Commission.

(k) "Purchased gas adjustment (PGA) clause" means a statement filed in a pipeline's tariff that explains how the pipeline will implement the requirements of this section.

(l) "PGA effective period" means the time period during which a current adjustment is or will be in effect.

(m) "Unit-of-purchase methodology" means, for purposes of a current adjustment, a method for computing a pipeline's average projected purchased gas costs derived by dividing the pipeline's total projected purchased gas costs the pipeline anticipates purchasing during the PGA effective period by the quantities of gas used to compute its total projected purchased gas costs, as detailed in § 154.305.

(n) "Unit-of-sales methodology" means, for purposes of a current adjustment, a method for computing a pipeline's average projected purchased gas costs derived by dividing the pipeline's total projected purchased gas costs the pipeline anticipates purchasing during the PGA effective period by the quantities of gas the pipeline anticipates selling during the PGA effective period.

(o) "Current adjustment" means a rate component in a pipeline's tariff, determined by applying either the unit-of-purchase or unit-of-sales methodology, used to reflect the difference between:

(1) The current weighted average projected purchased gas costs, and

(2) The weighted average projected purchased gas costs reflected in the effective period of the previous scheduled PGA.

(p) "Deferral period" means a period of 12 months ending four months before the effective date of a pipeline's annual PGA filing.

(q) "Surcharge rate amortization period" means the time period approved by the Commission during which a surcharge rate, determined under § 154.305, is charged by a pipeline.

(r) "Unpaid accrual" means an expense for services rendered or property delivered to the pipeline for which the pipeline has a legally enforceable obligation to pay which the pipeline has not paid within its billing and payment cycle, provided that the billing and payment cycle does not exceed 60 days from the end of the month in which the services were rendered or property was delivered.

(s) "Rolling weighted average inventory costing methodology" means a method of pricing gas inventory in which injections are priced at the month's jurisdictional system cost of purchased gas and withdrawals are priced by dividing the total purchase cost of the gas in storage by the quantity of gas in storage.

§ 154.303 Election of a PGA clause.

(a) *General rule.* Subject to § 154.310, a pipeline may elect to recover changes in its purchased gas costs either by:

(1) Filing a request for a change in its rate level under § 154.63, or

(2) Complying with the election procedures in paragraph (b) of this section.

(b) *Procedure for election.* For purposes of this paragraph, "election period" means a three-year calendar period commencing on January 1 of every third year. The first election after that described in paragraph (b)(1) of this section is January 1, 1991.

(1) The first election commences on June 1, 1988.

(2) A pipeline with a PGA clause in its tariff on May 1, 1988, will be considered to have elected to recover its changes in purchased gas costs through the PGA clause unless the pipeline notifies the Commission by May 1, 1988, that it has elected not to recover any changes in purchased gas costs through a PGA clause.

(3) A pipeline that elects to discontinue recovering for changes in purchased gas costs through its PGA clause must file revised tariffs sheets eliminating the PGA clause from its tariff by May 1, 1988, to be effective on June 1, 1988. Waiver of the notice requirements of § 154.22 will be granted to permit the conforming tariff sheets to become effective on June 1, 1988.

(4) A pipeline that elects the PGA clause option in the first election period may terminate its PGA clause effective

as of the next election period by filing revised tariff sheets eliminating the PGA clause on or before December 1 preceding a new election period, to be effective on the first January 1 of the new election period.

(5) If a pipeline with a PGA clause in its tariff does not make a filing to terminate the PGA clause on or before December 1 preceding a new election period, the pipeline will be considered to have elected to recover changes in its purchased gas costs through the PGA clause during the new election period.

(6) A pipeline that elects the non-PGA option for an election period may file revised tariff sheets implementing the PGA clause option for the next election period. A pipeline that makes such an election must file revised tariff sheets to implement the PGA clause option on or before December 1 preceding a new election period to make the PGA clause effective on the first January 1 of that election period.

(7) A pipeline that elects to recover its changes in purchased gas costs through the PGA clause must not change its election or file tariff sheets eliminating its PGA clause from its tariff during the election period.

(c) *PGA clause option.* Subject to paragraph (e) of this section, a pipeline that elects the PGA clause option for the first election period, beginning on June 1, 1988, must not include any change in purchased gas costs in a Natural Gas Act section 4 rate filing made under § 154.63 which is filed on or after May 1, 1988.

(1) Subject to paragraph (c)(5) and paragraph (e) of this section, during any period in which a pipeline elects the PGA clause option, the pipeline must file for changes in purchased gas costs through its PGA clause and not through a Natural Gas Act section 4 rate filing under § 154.63.

(2) If a pipeline elects to recover changes in its purchased gas costs through filings made under a PGA clause, it must file tariff sheets containing a PGA clause, to be approved by the Commission, that:

(i) Detail the computation of all the adjustments to the pipeline's base tariff rates as permitted by §§ 154.305, 154.308, and 154.309;

(ii) Indicate whether the pipeline has elected either the unit-of-purchase methodology or the unit-of-sales methodology, and state that it will consistently use the same methodology elected for computing the current adjustment and for determining the monthly deferrals to Account No. 191;

(iii) State that the pipeline will apply to the adjustments permitted by §§ 154.305, 154.308, and 154.309, only the portion of the changes in its purchased gas costs that are allocated to the pipeline's jurisdictional sales

(iv) Describe how the pipeline will refund amounts described in § 154.305(i); and

(v) Adopt all other terms and conditions specified in this part.

(3) A pipeline must normalize all income tax timing differences which are the result of differences between the period in which expense or revenue enters into the determination of taxable income and the period in which the expense or revenue enters into the determination of pre-tax book income.

(4) A PGA clause filed with the Commission will become effective only after the Commission issues an order accepting the PGA clause for filing.

(5) A pipeline may request a waiver from the Commission of the PGA election requirements of this section if the pipeline demonstrates:

(i) That it is unable to arrange for financing of the balances accrued in Account No. 191, or

(ii) That it is unable to earn its overall rate of return last allowed by the Commission because of the magnitude of the balance in Account No. 191 and a significant difference exists between the costs of financing the Account No. 191 balances and the carrying charges permitted under § 154.305(h).

(d) *Non-PGA clause option.* During an election for which a pipeline has elected the non-PGA clause option, the pipeline may only recover for changes in purchased gas costs by filing a Natural Gas Act section 4 rate filing pursuant to § 154.63. The pipeline must not file tariff sheets to include a PGA clause in its tariff during the three-year election period.

(e) *Three-year filing requirement to establish new base tariff rate.* (1) *General requirement.* At least 30 days before the expiration of 36 months after the effective date of any previously approved base tariff rate(s), a pipeline must file a tariff sheet(s) restating its rates to establish new base tariff rates(s) containing the following information:

(i) A pipeline must state its agreement that this filing will automatically be subject to refund until an agreement is reached or a Commission determination is made establishing new base tariff rate(s); and

(ii) With the tariff sheet(s) the pipeline must file a study in the form and with the content prescribed by § 154.63, except Statements O and P, to support the new base tariff rate(s).

(A) If the pipeline has a Natural Gas Act section 5(a) case pending a final Commission order, or has made a Natural Gas Act section 4 rate filing under § 154.63 for which the proposed rates would not become effective before termination of the 36-month period, a study from that proceeding may utilized.

(B) This study must be based upon actual costs for the 12 months of most recently available experience, provided that the 12-month period used ends not more than 4 months before the expiration of the 36-month period. Annualization for changes which actually occurred in the 12-month period is permitted.

(C) This study must be served on a pipeline's jurisdictional customers and interested state commissions concurrently with the pipeline's filing with the Commission.

(2) *Effect of a filing under § 154.63.* If a Natural Gas Act section 4 rate change proceeding under § 154.63 is filed before the expiration of the 36-month period, a new 36-month period will begin when the rates proposed in the § 154.63 filing go into effect. Rates determined by the Commission in a general Natural Gas Act section 4 rate proceeding pursuant to § 154.63, or section 5(a) of the Natural Gas Act, or rates in a settlement agreement approved by the Commission will establish the new base tariff rates when they become effective pursuant to a Commission order, and a new 36-month period will start.

(3) *Restatement of new base tariff rate.* If, either as a result of a Commission approved agreement among a pipeline, its jurisdictional customers, interested state commissions, and the Commission staff, or, as a result of a Commission determination after a hearing, it is found, based on the cost study prescribed in paragraph (e)(1)(ii) of this section, that the jurisdictional cost-of-service is less than jurisdictional revenues collected for the same 12-month period used in the cost study, as adjusted, a pipeline must:

(i) Restate its base tariff rate(s);

(ii) File with the Commission a revised tariff sheet(s) reflecting a reduction in its jurisdictional rates by an amount equal to the excess revenues agreed upon or determined; and

(iii) Refund to its jurisdictional customers any excess amounts collected subject to refund to the date of billing under the revised tariff sheet(s), with interest to that date.

(A) This refund obligation will be limited to the amount collected in excess of the prior or suspended base tariff rate.

(B) The rate reduction, if any, below the old base tariff rate(s) is to be prospective from the date of the

Commission's order determining the new base tariff rate(s).

§ 154.304 Scheduled annual and quarterly PGA filings.

(a) *General rule.* A pipeline that elects a PGA clause pursuant to § 154.303(b) must file under the schedule specified in paragraph (c) of this section:

(1) An annual PGA filing described in § 154.305 that contains both a current adjustment to reflect any changes in the pipeline's purchased gas costs since the pipeline's last scheduled quarterly PGA filing and a surcharge rate adjustment to clear any ending balance(s) in the current deferral subaccount(s) of Account No. 191; and

(2) Three quarterly PGA filings described in § 154.308 that contain current adjustments to track any changes in the pipeline's purchased gas costs since the pipeline's last scheduled PGA filing.

(b) *Exception to rate change filing requirement.* Except for the surcharge rate adjustment described in § 154.305(d), a pipeline may reflect a purchased gas adjustment in its rates only if the adjustment represents a dollar amount equal to at least 1 mill ($0.001) per MMBtu of jurisdictional sales.

(c) *Effective dates.* A pipeline must file its annual and quarterly PGA filings with the Commission to be effective as follows:

Annual Date: January 1

[Quarterly Dates: April 1, July 1, October 1]

Alabama-Tennessee Natural Gas Company
Granite State Gas Transmission, Inc.
East Tennessee Natural Gas Company
Northern Natural Gas Company
Sea Robin Pipeline Company
Tennessee Gas Pipeline Company

Annual Date: February 1

[Quarterly Dates: May 1, August 1, November 1]

Lawrenceburg Gas Transmission Corporation
National Fuel Gas Supply Corporation
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation

Annual Date: March 1

[Quarterly Dates: June 1, September 1, December 1]

Algonquin Gas Transmission Company
Natural Gas Pipeline Company of America
North Penn Gas Company
Panhandle Eastern Pipe Line Company

Annual Date: April 1

[Quarterly Dates: July 1, October 1, January 1]

Arkla Energy Resources, A Division of Arkla, Inc.
Commercial Pipeline Company, Inc.
Midwestern Gas Transmission Company, Southern Division
Northwest Pipeline Corporation
Southern Natural Gas Company

Annual Date: May 1

[Quarterly Dates: August 1, November 1, February 1]

ANR Pipeline Company
Columbia Gas Transmission Corporation
Florida Gas Transmission Company
Kentucky-West Virginia Gas Company
MIGC, Inc.
Williams Natural Gas Company

Annual Date: June 1

[Quarterly Dates: September 1, December 1, March 1]

Consolidated Gas Transmission Corporation
Mississippi River Transmission Corporation
Mountain Fuel Resources, Inc.
Pacific Interstate Transmission Company
Valero Interstate Transmission Company

Annual Date: July 1

[Quarterly Dates: October 1, January 1, April 1]

Distrigas of Massachusetts Corporation
El Paso Natural Gas Company
Gas Gathering Corporation
South Georgia Natural Gas Company
Transwestern Pipeline Company

Annual Date: August 1

[Quarterly Dates: November 1, February 1, May 1]

Bayou Interstate Pipeline System
Transcontinental Gas Pipe Line Company
Western Gas Interstate Company
Williston Basin Interstate Pipeline Company

Annual Date: September 1

[Quarterly Dates: December 1, March 1, June 1]

Carnegie Natural Gas Company
Equitable Gas Company
Locust Ridge Gas Company
Mid Louisiana Gas Company
Trunkline Gas Company

Annual Date: October 1

[Quarterly Dates: January 1, April 1, July 1]

Colorado Interstate Gas Company
Raton Gas Transmission Company
Reliance Pipeline Company
Southwest Gas Corporation
United Gas Pipeline Company
West Texas Gas, Inc.

Annual Date: November 1

[Quarterly Dates: February 1, May 1, August 1]

Eastern Shore Natural Gas Company
Great Lakes Gas Transmission Company
Inter-City Minnesota Pipeline, Ltd., Inc.
Texas Gas Pipe Line Corporation
Valley Gas Transmission, Inc.
Midwestern Gas Transmission Company, Northern Division

Annual Date: December 1

[Quarterly Dates: March 1, June 1, September 1]

KN Energy, Incorporated
Louisiana-Nevada Transit Company
Western Transmission Corporation

§ 154.305 Annual PGA filing.

(a) *Filing requirements.* The annual filing must be filed with the Commission and posted pursuant to § 154.16 at least 60 days before a pipeline's proposed annual effective date, as established under § 154.304(c). At the same time, the pipeline must serve its jurisdictional customers and interested state commissions with a copy of the filing. The copy of the filing served on the jurisdictional customers and interested state commissions must be in the hard copy format set forth in Exhibit C of the FERC Form No. 542–PGA unless otherwise agreed to by the jurisdictional customers and interested state commissions. The notice of an annual PGA filing given under § 385.210 of this chapter will provide 20 days for the filing of interventions and protests. The filing must contain:

(1) Tariff sheets that conform to both the format specified in § 154.33(d) and the following format:

NOTICE OF PURCHASED GAS COST ADJUSTMENT RATE CHANGE

Rate schedule	Base tariff rate [1]	Current adjustment	Cumulative adjustment	Surcharge adjustment	GRI adjustment	Other adjustment	Total

Estimated average cost of gas in last scheduled PGA: $X.XX Current estimated average cost of gas in latest PGA (rate currently being charged): $X.XX

[1] The base tariff rate is the effective rate on file with the Commission, excluding adjustments approved by the Commission.

(2) A report containing detailed computations which clearly show the derivation of the current adjustment and a surcharge rate to be applied to a pipeline's effective rates.

(i) The format in which this report must be submitted and the information that the report must contain are set forth in FERC Form No. 542–PGA, Purchased Gas Adjustment (PGA) Filing, available at the Energy Information Administration (EIA), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

(ii) All data or summaries in the filing reflecting the books of account must be supported by accounting working papers, including reconciling schedules which may be verified easily. All statements, schedules, and working papers must be prepared in accordance with the classifications provided in the Uniform System of Accounts in Part 201 of this chapter. Upon request by the Commission staff, a pipeline must make available all working papers for staff examination. All working papers must be indexed and cross-referenced to the filing.

(3) A report containing statements about the pipeline's purchasing patterns. The report will consist of:

(i) A statement outlining the purchasing policies that gave rise to the annual and quarterly projections in Schedule Al of FERC Form No. 542–PGA;

(ii) A statement about the underlying basis for the annual purchases reflected in the annual PGA filing; and

(4) Any changes to an intracompany operating statement for all gas produced by a pipeline, as defined in § 270.203(b) of this chapter, on file with the Commission.

(b) *Treatment of change in cost of gas from various types of suppliers.* A pipeline must apply changes in the cost of purchased gas to its base tariff rates in the following manner:

(1) Producer rate changes must be applied to the commodity component of a pipeline's two-part rates or to the volumetric rates of a pipeline's one-part rates.

(2) Pipeline supplier rate changes must be applied as billed to a pipeline's two-part rates or applied to a pipeline's volumetric rates in a manner which maintains the pipeline's one-part rate design.

(3) Imported natural gas rate changes must be applied to a pipeline's rates in the following manner:

(i) Production costs, gathering costs, and carrying charges associated with take-or-pay payments must be applied to the commodity component of a pipeline's two-part rates or to the volumetric rates of a pipeline's one-part rates.

(ii) Fixed transmission costs must be classified as demand costs and commodity costs using a cost classification methodology approved by the Commission with respect to the subject costs.

(iii) Volumetric charges must be applied to the commodity component of a pipeline's two-part rates or to the volumetric rates of a pipeline's one-part rates.

(c) *Determining the current adjustment*—(1) *Method for projecting cost of purchased gas.* A pipeline must project its purchased gas costs based on:

(i) The best estimate of the quantities of natural gas a pipeline expects to purchase and to receive in nonconcurrent exchange transactions during the three months beginning on the effective date of the PGA;

(ii) Known and measurable changes in the rate, for all but pipeline supplier rates, based on contractual obligations which are in existence on the date the PGA is filed. The rate to be used for pipeline supply will be the rate in effect as of the effective date of the PGA for each projected purchase. The rate for producer supply may be adjusted, if applicable, by the monthly ceiling price escalations allowed under the Natural Gas Policy Act of 1978; and

(iii) The best estimate of quantity and cost adjustments for storage injections and withdrawals.

(2) *Limitation on projecting cost of purchased gas.* A pipeline may only project its purchased gas costs based on gas supply attached to its system as of the effective date of the PGA.

(3) *Estimated sales quantities.* If a pipeline uses the unit-of-sales methodology, the pipeline's estimated sales volumes will be the pipeline's best estimate of the volumes of natural gas the pipeline expects to sell during the three months beginning on the effective date of the PGA.

(d) *Computing the surcharge rate.* A pipeline must compute a surcharge rate to amortize a surcharge balance determined under paragraph (e) of this section. To compute a surcharge rate, the surcharge balance must be divided by the pipeline's estimated sales volumes for the 12 month period beginning on the annual PGA effective date. The resulting surcharge rate will be in effect for the 12-month period beginning on the annual PGA effective date.

(e) *Surcharge balance.* Subject to the conditions in paragraph (f) of this section and §§ 154.306 and 154.307, the balance for determining the surcharge includes:

(1) The balance accumulated in the current deferral subaccount of Account No. 191 during the deferral period, as determined in paragraph (g) of this section; and

(2) Any other costs the Commission allows a pipeline to include in the surcharge balance.

(f) Unpaid accrual restrictions. (1) In each annual PGA filing, a pipeline must include a listing of each unpaid accrual of purchased gas costs which remains unpaid for three or more years from the month the cost was originally recognized in the pipeline's books and records. The pipeline must include a specific description of the circumstances which resulted in each unpaid accrual listed. The pipeline must obtain the Commission's approval to continue the recognition of the unpaid accruals as a purchased gas cost.

(2) If the Commission does not approve the continued recognition of any unpaid accruals described in paragraph (f)(1) of this section as purchased gas costs, the amounts must be credited to the refund subaccount of Account No. 191 as specified by the Commission order.

(g) *Balances in the current deferral subaccount in Account No. 191.* The accumulated subaccount balances of Account No. 191 may include:

(1) Monthly deferrals of under- or overrecovered gas costs computed under paragraphs (g)(1)(i) or (g)(1)(ii), as applicable.

(i) If the unit-of-purchase methodology is adopted, monthly deferrals are the sum of the amounts determined by multiplying the difference between X and Y by Z where:

X=The applicable effective base cost of gas rate plus the cumulative current adjustment rate in effect;

Y=The actual monthly unit cost of gas purchased; and

Z=The monthly quantity of gas purchased and prorated to the current adjustment rate in effect during the month.

The actual unit cost of gas purchased is derived by dividing the sum of the total actual monthly cost of gas purchased determined in paragraph (g)(1)(iii) of this section and the adjustments determined in paragraph (g)(2) of this section, by the related purchase volumes.

(ii) If the unit-of-sales methodology is adopted, the monthly deferrals are the amounts determined by taking the difference between A and B where:

A=The total actual monthly cost of gas purchased as determined under paragraph (g)(1)(iii) of this section, and

B=The projected unit cost of purchased gas determined under paragraph (c) of this section that is recovered through the base cost of gas rate plus the cumulative current

adjustment rate, multiplied by the actual quantities of gas sold under each current adjustment rate in effect during the month.

(iii) The actual cost of gas purchased used to calculate the monthly deferrals of under- or overrecovered purchased gas costs are the purchased gas costs, as defined in § 154.302(j), as adjusted for exchange transactions and transportation imbalances under paragraph (j) of this section. The actual cost of gas purchased under this paragraph must be attributable to gas quantities purchased and received in a month, that are paid for, or are for amounts known within 60 days of the end of the month in which the purchases were made and received that have not yet been paid.

(2) Adjustments to a prior month's actual cost of gas purchased as determined under paragraph (g) of this section.

(3) Adjustments to a prior month's revenue due to a revision to that prior month's sales level if a unit-of-sales methodology is adopted.

(4) Transfers of any unamortized amounts remaining in a deferral subaccount of Account No. 191 after the related surcharge amortization period has expired.

(5) Carrying charges, determined pursuant to paragraph (h) of this section and

(6) Transfers of any amounts remaining in a refund subaccount determined under paragraph (i) of this section, to be amortized as part of the surcharge balance.

(h) *Carrying charges*—(1) *General rule.* A pipeline must compute carrying charges on the Account No. 191 balance. After computing carrying charges, the pipeline must:

(i) Compound carrying charges on a calendar quarter basis, as specified in § 154.67(c)(2)(iii)(B); and

(ii) Debit carrying charges to Account No. 191 if the carrying charge base, specified in paragraph (h)(3) of this section, is a debit (positive), and credit carrying charges to Account No. 191 if the carrying charge base, specified in paragraph (h)(3) of this section is a credit (negative).

(2) *Method.* To compute carrying charges, a pipeline must multiply the carrying charge rate specified in paragraph (h)(4) of this section by the appropriate carrying charge base specified in paragraph (h)(3) of this section.

(3) *Carrying charge base.* (i) The carrying charge base for the refund, revenue credits, and billing adjustments subaccount will be the prior month's ending refund, revenue credit, and billing adjustment subaccount balance of Account No. 191 adjusted for any applicable deferred income taxes recorded consistent with § 154.303(c)(3).

(ii) The carrying charge base for any other subaccounts of Account No. 191 will be the prior month's ending subaccounts' balances:

(A) Reduced for unpaid accruals;

(B) Adjusted for any applicable deferred income taxes as recorded in either Account No. 283, or Account No. 190 consistent with § 154.303(c)(3);

(C) Increased or decreased for exchange transactions and transportation imbalances cost adjustments, determined in paragraph (j) of this section; and

(D) Adjusted for the difference, if any, between the rate used for storage gas, and the rate that would be effective for storage gas if a rolling weighted average inventory costing methodology had been used.

(4) *Carrying charge rate.* A pipeline must compute a monthly carrying charge rate for carrying charges by:

(i) Stating on an annual basis the applicable calendar quarterly rate prescribed in § 154.67(c)(2)(iii)(A);

(ii) Dividing the annual rate by 365 or 366, if a leap year, to compute a daily interest rate, expressed to the nearest one-onehundredth of one percent; and

(iii) Multiplying the daily interest rate by the number of days in the applicable month, to compute a monthly rate, expressed to the nearest one-onehundredth of one percent.

(i) *Refunds*—(1) *General rule.* A pipeline that elects a PGA clause under § 154.303 must return to its jurisdictional customers the jurisdictional portion, as determined under the pipeline's FERC gas tariff, of all refunds or revenue credits, including billing adjustments under §§ 270.101(e) and 273.302 of this chapter, and of all interest computed on these amounts received from its suppliers for the pipeline's purchases of natural gas. The pipeline must return these amounts to its jurisdictional customers by:

(i) Crediting to a separately identified refund subaccount of Account No. 191 the jurisdictional portion of all refunds, revenue credits, the related interest received, and carrying charges computed under paragraph (h) of this section during a deferral period;

(ii) Disbursing to its jurisdictional customers in cash the total amount credited to the refund subaccount when the total refund subaccount balance equals or exceeds an amount which is the lesser of:

(A) $2 million, or

(B) 1 cent per MMBtu, determined by dividing X by Y where:

X=The monthly ending refund balance, and

Y=The quantity of a pipeline's most recent 12 months of actual jurisdictional sales.

(iii) The disbursement must be made by the pipeline within 30 days of the end of the month in which receipt of the refund or revenue credit which causes the refund subaccount balance to reach the level stated in paragraph (1)(ii)(A) or (1)(ii)(B) of this section.

(2) *Disbursement calculation*—(i) *Commodity disbursement.* For those portions of a refund based on commodity rates, the pipeline must determine each jurisdictional customer's share of the cash disbursement by taking the ratio of that customer's purchases from the pipeline for the 12 month period ending three months prior to the month in which the level in paragraphs (1)(ii)(A) or (1)(ii)(B) of this section is attained, to the pipeline's jurisdictional sales for the same 12-month period and multiplying the ratio by the total amount to be disbursed.

(ii) *Demand disbursement.* For pipelines with separate demand and commodity rates, the portions of a refund based on demand rates, unless otherwise ordered by the Commission, must be disbursed on an as-billed basis. The distribution must be based on the demand billing determinants of each customer established during the overcharge period. The refunds attributable to demand rates must be distributed in cash at the time the level in paragraphs (1)(ii)(A) or (1)(ii)(B) of this section is reached and at the end of the deferral period, if necessary.

(3) *Debiting refund subaccount.* For any amounts disbursed in cash, the pipeline must debit the refund subaccount of Account No. 191. If there is a balance of refunds, revenue credits, and associated carrying charges remaining in the refund subaccount at the end of a deferral period, the pipeline must either:

(i) Disburse the amounts in cash in the manner described in paragraphs (h)(1) and (h)(2) of this section, or

(ii) Transfer the amounts to the current deferral subaccount balance to be amortized as part of the surcharge balance determined under paragraphs (e) and (g) of this section.

(4) *Refund report.* When a pipeline files its annual PGA filing, the pipeline must also file a report with the Commission showing all computations of the refunds, revenue credits, and associated carrying charges disbursed in cash during the applicable deferral period.

(j) *Exchange transactions and transportation imbalances*—(1) *General rule.* If a pipeline elects a unit-of-sales methodology, it must assign a cost to its

exchange transactions and transportation imbalances by:

(i) Adjusting the purchased quantities for each month of a deferral period by adding the exchange-in quantities for the month and subtracting the exchange-out quantities for the month; and

(ii) Adjusting the purchased gas costs for each month of a deferral period by adding the costs assigned to the month's exchange-in quantities and subtracting the costs assigned to the month's exchange-out quantities.

(2) *Assigning costs.* For purposes of assigning costs to the monthly exchange-in or exchange-out quantities, a pipeline must use the weighted average cost of gas (WACOG) for the monthly cost of gas purchased, as that term is defined in § 154.302(j), exclusive of gas costs described in § 154.302(j) (7) and (11), and adjustments for withdrawals from and injections into storage.

(3) *Adjustment.* The pipeline must use the first exchange-out quantities or exchange-in quantities of the current month to offset any net exchange imbalance that occurred in a prior month. If the cumulative imbalance at the end of the month was a net exchange-in, the pipeline must balance the net exchange-in with the first exchange-out quantities given by the pipeline. If the cumulative imbalance at the end of the month was a net exchange-out, the pipeline must balance the net exchange-out with the first exchange-in quantities received by the pipeline. The rate for valuing the current month's balancing quantities will be equal to the WACOG of the prior month. If the pipeline is unable to offset the prior month's exchange imbalances with a current month's exchange quantities, it must carry the imbalance forward through the deferral period until balancing occurs. Until balancing is achieved, the rate for valuing each month's balancing quantities will be the WACOG of the month when the imbalance occurred. The pipeline must assign the current month's WACOG to any quantities not used to offset a prior month's exchange imbalance.

§ 154.306 Assessment of past performance.

(a) *General rule.* (1) Prior Commission approval is required before a pipeline may recover through a surcharge (surcharge recovery) its actual purchased gas costs (determined in paragraph (d) of this section) that exceed its computed projected purchased gas costs (determined in paragraph (e) of this section) for each test interval (described in paragraph (b) of this section) by three percent.

(2) A pipeline determines the amount of gas costs which requires specific Commission approval for surcharge recovery under paragraph (c) of this section.

(3) If the Commission denies a pipeline recovery of any underrecovered purchased gas costs as a result of this section, then the amounts denied recovery must be credited to Account No. 191 and charged to Account No. 426.5, "Other Deductions" of the Uniform System of Accounts in Part 201 of this chapter.

(b) *Test intervals.* The pipeline must divide the deferral period into four test intervals. The first test interval is the first four months of the deferral period. The second test interval is the three months following the first interval. The third interval is the three months following the second interval. The fourth interval is the remaining two months of the deferral period.

(c) *Gas costs requiring specific approval for surcharge recovery.* The amount of gas cost which requires specific approval by the Commission for surcharge recovery is the difference obtained by subtracting X from Y, if greater than zero, where:

X=The actual cost of gas purchased in a test interval determined in paragraph (d) of this section; and

Y=The test amount determined by multiplying the computed projected gas costs determined in paragraph (e) of this section, by 1.03.

(d) *Actual cost of gas purchased.* The actual cost of gas purchased is the monthly amounts determined in § 154.305(g)(1) for the gas purchased in the test interval:

(1) Less adjustments for exchange transactions and transportation imbalances; and

(2) Including only the gas cost components that were used to compute the projected average cost of gas that is compared in a test interval.

(e) *Computed projected cost of gas.* A pipeline must calculate its computed projected gas costs by multiplying:

(1) The quantities of natural gas purchased and/or received during a PGA effective period within a test interval by

(2) A projected average rate derived by dividing the projected purchased cost of gas used to calculate a current adjustment for a PGA effective period by the related quantities of natural gas the pipeline projects to purchase during a PGA effective period.

§ 154.307 [Reserved]

§ 154.308 Quarterly PGA filing.

(a) *Filing requirements.* The quarterly filing must be filed with the Commission and posted under § 154.16 at least 30 days before a pipeline's proposed quarterly effective date, established under § 154.304(c). At the same time, the pipeline must serve its jurisdictional customers and interested state commissions with a copy of the quarterly filing. The copy of the filing served on the jurisdictional customers and interested state commissions must be in the hardcopy format set forth in Exhibit C of the FERC Form No. 542-PGA, unless otherwise agreed to by the jurisdictional customers and interested state commissions.

(b) *Contents of the filing.* The pipeline must file:

(1) Tariff sheets that conform to both the format specified in § 154.33(d) of this chapter and the following format:

NOTICE OF PURCHASED GAS COST ADJUSTMENT RATE CHANGE

Rate schedule	Base tariff rate [1]	Current adjustment	Cumulative adjustment	Surcharge adjustment	GRI adjustment	Other adjustment	Total

Estimated average cost of gas in last scheduled PGA: $X.XX Current estimated average cost of gas in latest PGA (rate currently being charged): $X.XX.

[1] The base tariff rate is the effective rate on file with the Commission, excluding adjustments approved by the Commission.

(2) A report containing detailed computations which clearly show the derivation of the current adjustment to be applied to a pipeline's effective rates. The format in which this report must be submitted and the information that the report must contain are set forth in FERC Form No. 542-PGA, Purchased Gas Adjustment (PGA) Filing, available at the Energy Information Administration, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

(c) *Current adjustment.* A pipeline must compute a current adjustment for the quarterly filing in the manner described in § 154.305(c). A pipeline must not make an adjustment to the surcharge rate in effect until the pipeline's next scheduled annual PGA filing.

(d) *Challenges to quarterly filing.* Objections to a pipeline's purchasing practices reflected in a quarterly PGA filing will not be considered by the Commission at the time of the quarterly filing and must be raised at the time of the pipeline's next scheduled annual PGA filing. Mathematical, typographical, or accounting errors that affect the correct computation of a current adjustment in a quarterly PGA filing may be challenged when a pipeline files the quarterly filing.

§ 154.309 Interim adjustment filings.

(a) *General rule.* A pipeline may elect a PGA clause under § 154.303 that allows it to file interim adjustments to its base tariff rate(s) in addition to annual and quarterly PGA filings under §§ 154.305 and 154.308, subject to the conditions specified in this section.

(b) *Interim adjustment rate change.* (1) A pipeline must only file an interim rate adjustment based on a projected average cost of purchased gas that is less than the projected average cost of gas reflected in its last scheduled PGA filing. An interim adjustment rate change must only reflect known and measurable changes to the cost of gas established in a pipeline's last scheduled PGA filing.

(2) Known and measurable changes to the cost of gas as used in this section are those changes in costs that a pipeline has a reasonable basis for assuming will actually occur.

(c) *Filing and notice requirements.* (1) A pipeline must file an interim adjustment with the Commission and post it as required by § 154.16 at least 24 hours before the effective date of the proposed interim adjustment. At the same time the pipeline files with the Commission, it must serve its jurisdictional customers and interested state commissions with a copy of the filing.

(2) The pipeline must file:

(i) Tariff sheets that conform to both the format specified in § 154.33(d) and the following format:

NOTICE OF PURCHASED GAS COST ADJUSTMENT RATE CHANGE

Rate schedule	Base tariff rate [1]	Current adjustment	Cumulative adjustment	Surcharge adjustment	GRI adjustment	Other adjustment	Total

Estimated average cost of gas in last scheduled PGA: $X.XX Current estimated average cost of gas in latest PGA (rate currently being charged): $X.XX

[1] The base tariff rate is the effective rate on file with the Commission, excluding adjustments approved by the Commission.

(ii) A summary sheet showing the changes in purchased gas cost reflected in the interim adjustment. A format for the summary sheet is shown in FERC Form No. 542-PGA, Purchased Gas Adjustment (PGA) Filing, available at the Energy Information Administration (EIA), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. The summary sheet must contain sufficient detail to clearly show the derivation of the interim adjustment to be applied to the pipeline's existing rates.

(d) *Challenges to interim adjustment filing.* Objections to a pipeline's purchasing practices reflected in an interim adjustment filing will not be considered by the Commission at the time of the interim adjustment filing and must be raised at the time of the pipeline's next scheduled annual PGA filing. Mathematical, typographical, or accounting errors that affect the correct computation of a rate adjustment in an interim adjustment filing may be challenged when a pipeline files the interim adjustment.

§ 154.310 Transition rules.

(a) *Filing requirement.* (1) On May 1, 1988, a pipeline must file tariff sheets pursuant to § 154.303 to be effective June 1, 1988.

(2)(i) If a pipeline elects to use a PGA clause, a pipeline must file tariff sheets in the format specified in paragraph (a)(2)(ii) of this section on May 1, 1988, to be effective on June 1, 1988.

(ii) A pipeline must file tariff sheets in the format specified in paragraphs (a)(2)(iii) and (a)(2)(iv) of this section that contain:

(A) An initial current adjustment rate computed under paragraph (b) of this section, and

(B) A surcharge rate adjustment described in paragraph (c) of this section.

(iii) If June 1, 1988, is also the pipeline's scheduled annual or quarterly PGA effective date under § 154.304, the tariff sheet format must conform to the annual or quarterly PGA format specified in §§ 154.305 or 154.308. The pipeline must submit a detailed report in the format and with the information set forth in the FERC Form No. 542-PGA for the annual or quarterly PGA.

(iv) If June 1, 1988, is not a pipeline's scheduled annual or quarterly PGA effective date under § 154.304, the tariff sheet format must conform to the quarterly PGA format specified in § 154.308. The pipeline must also submit a detailed report in the format and with the information set forth in the FERC Form No. 542-PGA for the quarterly PGA.

(b) *Initial current adjustment rate.* (1)(i) If a pipeline's annual PGA effective date is June 1, 1988, the pipeline must file an initial current adjustment rate as computed in accordance with § 154.302 (m) or (n) and § 154.305 (b) and (c), on May 1, 1988.

(ii) If a pipeline's quarterly PGA effective date is June 1, 1988, the pipeline must file an initial current adjustment rate in accordance with § 154.302 (m) or (n) and § 154.305 (b) and (c) of this part, on May 1, 1988.

(iii) (A) If a pipeline's annual or quarterly PGA effective date is not June 1, 1988, the pipeline must compute, for the appropriate time period, an initial

current adjustment rate in accordance with § 154.302 (m) or (n) and § 154.305 (b) and (c) of this part, to be filed on May 1, 1988.

(B) This rate is to remain in effect only until the pipeline files a quarterly or annual PGA rate, whichever is first.

(iv) If a pipeline files an interim adjustment rate, described in § 154.309, before it files a quarterly or annual PGA filing, the projected average cost of gas in the interim adjustment rate must be less than the projected average cost of gas used to compute the initial current adjustment described in paragraph (b)(1)(iii) of this section.

(c) *Surcharge rate adjustment*—(1) *Definitions.* For purposes of paragraph (c):

(i) "New surcharge rate amortization period" means the effective period for a new surcharge rate filed under paragraph (c)(3)(i) of this section;

(ii) "Existing surcharge rate amortization period" means the effective period for the surcharge rate included as a part of a pipeline's last PGA filing before June 1, 1988.

(2) *General rule.* Thirty days before the end of either a new surcharge rate amortization period under paragraph (c)(3)(i) of this section or an existing surcharge rate amortization period, a pipeline must file a tariff sheet to be effective when the surcharge rate amortization period ends to remove either the new or existing surcharge rate from its tariff.

(3) *New surcharge rate effective on June 1, 1988*—(i) *New surcharge rate.* If a pipeline's existing surcharge rate amortization period ends on the day before June 1, 1988, the pipeline must file a new surcharge rate to be effective on June 1, 1988, under the procedures of paragraph (a)(2)(ii) of this section.

(ii) *Subsequent surcharge rates.* A subsequent surcharge rate will be filed:

(A) With a pipeline's second annual PGA filing if its first annual PGA filing effective date, described in § 154.304, is on June 1, 1988, and if the pipeline files its new surcharge rate in accordance with (c)(3)(i) of this paragaph.

(B) With a pipeline's first annual PGA filing if its first annual PGA effective date, described in § 154.304, is after the end of the new surcharge rate amortization period.

(C) With a pipeline's second annual PGA filing if its first annual PGA effective date, described in § 154.304, is during the new surcharge rate amortization period.

(4) *Existing surcharge continues beyond June 1, 1988*—(i) *Existing surcharge rate.* If a pipeline's existing surcharge rate amortization period ends after June 1, 1988, the pipeline must file and continue the existing surcharge rate under the procedures of paragraph (a)(2)(ii) of this section.

(ii) *Subsequent surcharge rates.* A subsequent surcharge rate will be filed:

(A) Thirty (30) days before the end of the existing surcharge rate amortization period, to be effective on the day after the end of the existing surcharge rate amortization period if a pipeline's first annual PGA filing effective date, as described in § 154.304, is during the existing surcharge rate amortization period. The pipeline must file its next surcharge rate with its second annual PGA filing.

(B) With a pipeline's first annual PGA filing if its first annual PGA effective date, described in § 154.304 of this part, is after the end of the existing surcharge rate amortization period.

(5) *Length of surcharge rate amortization period.*—(i) The period of time a pipeline accumulates deferrals (the deferral period) for the surcharge rate amortization periods under paragraphs (c)(3)(i) and (c)(4)(ii)(A) of this section will end three months before that surcharge rate amortization period's effective date.

(ii) The deferral period for all surcharge rates not defined in paragraph (c)(5)(i) of this section will end four months before that surcharge rate amortization period's effective date.

(iii) Subject to paragraph (c)(6) of this section, the new surcharge rate amortization period will remain in effect for the same length of time as the appropriate deferral period defined in paragraphs (c)(5)(i) and (c)(5)(ii) of this section.

(6) *Limitation on surcharge rate amortization period.*

(i) No surcharge rate amortization period can exceed a period of twelve months.

(ii) Beginning with each pipeline's second annual PGA filing the surcharge rate amortization period will be 12 months.

(7) *Determining the surcharge rate.* A pipeline must divide the dollar amount of deferrals accumulated in the current subaccount(s) of Account No. 191 in the deferral periods defined in paragraphs (c)(5)(i) and (c)(5)(ii) of this section by the projected sales quantities of natural gas in the appropriate surcharge rate amortization period.

(d) *Transition rule for electing unit-of-sales or unit-of-purchase methodology.*

(1) Except as provided in paragraph (d)(2) of this section, the tariff sheets a pipeline files under paragraph (a)(1) of this section must maintain the unit-of-purchase or unit-of-sales methodolgy used by the pipeline before May 1, 1988, to compute a current adjustment and monthly deferrals to Account No. 191.

(2) When a pipeline files its first request for a rate change under § 154.63 after June 1, 1988, it must include with the filing:

(i) A restated average cost of purchased gas in its base tariff rates computed using either the unit-of-purchase methodology specified in § 154.302(m) or the unit-of-sales methodology specified in § 154.302(n) elected by the pipeline pursuant to § 154.303(c)(2)(ii), and

(ii) Revised tariff sheets to amend its PGA clause which indicate that the pipeline has elected to use either the unit-of-purchase or unit-of-sales methodology and which state that the pipeline will use the same methodology elected for computing both the current adjustment under the procedures specified in § 154.302(m) or § 154.302(n), and for determining the monthly deferrals to Account No. 191 under the procedures specified in § 154.305(b)(1).

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

14. The authority citation for Part 270 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982).

15. In § 270.101, paragraph (f) introductory text is revised to read as follows:

§ 270.101 Application of ceiling prices to first sales of natural gas.

* * * * *

(f) *Filing Requirements.* An interstate pipeline must include with any Purchased Gas Adjustment (PGA) filing under §§ 154.301 through 154.310 of this chapter, a refund report identifying all billing adjustments that are reflected in the interstate pipeline's PGA filing to effect refunds required to be made to it by sellers under paragraph (e) of this section. The interstate pipeline must file with the Commission the original and two copies of a refund report showing for each seller:

* * * * *

PART 273—COLLECTION AUTHORITY; REFUNDS

16. The authority citation for Part 273 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7102–7352 (1982);

E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982), unless otherwise noted.

17. In § 273.302, paragraph (f)(2)(i) introductory text is revised to read as follows:

§ 273.302 Refunds of interim collections.

* * * * *

(f) * * *

(2) *Interstate Pipelines.* (i) An interstate pipeline must include with any Purchased Gas Adjustment filing under §§ 154.301 through 154.310 of this chapter, a refund report identifying all billing adjustments that are reflected in the interstate pipeline's PGA filing to effect refunds required to be made to it by sellers under paragraph (e) of this section. The interstate pipeline must file with the Commission the original and two copies of the refund showing for each seller:

* * * * *

PART 375—THE COMMISSION

18. The authority citation for Part 375 is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 1978 Comp., p. 142; Administrative Procedure Act, 5 U.S.C. 553; Federal Power Act, 16 U.S.C. 791–828c, as amended by the Electric Consumers Protection Act of 1986; Natural Gas Act, 15 U.S.C. 717–717w; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et. seq.*; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et. seq.*, as amended.

§ 375.307 [Amended]

19. In § 375.307, paragraph (b)(1) is revised by removing the reference to "§ 154.38(d)(4)(vi)" and inserting in its place "§ 154.303(e)".

PART 381—FEES

20. The authority citation for Part 381 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Federal Power Act, 16 U.S.C. 791–828c (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976).

21. Section 381.205 is revised to read as follows:

§ 381.205 Pipeline tariff filings that track certain costs.

The fees established for tariff filings that track costs are:

(a) $1800 for an annual filing under § 154.305;

(b) $300 for a quarterly filing under § 154.308;

(c) $300 for an interim adjustment filing under § 154.309; and

(d) $300 for any other tariff filing that tracks costs.

Note.—These appendices will not be published in the Code of Federal Regulations.

Appendix A

Comments Filed By:

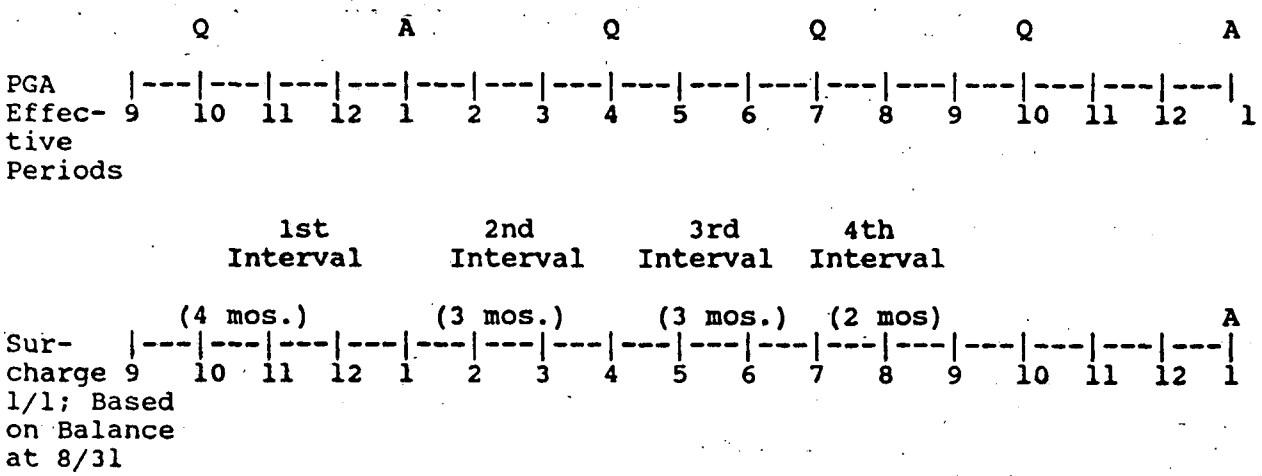
American Gas Association
American Paper Institute
Arizona Direct Customers
Associated Gas Distributors
Baltimore Gas and Electric Company
Columbia Gas Distribution Companies
Florida Public Utilities Company
Indiana Consumer Counsel
Interstate Natural Gas Association of America
Iowa Utilities Board
Louisiana Office of Conservation, Department of Natural Resources
Michigan Consolidated Gas Company
Minnesota Department of Public Service/ Energy Issues Intervention Office
Natural Gas Supply Association
Niagara Mohawk Power Corporation
Northern Illinois Gas Company
Northern Indiana Public Service Company
Northern Distributor Group
Pacific Gas and Electric Company
Peoples Gas Light and Coke Company/North Shore Gas Company
Peoples Natural Gas Company
Public Service Commission of the State of New York
Public Service Commission of Wisconsin
Public Utilities Commission of the State of California
Public Utilities Commission of the State of Oregon
Rochester Gas and Electric Company
ANR Pipeline Company/Colorado Interstate Gas Company
Arkla, Inc. /Mississippi River Transmission Company
Columbia Gas Transmission Corporation
Consolidated Gas Transmission Corporation
Enron Interstate Pipelines
Great Lakes Gas Transmission Company
Inter-City Minnesota Pipelines, Ltd., Inc.
Kentucky-West Virginia Gas Company
Midwestern Gas Transmission Company
Mountain Fuel Resources Inc. /Celsius Energy Company
National Fuel Gas Supply Corporation
Natural Gas Pipeline Company of America
Northwest Pipeline Corporation
Panhandle Eastern Pipe Line Company/ Trunkline Gas Company
Southern Natural Gas Company
Southwest Gas Corporation
Tennessee Gas Pipeline Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
United Gas Pipe Line Company
Williams Natural Gas Company
Williston Basin Interstate Pipeline Company
Affiliated Gas Producers
Arkla Exploration Company
Producer Associations
ProGas Limited
Western Gas Marketing Limited

BILLING CODE 6717-01-M

Appendix B

Assessment of Past Peformance

A. Test Intervals



Q = Quarterly PGA effective date
A = Annual PGA effective date

Surcharge Balance	Surcharge Effective Date

B. Assessment of Past Performance for the First Interval

1. Actual Cost of Gas

	Qty	Cost
Month 9	10,000	$ 30,000
Month 10	8,000	24,000
Month 11	13,000	38,000
Month 12	9,000	28,000
	40,000	$120,000

2. Computed Projected Cost of Gas

		Qty	Proj. Avg. Rate	Cost
Month 9		10,000	$ 2.70	$ 27,000
Month 10				
1st - 11th	8000	[3,000*	3.10	9,300
12th - 31st		[5,000*	2.90	14,500
Month 11		13,000	2.90	37,700
Month 12				
1st - 20th	9000	[6,000*	2.90	17,400
21st - 31st		[3,000*	3.10	9,300
				$115,200

*Reflects allocation of purchased volumes amongst multiple projected average costs of gas in effect for month.

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3. Test Amount

Computed Projected Cost of Gas for Interval (See 2 above) × 103%

$115,200 × 1.03 = *$118,656*

4. Gas Cost Requiring Specific Approval for Recovery

Actual cost of Gas for the Interval (See 1. above)—The test Amount (See 3. above)

$120,000—$118,656=*$1,344*

C. Gas Costs Requiring Specific Approval for Surcharge Recovery

	Exceeded by 3 percent	Did not exceed by 3 percent
First Interval	$1,344	
Second Interval		$<500>
Third Interval		$<1,200>
Fourth Interval	$750	
Amounts Needing Commission approval	$2,094 [1]	

[1] Each interval's purchased gas cost will be subject to the test. A pipeline may include in its surcharge balance without prior Commission approval, any underrecovered gas costs accumulated in the interval provided these underrecovered gas costs do not exceed three percent of its projected gas costs.

Appendix C—Hypotheticals To Illustrate Transition Rules [1]

Example 1

Company A

Semi-annual dates under § 154.38(d)(4): June 1 and December 1

Last semi-annual PGA to become effective before June 1, 1988: December 1, 1987

Existing surcharge rate amortization period: December 1, 1987 to May 31, 1987

Annual PGA effective date under § 154.304(c): June 1

1. Company A will file its first annual PGA on 5–1–88 to become effective on 6–1–88 to include:

(a) A current adjustment covering the period 6–1–88 to 8–31–88 pursuant to § 154.310(b)(1)(i);

(b) A surcharge rate to recoup deferred gas costs accumulated between 9–1–87 and 2–29–88 pursuant to § 154.310(c)(3)(i) to remain in effect until 11–30–88.

2. Company A will file quarterly PGAs to become effective on 9/1/88, 12/1/88 and 3/1/89.

3. On 4/2/89 Company A will file its second annual PGA which will include a surcharge rate to recoup deferred gas costs accumulated between 3–1–88 and 1–31–89 to become effective 6–1–89 pursuant to § 154.310(c)(3)(ii)(A) to remain in effect until 5–31–90.

Example 2

Company B

Semi-annual dates under § 154.38(d)(4): June 1 and December 1

Last semi-annual PGA to become effective before June 1, 1988: December 1, 1987

Existing surcharge rate amortization period: Dec. 1, 1987 to May 31, 1988

Annual PGA effective date under § 154.304(c): March 1

1. Company B will file a quarterly PGA on 5–1–88 to become effective on 6–1–88 to include:

(a) A current adjustment covering the period 6–1–88 to 8–31–88 pursuant to § 154.310(b)(1)(ii);

(b) A surcharge rate to recoup deferred gas costs accumulated between 9–1–87 and 2–29–88 to remain in effect until 11–30–88 pursuant to § 154.310(c)(3)(i).

2. Company B will file quarterly PGAs to be effective on 9–1–88 and 12–1–88.

3. On December 31, 1988, Company B will file its first annual PGA which will include a surcharge rate to recoup deferred gas costs accumulated between 3–1–88 and 10–31–88 to remain in effect until 10–31–89 pursuant to § 54.310(c)(3)(ii)(B).

Example 3

Company C

Semi-annual dates under § 154.38(d)(4): June 1 and December 1

Last semi-annual PGA to become effective before June 1, 1988: December 1, 1987

Existing surcharge rate amortization period: Dec. 1, 1987 to May 31, 1988

Annual PGA effective date under § 154.304(c): August 1

1. Company C will file a tariff sheet on 5–1–88 to become effective on 6–1–88 to include:

(a) A current adjustment covering the period 6–1–88 to 7–31–88 pursuant to § 154.310(b)(1)(iii)(A);

(b) A surcharge rate to recoup deferred gas costs accumulated between 9–1–88 and 2–29–88 to remain in effect until 11–30–88 pursuant to § 154.310(c)(3)(i).

2. On 6–2–88, Company C will file its first annual PGA under § 154.304(c) to become effective 8–1–88. The company will reflect a current adjustment only in this annual filing.

3. Company C will file quarterly PGAs to become effective on 11–1–88, 2–1–89 and 5–1–89.

4. On 6–2–89, Company C will file its second annual PGA to become effective 8–1–89. In addition to a current adjustment the company will file a surcharge rate to recoup deferred gas costs accumulated between 3–1–88 and 3–31–89 pursuant to § 154.310(c)(3)(ii)(C).

Example 4

Company D

Semi-annual dates under § 154.38(d)(4): March 1 and September 1

Last semi-annual PGA to become effective before June 1, 1988: March 1, 1988

Existing surcharge rate amortization period: March 1, 1988 to August 31, 1988

Annual PGA effective date under § 154.304(c): August 1

1. Company D will file a tariff sheet on 5–1–88 to become effective on 6–1–88 to compute a current adjustment covering the period 6–1–88 to 7–31–88 pursuant to § 154.310(b)(1)(iii)(A). The surcharge rate will be restated pursuant to § 154.310(c)(4)(i), *i.e.*, if the surcharge rate in effect on 3–1–88 is 5 cents/MMBtu, the tariff sheet effective on 6–1–88 will continue to show a surcharge rate of 5 cents/MMBtu.

2. On 6–2–88, Company D will file its first annual PGA under § 154.304(c) to become effective 8–1–88. The company will reflect a current adjustment only in this annual filing.

3. On 8–2–88, Company D will file a tariff sheet to become effective 9–1–88 to remove the surcharge rate effectuated 3–1–88 and to replace it with a surcharge rate to recoup deferred gas costs accumulated between 12–1–88 and 5–31–88 pursuant to § 154.310(c)(4)(ii)(A). This surcharge rate shall remain in effect until 2–28–89.

4. Company D will file quarterly PGAs to become effective 11–1–88, 2–1–89 and 5–1–89.

5. On 6–2–89, Company D will file its second annual PGA to become effective 8–1–89. In addition to a current adjustment the company will file a surcharge rate to recoup deferred gas costs accumulated between 6–1–88 and 3–31–89 pursuant to § 154.310(c)(4)(ii)(A).

Example 5

Company E

Semi-annual dates under § 154.38(d)(4): April 1 and October 1

Last semi-annual PGA to become effective before June 1, 1988: April 1, 1988

Existing surcharge rate amortization period: April 1, 1988 to September 30, 1988

Annual PGA effective date under § 154.304(c): April 1

1. On 5–1–88, Company E will file a tariff sheet to become effective on 6–1–88 to compute a current adjustment covering the period 6–1–88 to 6–30–88 pursuant to § 154.310(b)(1)(iii). The surcharge rate will be restated pursuant to § 154.310(c)(4)(i).

2. Quarterly PGAs will be filed to become effective on 7–1–88, 10–1–88, and 1–1–89.

3. On 1–31–89, Company E will file its first annual PGA to become effective 4–1–89. In addition to a current adjustment, the company will file a surcharge rate to recoup deferred gas costs accumulated from 1–1–88 to 11–30–88 pursuant to § 154.310(c)(4)(ii)(B). This surcharge rate shall remain in effect until 2–28–90.

Example 6

Company F

Semi-annual dates under § 154.38(d)(4): January 1 and July 1

Last semi-annual PGA to become effective before June 1, 1988: January 1, 1988

Existing surcharge rate amortization period: January 1, 1988 to June 30, 1988

Annual PGA effective date under § 154.304(c): July 1

1. On May 1, 1988, Company F will file:

(a) A tariff sheet to become effective 6–1–88 to reflect a current adjustment covering the period 6–1–88 to 6–30–88 pursuant to § 154.310(b)(1)(iii).

(b) A tariff sheet to become effective 7–1–88 to:

[1] Examples 1, 2, and 3 illustrate § 154.310(c)(3) *New Surcharge Rate Effective on June 1, 1988*; Examples 4, 5 and 6 illustrate § 154.310(c)(4) *Existing surcharge rate continues beyond June 1, 1988*

(i) Establish a current adjustment covering the period 7–1–88 to 9–30–88 and

(ii) Remove the surcharge rate effectuated January 1, 1988, and replace it with a surcharge to recoup deferred gas costs accumulated between 10–1–87 and 2–29–88 pursuant to § 154.310(c)(4)(ii)(B). The surcharge rate shall remain in effect until 11–30–88.

2. Quarterly PGAs will be filed to become effective on 10–1–88, 1–1–89, and 4–1–89.

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Appendix D--Explanation of Schedule D1

Sample Record 1 of Schedule D1
Magnetic Tape Format of Hypothetical Exchange Workingpaper

D10100000107003002 ACTUAL PURCHASES 1/
D10100000207003002
D10100000307003002
D10100000407003002

D10100000507003002	MONTH	Mar. 86	Apr. 86	May 86	Jun. 86	Total
D10100000607003002						
D10100000707003002	VOLUME (Dt)	663648	679187	448935	428392	2220162
D10100000807003002						
D10100000907003002	COST	1498351	1450319	837325	740414	4526409
D10100001007003002						
D10100001107003002	AVERAGE COST	2.2577	2.1354	1.8651	1.7284	2.0388

D10100001207003002
D10100001307003002 1/ No purchases were made in July and
D10100001407003002 August

The first eighteen character positions on Schedule D1 are reserved for indentifying information. This identifying information is shown on this workingpaper in the far lefthand columns as it might appear on a Schedule D1 submittal. To clarify the information shown, a key is provided below.

D1 01 000001 07 003 002

D1: This identifier references the schedule within which the workingpaper was filed.

01: References the applicable record within Schedule D1.

000001: The appropriate sequence number reference.

07: This number indicates that this particular workingpaper is part of the section designated for exchange imbalance adjustments.

003: This is the third workingpaper in the section of workingpapers supporting the exchange imbalance adjustments in this PGA.

002: This is page 2 of this workingpaper.

[FR Doc. 87-26377 Filed 11-17-87; 8:45 am]
BILLING CODE 6717-01-C

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Parts 41 and 42

[108.866]

Visas: Documentation of Immigrants and Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: Bureau of Consular Affairs, Department of State (DOS).

ACTION: Final rule.

SUMMARY: This final rule implements numerous amendments to the Immigration and Nationality Act which were enacted by the 99th Congress. The amendments to the regulations contained in this rule are required by statute. They were published in the **Federal Register** of August 10, 1987 (52 FR 29542; SD-210) and corrected on August 25, 1987 (52 FR 32026). An additional change relating to the submission of duplicate documents in § 42.124, which was inadvertently omitted in the proposed rule, is included in this final rule. The change, however, does not affect the substance of the previous publication. The changes to 22 CFR Parts 41 and 42 will improve visa issuance processing and will favorably affect certain nonimmigrant and immigrant visa applicants as discussed in the Notice of Proposed Rulemaking (SD-210).

EFFECTIVE DATE: November 17, 1987.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel or Guida Evans-Magher, Legislation and Relations Division, Visa Services, Washington, DC 20520 (202) 663-1204; 663-1206.

SUPPLEMENTARY INFORMATION: On August 10, 1987, the Department published proposed rulemaking SD-210, which reflected amendments to the Immigration and Nationality Act by enactment of Pub. L. 99-653, Pub. L. 99-639, Pub. L. 99-603, and Pub. L. 99-570. The changes include elimination of submission of duplicate immigrant visa documentation and fingerprinting requirement, establishment of new nonimmigrant visa classifications and immigrant visa categories and their corresponding visa symbols, extension of derivative foreign state chargeability to the alien spouse and/or child following to join the principal alien in certain cases, and the modification of certain grounds of ineligibility.

Interested persons were given the opportunity to comment on the proposal. An analysis of the sole comment received which relates to grounds of ineligibility under sections 212(a)(19) and 212(a)(23) of the Immigration and Nationality Act (22 CFR 41.91(a) (19) and (23) and 42.91(a) (19) and (23)), is outlined below. An additional amendment which was inadvertently omitted from the proposed rulemaking, SD-210, has been included in this final rule. Section 5(a) of Pub. L. 99-653 removes the requirement under section 221(a) of the INA that a consular officer must be in possession of a duplicate copy of the original immigrant visa. The amendment to § 42.124 removes this requirement from the language in the second sentence of paragraph (c).

Analysis of Comment

The commenter recognized that the regulations proposed to implement amendments to sections 212(a) (19) and (23) of the INA were consistent with and essentially mandated by the enactment of the "Immigration Marriage Fraud Amendments of 1986" and the "Omnibus Drug Enforcement Act of 1986" respectively. The commenter went on to point out that those amendments significantly expanded the scope of both section 212(a)(19) and 212(a)(23) and that many aliens who formerly would not have been excludable under the one or the other section will now be so excludable. The commenter expressed the hope that the Department and consular officers abroad will take into account hardships that this fact may work on certain aliens. Both the Department and consular officers abroad are under an affirmative duty to implement and administer these provisions as amended and cannot in good conscience refrain from doing so. On the other hand, the same procedural requirements and standards will apply to these provisions in their amended form as have applied in the past. While the number of applications refused under these provisions will clearly increase because of their expanded scope, the Department does not intend or contemplate that the recent amendments should result in any sort of deliberate campaign to increase refusals. This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 22 CFR Parts 41 and 42

Aliens, Nonimmigrants, Immigrants, Visas.

Adoption of Amendments

Accordingly, the Department amends Title 22, Chapter I, Part 41 and Part 42 as follows:

PART 41—DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

1. The authority citation for Part 41 continues to read as follows:

Authority: Sec. 104, 66 Stat. 174; 8 U.S.C. 1104; sec. 109(b)(1), Pub. L. 95-105, 91 Stat. 847.

2. Section 41.12 is amended by inserting H-2A and H-2B symbols between the H-1 and H-3 classification symbols and inserting N-8 and N-9 symbols after the "M-2" classification symbol information and before the "Nato" classification symbols to read as follows:

§ 41.12 Classification symbols.

* * * * *

Class	Citation	Symbol to be inserted in visa
. . . . .	. . . . .	
Temporary worker performing agricultural services unavailable in the United States	101(a)(15)(H)(ii)(*a*); 100 Stat. 3411	H-2A
Temporary worker performing other services unavailable in the United States	101(a)(15)(H)(ii)(*b*); 100 Stat. 3411	H-2B
. . . . .	. . . . .	
The parent of an alien child classified SK-3 under section 101(a)(27)(I)(i)	101(a)(15)(N); 100 Stat. 3359	N-8
The child of parent classified N-8 or of aliens classified SK-1; SK-2; SK-4 under section 101(a)(27)(I)(ii), (iii), or (iv).	101(a)(15)(N); 100 Stat. 3359	N-9
. . . . .	. . . . .	

3. In § 41.91 paragraph (a)(19)(i) is revised and paragraph (a)(19)(iii) is removed; (a)(23) is revised, and (a)(24) is removed and reserved to read as follows:

§ 41.91 Aliens ineligible to receive visas.

(a) * * *

(19) *Fraud and misrepresentation.* (i) Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure, or has sought to procure, or has procured a visa, other documentation, or entry into the United States or other benefit provided under the Act shall be ineligible under section 212(a)(19); provided, that the provisions of this paragraph are not applicable if the fraud or misrepresentation was committed by an alien at the time the alien sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to a former homeland if the facts were disclosed in connection with an application for a visa to enter the United States; provided further, that the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota or numerical restrictions of the U.S. immigration laws, or investigation of the alien's record at the place of former residence or elsewhere in connection with an application for a visa.

* * * * *

(23) *Controlled substance violations.* An alien shall be ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(23) of the Act, as amended, as a result of a conviction for a violation of, or for conspiracy to violate any law or regulation relating to a controlled substance, as defined in the Controlled Substances Act (21 U.S.C. 802), which occurred before, on, or after October 27, 1986.

(24) [Reserved]

* * * * *

§ 41.116 [Amended]

4. In § 41.116, paragraphs (b) (1) and (2) are removed, and paragraph (b)(3) is redesignated as the text of paragraph (b).

PART 42—DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

1. The authority citation for Part 42 continues to read as follows:

Authority: Sec. 104, 66 Stat. 174, 8 U.S.C. 1104; sec. 109(b)(1), Pub. L. 95-105, 91 Stat. 847.

2. In § 42.12, paragraph (a) is removed; paragraph (b) is amended by adding new immigrant visa classification symbols after the symbol "SJ-2" at the end of the list, and is redesignated as paragraph (a); paragraphs (c) and (d) are redesignated as paragraphs (b) and (c) and are revised to read as indicated below.

§ 42.12 Classification symbols.

A visa issued to an immigrant alien within one of the classes described in this section shall bear a symbol to show the classification of the alien.

(a) The following symbols shall be used in cases of aliens who are special immigrants:

Class	Citation	Symbol to be inserted in visa
. . . . .		
Retired officer or employee classified G-4 under section 101(a)(15)(G)(iv)	101(a)(27)(I)(iii); 100 Stat. 3434	SK-1
Spouse of retired officer or employee classified SK-1	101(a)(27)(I)(iv); 100 Stat. 3434	SK-2
Unmarried son or daughter of a present or former officer or employee classified G-1 under section 101(a)(15)(G)(i).	101(a)(27)(I)(i); 100 Stat. 3434	SK-3
A spouse classified G-4 or N-9 who is the survivor of a deceased officer or employee classified G-4 under section 101(a)(15)(G)(iv).	101(a)(27)(I)(ii); 100 Stat. 3434	SK-4

(b) The following symbols shall be used in cases of aliens who qualify as immediate relatives:

Class	Citation	Symbol to be inserted in visa
Spouse of U.S. citizen	201(b)	IR-1
Spouse of U.S. citizen (conditional status)	201(b); 216(a), 100 Stat. 3537	CR-1
Child of U.S. citizen	201(b)	IR-2
Child of U.S. citizen (conditional status)	201(b); 216(a), 100 Stat. 3537	CR-2
Orphan adopted abroad by U.S. citizen	201(b)	IR-3
Orphan to be adopted by U.S. citizen	201(b)	IR-4
Parent of U.S. citizen	201(b)	IR-5

(c) The following symbols shall be used in cases of immigrants who are subject to the numerical restrictions specified in section 201(a) of the Act:

Class	Citation	Symbol to be inserted in visa
First preference: Unmarried son or daughter of U.S. citizen	203(a)(1)	P1-1
First preference: Child of alien classified P1-1	203(a)(8)	P1-2
Second preference: Spouse of alien resident	203(a)(2)	P2-1
Second preference: Spouse of alien resident (conditional status)	203(a)(2); 216(a), 100 Stat. 3537	C2-1
Second preference: Unmarried son or daughter of alien resident	203(a)(2)	P2-2
Second preference: Unmarried son or daughter of alien resident (conditional status)	203(a)(2); 216(a), 100 Stat. 3537	C2-2
Second preference: Child of alien classified P2-1 or P2-2	203(a)(8)	P2-3
Second preference: Child of alien classified C2-1 or C2-2 (conditional status)	203(a)(8); 216(a), 100 Stat. 3537	C2-3
Third preference: Professional or highly skilled immigrant	203(a)(3)	P3-1
Third preference: Spouse of alien classified P3-1	203(a)(8)	P3-2
Third preference: Child of alien classified P3-1	203(a)(8)	P3-3

Class	Citation	Symbol to be inserted in visa
Fourth preference: Married son or daughter of U.S. citizen	203(a)(4)	P4-1
Fourth preference: Married son or daughter of U.S. citizen (conditional status)	203(a)(4); 216(a), 100 Stat. 3537	C4-1
Fourth preference: Spouse of alien classified P4-1	203(a)(8)	P4-2
Fourth preference: Spouse of alien classified C4-1 (conditional status)	203(a)(8); 216(a), 100 Stat. 3537	C4-2
Fourth preference: Child of alien classified P4-1	203(a)(8)	P4-3
Fourth preference: Child of alien classified C4-1 (conditional status	203(a)(8); 216(a), 100 Stat. 3537	C4-3
Fifth preference: Brother or sister of U.S. citizen twenty-one years of age or older	203(a)(5)	P5-1
Fifth preference: Spouse of alien classified P5-1	203(a)(8)	P5-2
Fifth preference: Child of alien classified P5-1	203(a)(8)	P5-3
Sixth preference: Needed skilled or unskilled worker	203(a)(6)	P6-1
Sixth preference: Spouse of alien classified P6-1	203(a)(8)	P6-2
Sixth preference: Child of alien classified P6-1	203(a)(8)	P6-3
Nonpreference immigrant	203(a)(7)	NP-1

§42.27 [Removed and Reserved]

3. Section 42.27 is removed and reserved.

4. Section 42.51 is revised to read as follows:

§ 42.51 Exception for accompanying child.

If necessary to prevent the separation of a child from the alien parent or parents, an immigrant child, including a child born in a dependent area, may be charged to the same foreign state to which a parent is chargeable, if the child is accompanying or following to join the parent, in accordance with section 202(b)(1) of the Act.

5. Section 42.52 is revised to read as follows:

§ 42.52 Exception for spouse.

If necessary to prevent the separation of husband and wife, an immigrant spouse, including a spouse born in a dependent area, may be charged to the foreign state to which the spouse is chargeable if accompanying or following to join the spouse, in accordance with section 202(b)(2).

6. In § 42.91, paragraph (a)(19)(i) is revised and (a)(19)(iii) is removed; paragraph (a)(23) is revised, and paragraph (a)(24) is removed and reserved to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) * * *

(19) *Fraud and misrepresentation.* (i) Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure, or has sought to procure, or has procured a visa, other documentation, or entry into the United States or other benefit provided under the Act shall be ineligible under section 212(a)(19); provided, that the provisions of this paragraph are not applicable if the fraud or misrepresentation was committed by an alien at the time the alien sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to a former homeland if the facts were disclosed in connection with an application for a visa to enter the United States; provided further, that the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota or numerical restrictions of the U.S. immigration laws, or investigation of the alien's record at the place of former residence or elsewhere in connection with an application for a visa.

* * * * *

(23) *Controlled substance violations.* An alien shall be ineligible to receive an immigrant visa under the provisions of section 212(a)(23) of the Act, as amended, as a result of a conviction for a violation of, or for conspiracy to violate any law or regulation relating to a controlled substance, as defined in the Controlled Substances Act, (21 U.S.C. 802), which occurred before, on, or after October 7, 1986.

(24) [Reserved]

* * * * *

7. Section 42.111(b) is revised to read as follows:

§ 42.111 Supporting documents.

* * * * *

(b) *Documents required.* An alien applying for an immigrant visa shall be required to furnish, if obtainable: a copy of each required police certificate; a certified copy of any existing prison record, military record, and record of birth; and a certified copy of all other records or documents which the consular officer considers necessary.

* * * * *

8. Section 42.116(b) is revised to read as follows:

§ 42.116 Registration and fingerprinting.

* * * * *

(b) *Fingerprinting.* An alien may be required at any time prior to the execution of Form OF-230 to have a set of his fingerprints taken if such procedure is necessary for purposes of identification or investigation.

§ 42.124 [Amended]

9. Section 42.124(c) is amended by removing the second sentence.

10. In § 42.125, the section heading is revised and paragraphs (a) and (b) are amended by revising their first sentences, and paragraph (c) is removed to read as follows:

§ 42.125 Issuance of new or replacement visas.

(a) *New immigrant visa for an alien not subject to numerical limitation.* An immediate relative within the meaning of section 201(b) of the Act, or a special immigrant described in section 101(a)(27) of the Act, who establishes that his visa has been lost or mutilated and has expired, or that he will be unable to use it during the period of its validity, may be issued a new visa at the same or any other consular office upon payment of the statutory application and visa fees if the immigrant is at that time found qualified to receive such visa. Prior to issuing a new immigrant visa

* * *

(b) *Replacement of immigrant visa for an alien subject to numerical limitations.* An immigrant documented under section 203 of the Act who establishes that he was or will be unable to use it during the period of its validity because of reasons beyond his control and for which he is not responsible, may be issued a replacement immigrant visa under the original number during the same fiscal year in which the original visa was issued, if the number has not been returned to the Department upon payment anew of the statutory application and visa fees, if the immigrant is at that time found qualified to receive such a visa. Prior to issuing a new immigrant visa * * *

* * * * *

12. Paragraph (a) of § 42.130 is amended by removing the last four sentences and inserting new language after the third sentence to read as follows:

§ 42.130 Procedure in refusing visas.

(a) *Refusal Procedure.* * * * Each document related to the refusal shall

then be attached to Form OF-230 for retention in the refusal files. Any document not related to the refusal shall be returned to the applicant. If the grounds of ineligibility may be overcome by the presentation of additional evidence and the applicant indicates an intention to submit such evidence, all documents may, with the consent of the alien, be retained in the consular files for a period not to exceed one year. If the refusal has not been overcome within one year, any documents not relating to the refusal shall be removed from the file and returned to the alien.

* * * * *

Dated: October 29, 1987.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 87-25442 Filed 11-16-87; 8:45 am]

BILLING CODE 4710-06-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 512

Collection of Debts by the Government Under the Debt Collection Acts

AGENCY: United States Information Agency (USIA).

ACTION: Final rule.

SUMMARY: The USIA is amending its rules by introducing Part 512 of 22 CFR establishing rules for the collection of debts owed to the United States. The rules implement the collection procedures authorized by the Federal Claims Collection Act (31 U.S.C. 3701-3719) as amended by the Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749). These laws have been implemented by the Federal Claims Collection Standards issued jointly by the General Accounting Office and the Department of Justice (4 CFR Parts 101-105), regulations issued by the Office of Personnel Management (5 CFR Part 550) and the procedures prescribed by the Office of Management and Budget in Circular A-129 of May 9, 1985.

EFFECTIVE DATE: November 17, 1987.

FOR FURTHER INFORMATION CONTACT: Kenn Goodman, Planning, Presentations and Systems Division, United States Information Agency, Room 664, 301 4th Street, SW., Washington, DC 20547, phone (202) 485-6327.

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 (the Act) authorizes procedures for the collection of debts owed to the United States, including (1) contracting for collection services to recover debts; (2) administrative offset; and (3) salary offset. Although these are separate procedures, any procedure may be used by itself or in conjunction with other procedures.

Contracts for Collection Services

Section 13 of the Debt Collection Act (codified at 31 U.S.C. 3718) authorizes Agencies to enter into contracts for collection services to recover debts owed the United States. The Act requires that certain provisions be contained in such contracts including:

(1) The Agency retains the authority to resolve a dispute, including the authority to terminate a collection action or refer the matter to the Attorney General for civil remedies; and

(2) The contractor is subject to the Privacy Act of 1974, as it applies to private contractors, as well as subject to State and Federal law governing debt collection practices.

Administrative Offset

The procedures authorized for administrative offset are contained in section 10 of the Debt Collection Act codified at (31 U.S.C. 3716). As with the provision for disclosure to a collection agency, the Act requires that notice procedures be observed by the agency.

The debtor is also afforded an opportunity to inspect and copy Government records pertaining to the claim, enter into an agreement for repayment, and to a review of the claim (if requested). Agencies of the Government may cooperate with one another in order to effectuate recovery of the claim.

Salary Offset

Section 5 of the Debt Collection Act (codified at 5 U.S.C. 5514) establishes new procedures to be used when an Agency collects money owed it by offsetting the salary of a Federal employee. Like administrative offset, agencies may cooperate with one another in order to recover the debt.

Salary offset procedures permit an employee to review the determination of indebtedness before offset is implemented, and an employee against whom an offset is sought is automatically entitled to a hearing on matters surrounding the determination of the debt, or the percentage of disposable pay to be deducted each pay period.

Executive Order 12291

This proposed rule is not a "major rule" as defined under Executive Order 12291 because it will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The USIA finds that the proposed rule will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (5 U.S.C. 605(b)). This conclusion has been reached because the proposed rule does not in itself impose any additional requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), any reporting recordkeeping provisions that are included in this rule will be submitted for approval to the Office of Management and Budget (OMB).

List of Subjects in 22 CFR Part 512

Administrative practices, procedures, debt, claims.

Accordingly it is proposed to amend Title 22 CFR Chapter 5 as follows: Part 512 is added to read as follows:

PART 512—COLLECTION OF DEBTS UNDER THE DEBT COLLECTION ACT OF 1982

Subpart A—General Provisions

Sec.

512.1 Definitions.
512.2 Exceptions.
512.3 Use of procedures.
512.4 Conformance to law and regulations.
512.5 Other procedures.
512.6 Informal action.
512.7 Return of property.
512.8 Omissions not a defense.

Subpart B—Administrative Offset—Referral to Collection Agencies

512.9 Demand for payment.
512.10 Collection by administrative offset.
512.11 Administrative offset against amounts payable for Civil Service Retirement and Disability Fund.
512.12 Collection in installments.
512.13 Exploration of compromise.
512.14 Suspending or terminating collection action.
512.15 Referrals to the Department of Justice or the General Accounting Office.
512.16 Collection services.

Sec.

Subpart C—Salary Offset

512.17 Purpose.
512.18 Scope.
512.19 Definitions.
512.20 Notification.
512.21 Hearing.
512.22 Deduction from pay.
512.23 Liquidation from final check or recovery from other payment.
512.24 Non-waiver of rights by payments.
512.25 Refunds.
512.26 Interest, penalties, and administrative costs.
512.27 Recovery when paying agency is not creditor agency.

Subpart D—Interest, Penalties, and Administrative Costs

512.28 Assessment.
512.29 Exemptions.

Authority: 31 U.S.C. 3701; 31 U.S.C. 3711 et seq.; 5 U.S.C. 5514; 4 CFR Parts 101–105; 5 CFR Part 550.

Subpart A—General Provisions

§ 512.1 Definitions.

(a) The term "Agency" means the United States Information Agency.

(b) The term "Agency head" means the Director, United States Information Agency.

(c) The term "appropriate Agency official" or "designee" means the Chief, Financial Operations Division or such other official as may be named in the future by the Director, USIA.

(d) The terms "debt" or "claim" refer to an amount of money which has been determined by an appropriate Agency official to be owed to the United States from any person, organization or entity, except another Federal Agency.

(e) A debt is considered "delinquent" if it has not been paid by the date specified in the Agency's written notification or applicable contractual agreement, unless other satisfactory arrangements have been made by that date, or at any time thereafter the debtor fails to satisfy obligations under a payment agreement with the Agency.

(f) The term "referral for litigation" means referral to the Department of Justice for appropriate legal proceedings.

§ 512.2 Exceptions.

(a) Claims arising from the audit of transportation accounts pursuant to 31 U.S.C. 3726 shall be determined, collected, compromised, terminated, or settled in accordance with the regulations published under 31 U.S.C. 3726 (refer to 41 CFR Part 101–41).

(b) Claims arising out of acquisition contracts subject to the Federal Acquisition Regulation (FAR) shall be determined, collected, compromised, terminated or settled in accordance with those regulations (see 48 CFR Part 32). If not otherwise provided for in the FAR system, contract claims that have been the subject of a contracting officer's final decision in accordance with section 6(a) of the Contracts Disputes Act of 1978 (41 U.S.C. 605(a)), may be determined, collected, compromised, terminated, or settled under the provisions of this regulation, except no additional review of the debt shall be granted beyond that provided by the contracting officer in accordance with the provisions of section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605), and the amount of any interest, administrative charge, or penalty charge shall be subject to the limitations, if any, contained in the contract out of which the claim arose.

(c) Claims based in whole or in part on conduct in violation of the antitrust laws, or in regard to which there is an indication of fraud, presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, shall be referred to the Department of Justice (DOJ) as only the DOJ has the authority to compromise, suspend or terminate collection action on such claims.

(d) Tax claims are excluded from the coverage of this regulation.

§ 512.3 Use of procedures.

Procedures authorized by this regulation (including but not limited to referral to a debt collection agency, administrative offset, or salary offset) may be used singly or in combination, providing the requirements of the applicable law and regulation are satisfied.

§ 512.4 Conformance to law and regulations.

(a) The requirements of applicable law (31 U.S.C. 3701–3719 as amended by Pub. L. 97–365, (96 Stat. 1749) have been implemented in Government-wide standards:

(1) The regulations of the Office of Personnel Management (5 CFR Part 550).

(2) The Federal Claims Collection Standards issued jointly by the General Accounting Office and the Department of Justice (4 CFR Parts 101–105), and

(3) The procedures prescribed by the Office of Management and Budget in Circular A–129 of May 9, 1985.

(b) Not every item in the above described standards has been incorporated or referenced in this regulation. To the extent, however, that circumstances arise which are not covered by the terms stated in this regulation, USIA will proceed in any actions taken in accordance with applicable requirements found in the sources referred to in paragraphs (a) (1), (2), and (3) of this section.

§ 512.5 Other procedures.

Nothing contained in this regulation is intended to require USIA to duplicate administrative proceedings required by contract or other laws or regulations.

§ 512.6 Informal action.

Nothing in this regulation is intended to preclude utilization of informal administrative actions or remedies which may be available.

§ 512.7 Return of property.

Nothing contained in this regulation is intended to deter USIA from demanding the return of specific property or from demanding the return of the property or the payment of its value.

§ 512.8 Omissions not a defense.

The failure of USIA to comply with any provision in this regulation shall not serve as a defense to the debt.

Subpart B—Administrative Offset and Referral to Collection Agencies

§ 512.9 Demand for payment.

Prior to initiating administrative offset, demand for payment will be made as follows:

(a) Written demands will be made promptly upon the debtor in terms which inform the debtor of the consequences of failure to cooperate. A total of three progressively stronger written demands at not more than 30-day intervals will normally be made unless a response to the first or second demand indicates that further demand would be futile and the debtor's response does not require rebuttal. In determining the timing of demand letters, USIA will give due regard to the need to act promptly so that, as a general rule, debt referrals to the Department of Justice for litigation, where necessary, can be made within one year of the Agency's final determinatin of the fact and the amount of the debt. When necessary to protect the Goverment's interests (e.g., to prevent the statute of limitations, 28 U.S.C. 2415, from expiring) written demand may be preceded by other appropriate actions under this chapter, including immediate referral for litigation.

(b) The initial demand letter will inform the debtor of: The basis for the indebtedness and the right of the debtor to request review within the Agency; the applicable standards for assessing interest, penalties, and administrative costs (Supart D of this regulation) and; the date by which payment is to be made, which normally will not be more than 30 days from the date that the initial demand letter was mailed or hand

delivered. USIA will exercise care to insure that demand letters are mailed or hand-delivered on the same day that they are actually dated.

(c) As appropriate to the circumstances, USIA will include in the demand letters matters relating to alternative methods of payment, the debtor's rights to representation by his respective bargaining unit, policies relating to referral to collection agencies, the Agency's intentions relative to referral of the debt to the Department of Justice for litigation, and, depending on the statutory authority, the debtor's entitlement to consideration of waiver.

(d) USIA will respond promptly to communications from the debtor and will advise debtors who dispute the debt that they must furnish available evidence to support their contention.

§ 512.10 Collection by administrative offset.

(a) Collection by administrative offset will be undertaken in accordance with these regulations on all claims which are liquidated and certain in amount, in every instance where the appropriate Agency official determines such collection to be feasible and not otherwise prohibited.

(1) For purpose of this section, the term "administrative offset" has the same meaning as provided in 31 U.S.C. 3716(a)(1).

(2) Whether collection by administrative offset is feasible is a determination to be made by the Agency on a case-by-case basis, in the exercise of sound discretion. USIA will consider not only the practicalities of administrative offset, but whether such offset is best suited to protect and further all of the Government's interests. USIA will give consideration to the debtor's financial condition, and is not required to use offset in every instance where there is an available source of funds. USIA will also consider whether offset would tend to substantially disrupt or defeat the purpose of the program authorizing the payments against which offset is contemplated.

(b) Before the offset is made, a debtor shall be provided with the following: written notice of the nature and the amount of the debt and the Agency's intention to collect by offset; opportunity to inspect and copy Agency records pertaining to the debt; opportunity to obtain review within the Agency of the determination of indebtedness; and opportunity to enter into written agreement with the Agency to repay the debt. USIA may also make requests to other agencies holding funds payable to the debtor, and process requests for offset that are received from other agencies.

(1) USIA will exercise sound judgment in determining whether to accept a repayment agreement in lieu of offset. The determination will weigh the Government's interest in collecting the debt against fairness to the debtor.

(2) In cases where the procedural requirements specified in this paragraph (b) have previously been provided to the debtor in connection with the same debt under some other statutory or regulatory authority, such as pursuant to an audit allowance, the Agency is not required to duplicate those requirements before taking administrative offset.

(3) USIA may not initiate administrative offset to collect a debt more than 10 years after the Government's right to collect the debt first accrued, unless facts material to the Government's right were not known and could not reasonably have been known by the official or officials of the Government who were charged with the responsibility to discover and collect the debt. When the debt first accrued is to be determined according to existent law regarding the accrual of debts (e.g., 28 U.S.C. 2415).

(4) USIA is not authorized by 31 U.S.C. 3716 to use administrative offset with respect to: Debts owed by any State or local Government; debts arising under or payments made under the Social Security Act, the Internal Revenue Code of 1954 or the tariff laws of the United States; or any case in which collection of the type of debt involved by administrative offset is explicitly provided for or prohibited by another statute. Unless otherwise provided by contract or law, debts or payments which are not subject to administrative offset under 31 U.S.C. 3716 may be collected by administrative offset under the common law or other applicable statutory authority.

(5) USIA may effect administrative offset against a payment to be made to a debtor prior to completion of the procedures required by paragraph (b) of this section if failure to take offset would substantially prejudice the Government's ability to collect the debt, and the time before the payment is to be made does not reasonably permit the completion of those procedures. Amounts recovered by offset but later determined not to be owed to the Government shall be promptly refunded 30 days after the Agency has notified the debtor in writing that the debt is not owed. Such written notification will be issued within 15 days after the Agency has confirmed through a review of its official records that the debt is not owed.

(c) Type of hearing or review: (1) For purposes of this section, whenever USIA is required to afford a hearing or review within the Agency, the Agency will provide the debtor with a reasonable opportunity for an oral hearing when: An applicable statute authorizes or requires the Agency to consider waiver of the indebtedness involved, the debtor requests waiver of the indebtedness, and the waiver determination turns on an issue of veracity; or the debtor requests reconsideration of the debt and the Agency determines that the question of the indebtedness cannot be resolved by review of the documentary evidence. Unless otherwise required by law, an oral hearing under this section is not required to be a formal evidentiary type hearing.

(2) This section does not require an oral hearing with respect to debt collection systems in which determinations of indebtedness or waiver rarely involve issues of veracity and the Agency has determined that the review of the written record is ordinarily enough to correct prior mistakes.

(3) In those cases where an oral hearing is not required by this section, the Agency will make its determination on the request for waiver or reconsideration based upon a review of the written record.

(d) Appropriate use will be made of the cooperative efforts of other agencies in effecting collection by administrative offset. USIA will not refuse to initiate administrative offset to collect debts owed the United States, unless the requesting agency has not complied with the applicable provisions of these standards.

(e) Collection by offset against a judgment obtained against the United States shall be accomplished in accordance with 31 U.S.C. 3728.

(f) Whenever the creditor agency is not the agency which is responsible for making the payment against which offset is sought, the latter agency shall not initiate the requested offset until it has been provided by the creditor agency with an appropriate written certification that the debtor owes the debt (including the amount) and that full compliance with the provisions of this section has taken place.

(g) When collecting multiple debts by administrative offset, USIA will apply the recovered amounts to those debts in accordance with the best interests of the United States, as determined by the facts and circumstances of the particular case, paying particular attention to the applicable statutes of limitations.

§ 512.11 Administrative offset amounts payable from Civil Service Retirement and Disability Fund.

(a) Unless otherwise prohibited by law, USIA may request that monies that are due and payable to a debtor from the Civil Service Retirement and Disability Fund be administratively offset in reasonable amounts in order to collect in one full payments, or a minimal number of payment, debts owed the United States by the debtor. Such requests shall be made to the appropriate officials within the Office of Personnel Management in accordance with such regulations as may be prescribed by the Director of that Office.

(b) When making a request for administrative offset under paragraph (a) of this section, USIA shall include written statements that:

(1) The debtor owes the United States a debt, including the amount of the debt;

(2) The USIA has complied with the applicable statutes, regulations, and procedures of the Office of Personnel Management; and

(3) The USIA has complied with the requirements of § 512.10 of this part, including any required hearing or review.

(c) Once USIA decides to request offset under paragraph (a) of this section, it will make the request as soon as practical after completion of the applicable procedures in order that the Office of Personnel Management may identify the debtor's account in anticipation of the time when the debtor requests or becomes eligible to receive payments from the Fund. This will satisfy any requirement that offset be initiated prior to expiration of the applicable statute of limitations.

(d) If USIA collects part or all of the debt by other means before deductions are made or completed pursuant to paragraph (a) of this section, USIA shall act promptly to modify or terminate its request for offset under paragraph (a) of this section.

(e) This section does not require or authorize the Office of Personnel Management to review the merits of the USIA determination relative to the amount and validity of the debt, its determination on waiver under an applicable statute, or its determination whether to provide an oral hearing.

§ 512.12 Collection in installments.

(a) Whenever feasible, and except as required otherwise by law, debts owed to the United States, together with interest, penalties, and administrative costs as required by this regulation, should be collected in one lump sum. This is true whether the debt is being collected under administrative offset or by another method, including voluntary payment. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments. If USIA agrees to accept payment in installments, it will obtain a legally enforceable written agreement from the debtor that specifies all of the terms of the arrangement and which contains a provision accelerating the debt in the event the debtor defaults. The size and frequency of the payments should bear a reasonable relation to the size of the debt and ability to the debtor to pay. If possible the installment payments should be sufficient in size and frequency to liquidate the Government's claim within 3 years.

(b) If the debtor owes more than one debt and designates how a voluntary installment plan is to be applied among those debts, the Agency will follow that designation. If no such designation is made, the Agency will apply payments to the various debts in accordance with the best interest of the United States as as determined by the facts and circumstances of each case, with particular attention to application statutes of limitation.

§ 512.13 Exploration of compromise.

USIA may attempt to effect compromise in accordance with the standards set forth in Part 103 of the Federal Claims Collection Standards (4 CFR Part 103).

§ 512.14 Suspending or terminating collection action.

The suspension or termination of collection action shall be made in accordance with the standards set forth in Part 104 of the Federal Claims Collection Standard (4 CFR Part 104).

§ 512.15 Referrals to the Department of Justice or the General Accounting Office.

Referrals to the Department of Justice or the General Accounting Office shall be made in accordance with the standards set forth in Part 105 of the Federal Claims Collection Standards (4 CFR Part 105).

§ 512.16 Collection services.

(a) USIA has authority to contract for collection services to recover delinquent debts in accordance with 31 U.S.C. 3718(c) and 4 CFR 102.6.

(b) Contracts with collection agencies will provide that:

(1) The authority to resolve disputes, compromise claims, suspend or terminate collection action, and refer the matter to the Justice Department for litigation will be retained by USIA;

(2) Contractors are subject to 5 U.S.C. 552a, the Privacy Act of 1974, as amended, to the extent specified in 5 U.S.C. 552a(m) and to applicable Federal and State laws and regulations pertaining to debt collection practices, such as the Fair Debt Collection Practices Act, 15 U.S.C. 1692;

(3) The contractor is required to strictly account for all amounts collected;

(4) The contractor must agree that uncollectible accounts shall be returned with appropriate documentation to enable USIA to determine whether to pursue collection through litigation or to terminate collection;

(5) The contractor must agree to provide any data in its files relating to paragraphs (a) (1), (2), and (3) of § 105.2 of the Federal Claims Collection Standards (4 CFR Part 105) upon returning the account to USIA for subsequent referral to the Department of Justice for litigation.

(c) USIA will not use a collection agency to collect a debt owed by a currently employed or retired Federal employee, if collection by salary or annuity offset is available.

Subpart C—Salary Offset

§ 512.17 Purpose.

This subpart provides the standards to be followed by USIA in implementing 5 U.S.C. 5514 to recover a debt from the pay of an Agency employee, and establishes the procedural guidelines to recover debts when the employee's creditor and paying agencies are not the same.

§ 512.18 Scope.

(a) *Coverage.* This subpart applies to Executive agencies and employees as defined by § 512.19.

(b) *Applicability.* This subpart and 5 U.S.C. 5514 apply in recovering debts by offset without the employee's consent from the current pay of that employee. Debt collection procedures which are not specified in U.S.C. 5514 and these regulations will be consistent with the Federal Claims Collection Standards (4 CFR Parts 101–105).

(1) The procedures contained in this subpart do not apply to debts or claims arising under the Internal Revenue Code of 1954 as amended (26 U.S.C. 1 et seq.), the Social Security Act (42 U.S.C. 301 et seq.), or the tariff laws of the United States or to any case where collection of a debt is explicitly provided for or prohibited by another statute (e.g., travel advances in 5 U.S.C. 5705).

(2) This subpart does not preclude an employee from requesting a waiver of a

salary overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt by submitting a subsequent claim to the General Accounting Office in accordance with procedures prescribed by the General Accounting Officer, nor does it preclude an employee from requesting waiver when waiver is available under any statutory provision.

§ 512.19 Definitions.

For purposes of this subpart:

"Agency" means the United States Information agency (USIA).

"Creditor Agency" means the agency to which the debt is owed.

"Debt" means an amount owed to the United States.

"Disposable Pay" means that part of current basic pay, special pay, incentive pay, retired pay, retainer pay or authorized pay remaining after the deduction of any amount required to be withheld by law. The Agency will exclude deductions described in 5 CFR 581.105 (b) through (f) to determine disposable pay subject to salary offset.

"Employee" means a current employee of USIA or of another Executive Agency.

"Executive Agency" means an agency as defined by section 105 of title 5 of the U.S. Code.

"FCCS" means the Federal Claims Collection Standards jointly published by the Justice Department and the General Accounting Office at 4 CFR parts 101–105.

"Paying agency" means the agency employing the individual and authorizing the payment of his or her current pay.

"Salary offset" means an administrative offset to collect a debt under 5 U.S.C. 5514 by deductions at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

"Waiver" means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 710 5 U.S.C. 8346(b), or any other law.

§ 512.20 Notification.

(a) Salary offset deductions shall not be made unless the Director, Financial Operations Division of USIA, or such other official as may be named in the future by the Director of USIA, provides to the employee a written notice, 30 calendar days prior to any deduction, stating at a minimum:

(1) The Agency's determination that a debt is owed including the nature, origin, and amount of the debt;

(2) The Agency's intent to collect the debt by means of deduction from the employee's current disposable pay account;

(3) The amount, frequency and proposed beginning date and duration of the intended deductions;

(4) An explanation of the Agency's policy concerning interest, penalties, and administrative costs;

(5) The employee's right to inspect and copy Government records pertaining to the debt;

(6) The opportunity to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement to establish a schedule for repayment in lieu of offset per the requirements of 4 CFR 102.2(e).

(7) The employee's right to a hearing arranged by the Agency and conducted by an administrative law judge or, alternatively, an official not under the control of the head of the Agency;

(8) The method and time period for filing a petition for a hearing;

(9) That timely filing of the petition will stay the commencement of collection proceedings;

(10) That final decision on the hearing will be issued not later than 60 days after the filing of the petition for hearing unless the employee requests and the hearing officer grants a delay in the proceedings.

(11) That knowingly false, misleading, or frivolous statements, representations or evidence may subject the employee to:

(i) Disciplinary procedures under Chapter 75 of Title 5, United States Code or any other applicable statutes;

(ii) Penalties under the False Claims Act, sections 3729–3731 of title 31 U.S.C. or any other applicable statutes.

(iii) Criminal penalties under sections 286, 287, 1001, 1002 of title 18 United States Code or any other applicable statutes.

(12) Any other rights or remedies available to the employee, including representation by counsel or his respective bargaining unit, under the statutes or regulations governing the program for which collection is being made.

(13) That amounts paid on or deducted for the debts that are later waived or found not owed to the United States will be promptly refunded to the employee.

(b) Notifications under this section shall be hand delivered with a record made of the delivery, or shall be mailed certified mail with return receipt requested.

(c) No notification hearing, written responses or final decisions under this regulation are required of USIA for any adjustment to pay arising from an employee's election of coverage under a Federal benefit program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

§ 512.21 Hearing.

(a) *Petition for hearing.* (1) A hearing may be requested by filing a written petition with the Director, Financial Operations Division of USIA, or such other official as may be named in the future by the Director of USIA, stating why the employee believes the Agency's determination of the existence or amount of the debt is in error.

(2) The petition must be signed by the employee and fully identify and explain with reasonable specificity all the facts, evidence and witnesses which the employee believes support his or her position.

(3) The petition must be filed no later than fifteen (15) calendar days from the date the notification under § 512.20 (b) was hand delivered or the date of delivery by certified mail.

(4) Where petition is received after the 15 calendar day limit, USIA will accept the petition if the employee can show that the delay was beyond his or her control or because of failure to receive notice.

(5) If the petition is not filed within the time limit, and is not accepted pursuant to paragraph (a)(4) of this section, the employee's right to hearing will be considered waived, and salary offset will be implemented.

(b) *Type of hearing.* (1) The form and content of the hearing will be determined by the hearing official who shall be a person outside the control or authority of USIA.

(2) The employee may represent him or herself, or may be represented by counsel.

(3) The hearing official shall maintain a summary record of the hearing.

(4) The hearing official will prepare a written decision which will state:

(i) The facts purported to evidence nature and origin of the alleged debt;

(ii) The hearing official's analysis, findings, and conclusions relative to:

(A) The employee's and/or the Agency's grounds;

(B) The amount and the validity of the alleged debt;

(C) The repayment schedule, if applicable.

(5) The decision of the hearing official shall constitute the final administrative decision of the Agency.

§ 512.22 Deduction from pay.

(a) Deduction by salary offset, from an employee's disposable current pay, shall be subject to the following circumstances:

(1) When funds are available, the Agency will collect debts owed the United States in full in one lump-sum. If funds are not available or the debt exceeds 15% of disposable pay for an officially established pay interval, collection will normally be made in installments.

(2) The installments shall not exceed 15% of the disposable pay from which the deduction is made, unless the employee has agreed in writing to a larger amount.

(3) Deduction will commence with the next full pay interval following consent by the employee, waiver of offset or decision issued by the hearing official.

(4) Installment deductions will not be made over a period greater than the anticipated period of employment.

§ 512.23 Liquidation from final check or recovery from other payment.

(a) If an employee retires or resigns before collection of the debt is completed, offset of the entire remaining balance may be made from a final payment of any nature to such extent as is necessary to liquidate the debt.

(b) Where debt cannot be liquidated by offset from final payment, offset may be made from later payments of any kind due from the United States inclusive of Civil Service Retirement and Disability Fund pursuant to § 512.11 of this regulation.

§ 512.24 Non-waiver of rights by payments.

An employee's voluntary payment of all or part of a debt being collected under 5 U.S.C. 5514 shall not be construed as a waiver of any rights which the employee may have under 5 U.S.C., or any other provision of contract or law, unless statutory or contractual provisions provide to the contrary.

§ 512.25 Refunds.

(a) Refunds shall be promptly made when:

(1) A debt is waived or otherwise found not to be owed to the United States; or

(2) The employee's paying agency is directed by an administrative or judicial order to refund amounts deducted from his or her current pay.

(b) Refunds do not bear interest unless required or permitted by law or contract.

§ 512.26 Interest, penalties, and administrative costs.

The assessment of interest, penalties and administrative costs shall be in accordance with Subpart D of this regulation.

§ 512.27 Recovery when paying agency is not creditor agency.

(a) *Format for request for recovery.* (1) Upon completion of the procedures prescribed under 5 U.S.C. 5514, the creditor agency shall complete and certify the appropriate debt certification specified by OPM.

(2) The creditor agency shall certify in writing that the employee owes the debt, the amount and basis of the debt; the date on which payment is due, the date the Government's right to collect first accrued, and that the creditor agency's regulations implementing section 5514 have been approved by OPM.

(3) If collection must be made in installments, the creditor agency must advise the paying agency of the number of installments to be collected, the amount of each installment, and the commencing date of the first installment.

(b) *Submitting the request for recovery.*—(1) *Current employees.* The creditor agency shall submit the appropriate debt certification, agreement, or other instruction on the payment schedule to the employee's paying agency.

(2) Separated employees.

(i) Employees who are in the process of separating. If the employee is in the process of separating, the creditor agency will submit its debt claim to the employee's paying agency for collection as provided in §§ 512.22 and 512.23. The paying agency shall certify the total amount of its collection and notify the creditor agency and the employee as provided in paragraph (b)(2) of this section. Where the paying agency is aware that the employee is entitled to payments from the Civil Service Retirement and Disability Fund, it will send a copy of the debt claim and certification to the agency responsible for making such payments as notice that a debt is outstanding.

(ii) Employees who have already separated. If the employee is already separated and all payments due from his or her former paying agency have been paid, the creditor agency may request that monies which are due and payable to the employee from the Civil Service Retirement and Disability Fund (5 CFR 831.1801) or other similar funds be administratively offset in order to collect the debt (31 U.S.C. 3716 and the FCCS).

(iii) Employees who transfer from one paying agency to another. If an employee transfers to a position served by a different paying agency subsequent to the creditor agency's debt claim but before complete collection, the paying agency from which the employee separates shall certify the total amount of collection made on the debt. One copy of the certification will be supplied to the employee, and another to the creditor agency with notice of the employee's transfer. The original shall be inserted in the employee's official personnel folder and the new paying agency will resume collection from the employee's current pay account, and notify the employee and the creditor agency of the resumption. Upon settlement or repayment of the debt all records of the debt will be removed from official personnel records. The creditor agency will not need to repeat the due process procedure described by 5 U.S.C. 5514.

(c) Processing the debt claim upon receipt by the paying agency:

(1) Incomplete claims. If the paying agency receives an improperly completed debt certification, it shall return the request with a notice that procedures under 5 U.S.C. 5514 and this subpart must be completed and a properly completed debt certification form received before action will be taken to effect collection.

(2) Complete claim. If the paying agency receives a properly completed debt form, deductions will begin prospectively at the next officially established pay interval. A copy of the debt form will be given to the debtor along with notice of the date deductions will commence.

(3) The paying agency is not required or authorized to review the merits of the creditor agency's determination with respect to the amount or validity of the debt as stated in the debt claim form.

Subpart D—Interest, Penalties, and Administrative Costs

§ 512.28 Assessment.

(a) Except as provided in paragraph (h) of this section, or § 512.29, USIA shall assess interest, penalties, and administrative costs on debts owed to the United States pursuant to 31 U.S.C. 3717. Before assessing these charges, USIA will mail or hand deliver a written notice to the debtor. This notice will include a statement of the Agency's requirements concerning §§ 512.9 and 512.21.

(b) Interest shall accrue from the date on which notice of the debt is first mailed or hand-delivered to the debtor, using the most current address available to the Agency.

(c) The rate of interest assessed shall be the rate of the current value of funds to the United States Treasury (i.e., the Treasury Tax and Loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly, in accordance with 31 U.S.C. 3717. The rate of interest as initially assessed shall remain fixed for the duration of the indebtedness. However, in cases where the debtor has defaulted on a repayment agreement and seeks a new agreement, USIA may set a new rate which reflects the current value of funds to the Treasury at the time the agreement is executed. Interest will not be assessed on interest, penalties, or administrative costs required by this section.

(d) USIA shall assess charges to cover administrative costs incurred as a result of a delinquent debt. Calculation of administrative costs shall be based upon actual costs incurred. Administrative costs include costs incurred to obtain credit reports in the case of employee debt or in using a private debt collector in the case of non-employee debt.

(e) USIA shall assess a penalty charge not to exceed 6% per year on any portion of a debt that is delinquent for more than 90 days. This charge need not be calculated until the 91st day of delinquency, but shall accrue from the date that the debt became delinquent.

(f) When a debt is paid in partial or installment payments, amounts received shall be applied first to the outstanding penalty and administrative cost charges, second to accrued interest and third to outstanding principal.

(g) USIA will waive the collection of interest on the debt or any portion of the debt that is paid within 30 days after the date on which interest began to accrue. USIA may extend this 30-day period, on a case-by-case basis, if it reasonably determines such action is appropriate. USIA may also waive in whole or in part the collection of interest, penalties, and administrative costs assessed under this section per the criteria specified in part 103 of the Federal Claims Collection Standards (4 CFR Part 103) relating to the compromise of claims or if the Agency determines that collection of these charges is not in the best interest of the United States. Waiver under the first sentence of this paragraph is mandatory. Under the second and third sentences, it may be exercised under the following circumstances:

(1) Waiver of interest pending consideration of a request for reconsideration, administrative review, or waiver of the underlying debt under a permissive statute, and

(2) Waiver of interest where USIA has accepted an installment plan under § 512.12, there is no indication of fault or lack of good faith on the part of the debtor and the amount of the interest is large enough, in relation to the size of the installments that the debtor can reasonably afford to pay, that the debt will never be repaid.

(h) Where a mandatory waiver or review statute applies, interest and related charges may not be assessed for those periods during which collection must be suspended under § 104.2(c)(1) of the Federal Claims Collection Standards (4 CFR Part 104).

§ 512.29 Exemptions.

(a) The provisions of 31 U.S.C. 3717 do not apply—

(1) To debts owned by any State or local government;

(2) To debt arising under contracts which were executed prior to, and were in effect on October 25, 1982;

(3) To debts where an applicable statute, loan agreement, or contract either prohibits such charges or explicitly fixes the charges that apply to the debts arising under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States.

(b) However USIA is authorized to assess interest and related charges on debts which are not subject to 31 U.S.C. 3717 to the extent authorized under the common law or other applicable statutory authority.

Dated: November 10, 1987.

Stanley M. Silverman,

Comptroller.

[FR Doc. 87-26428 Filed 11-6-87; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[Docket No.: RCRA-SHWPAW-IV-01-87 FRL-3292-2]

North Carolina; Order to Commence Proceedings To Determine Whether To Withdraw Hazardous Waste Program Approval

AGENCY: Environmental Protection Agency.

ACTION: North Carolina; order to commence proceedings to determine whether to withdraw hazardous waste program approval.

SUMMARY: On June 12, 1987, the North Carolina legislature enacted Senate Bill 114 (the "Act") which amended Article 9 of Chapter 130A of the North Carolina General Statutes, to add a new section 130A-295.01, the text of which is set forth below. The Act provides that new commercial hazardous waste treatment facilities will not be issued a hazardous waste permit to discharge any hazardous waste or toxic substance into any surface water that is located upstream of a public drinking water intake, unless a dilution factor of 1000 exists at the point of discharge into the surface water under certain low flow conditions. After review and investigation of the Act, the Regional Administrator has determined, for the reasons set forth below, that cause exists to commence withdrawal proceedings under 40 CFR 271.23, based upon the criteria in 40 CFR 271.22(a)(1)(ii) and (2)(i). In addition, GSX Chemical Services, Inc. (GSX) and the Hazardous Waste Treatment Council (Treatment Council) have petitioned EPA to withdraw authorization of the North Carolina hazardous waste program, alleging that the dilution and siting provisions of the Act are not in conformity with the provisions of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901, *et seq.* This Order serves as the required response to the GSX and the Treatment Council petitions, granting the petitions to the extent of initiating withdrawal proceedings, and as a statement of allegations to which North Carolina must respond. *See* 40 CFR 271.23(b)(1).

DATES: Under 40 CFR 271.23(b)(1), the State must respond to the allegations in this Order by providing a written answer within December 17, 1987. The withdrawal proceeding hearing will be held on January 12-13, 1988 beginning at 9:00 a.m. each day.

Participation in Proceedings

The withdrawal proceeding hearing will be conducted by a Presiding Officer, in accordance with 40 CFR 271.23(b)(2) and 40 CFR 22.03 and 40 CFR 271.23. Leave to participate by persons not parties in the proceedings, pursuant to 40 CFR 271.23(b)(5), will be determined by the Presiding Officer. The Presiding Officer will also grant or deny motions to intervene and motions to file briefs as amicus curiae, pursuant to 40 CFR 271.23(b)(3) and 40 CFR 22.11 (c) and (d).

Pursuant to the provisions of 40 CFR 271.23(b)(2)(i), North Carolina, EPA, GSX Services, Inc., and the Hazardous

Waste Treatment Council are parties to the proceedings initiated by this Order.

Pursuant to 40 CFR 271.23(b)(5), a person who is not a party as defined above may, at the discretion of and under conditions set forth by the Presiding Officer, be permitted to make a limited appearance through an oral or written statement of his/her position on the issues.

A person who seeks to formally intervene in the proceedings is subject to the requirements of 40 CFR 271.23(b)(3)(vii) and 40 CFR 22.11(a). Such a person must file a motion to intervene, setting forth the grounds for the proposed intervention, the position and interest of the movant and the likely impact that intervention will have on the expeditious progress of the proceeding.

Pursuant to 40 CFR 22.11(d), a person who wishes to file a brief as amicus curiae shall file a written motion for leave. The motion shall identify the interests of the applicant and shall state the reasons why the proposed amicus brief is desirable.

The original and two copies of: all requests to participate by persons not defined as parties, pursuant to 40 CFR 271.23(b)(5); all motions to intervene, pursuant to 40 CFR 22.11(a); and all motions to file briefs as amicus curiae, pursuant to 40 CFR 22.11(d) shall be filed with the Regional Hearing Clerk, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365 by close of business December 2, 1987.

Copies of such requests and motions shall also be served on the Presiding Officer and on each party of record.

ADDRESSES: Copies of the Act, the petitions, and information required by 40 CFR 271.23(b)(4)(ii) will be available for inspection and copying at the EPA, Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; the EPA, Library, Room M-2904, 401 M Street, SW., Washington, DC 20460; and the Solid and Hazardous Waste Management Branch, Environmental Health Section, North Carolina Department of Human Resources, P.O. Box 2091 Raleigh, NC 27602. The withdrawal proceeding hearing will be held in MacKimmon Center, North Carolina State University, Raleigh, North Carolina.

Copies of requests and motions shall be served on the Presiding Officer and on each party of record at the following addresses: Presiding Officer, EPA, A-110, 401 M Street, SW., Washington, DC 20460; Regional Administrator, EPA, Region IV, 345 Courtland Street, Atlanta, Georgia 30365; Secretary of State of North Carolina, 3rd Floor, Legislative Office Building, 220 West Jones Street, Raleigh, North Carolina 27611; GSX Chemical Services, Inc., P.O. Box 210799, Columbia, South Carolina 29221; Hazardous Waste Treatment Council, 1440 New York Avenue, NW., Suite 310, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Otis Johnson, Jr., Chief, Waste Planning Section, RCRA Branch, EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365.

SUPPLEMENTARY INFORMATION:

I. Authority

Authority for issuance, by the Administrator, of an order to commence withdrawal proceedings regarding North Carolina's authorized hazardous waste program is provided for in section 3006(e) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6926(e). Pursuant to EPA Delegation Authority 8-7, dated March 6, 1986, such authority has been delegated to the Regional Administrator of EPA, Region IV. 42 U.S.C. 6926(e) requires the Regional Administrator to withdraw authorization from a State whenever he concludes after a withdrawal proceeding hearing that the State is not administering and enforcing an authorized program in accordance with 42 U.S.C. 6926. 42 U.S.C. 6926(b) requires that an authorized State program be equivalent to the Federal program and consistent with the Federal and State programs in other States, in particular the Solid Waste Disposal Act as amended, 42 U.S.C. 6901 *et seq.* Criteria for withdrawing approval of authorized State programs is codified at 40 CFR 271.22. Consistency is defined in 42 CFR 271.4.

II. Procedures Pursuant to 40 CFR 271.23(b)

Within 30 days of the date of this Order, the State shall admit or deny the allegations set forth herein by delivery of a written answer to the Regional Administrator. Proceedings shall be conducted by a Presiding Officer appointed by the Chief Administrative Law Judge of EPA, and records shall be kept in accordance with 40 CFR 271.23(b)(4). The hearing shall be conducted pursuant to 40 CFR 271.23(b)(2)-(6). The presiding Officer shall prepare a recommended decision and certify the record of proceedings to the Regional Administrator pursuant to 40 CFR 271.23(b)(7).

Within 60 days of the Presiding Officer's certification of the record and filing of the recommended decision, the Regional Administrator shall determine whether or not North Carolina has administered its authorized hazardous waste program in conformity with the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901, *et seq.* The Regional Administrator shall then act pursuant to 40 CFR 271.23(b)(8).

III. Background

On June 12, 1987, the North Carolina General Assembly enacted a bill entitled, an Act To Specify an Additional Requirement Applicable to the Permitting of Any Commercial Hazardous Waste Treatment Facility for the Purpose of Protecting Public Health. N.C. General Stat. section 130A-195.01 (the "Act"). The State legislature ratified the bill on June 22, 1987. The provisions of the Act pertinent to the Order to commence withdrawal of the State program are as follows:

§ 130A-295.01. Additional requirement for commercial hazardous waste treatment facilities.

—(a) As used in this section:

(1) Commercial hazardous waste treatment facility means any hazardous waste treatment facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for his own use, and does not include any facility owned by the State or by any agency or subdivision thereof solely for the treatment of hazardous waste generated by agencies or subdivisions of the State;

(2) 'New', when used in connection with 'facility', refers to a planned or proposed facility, or a facility which has not been placed in operation, but does not include facilities which have commenced operations as of the date this section became effective, including facilities operated under interim status;

(3) 'Modified', when used in connection with 'permit', means any change in any permit in force on or after the date this section becomes effective which would either expand the scope of permitted operations, or extend the expiration date of the permit, or otherwise constitute a major modification of the permit as defined in Title 40, Part 270.41 of the Code of Federal Regulations (1 July 1986); and

(4) '7Q10 conditions', when used in connection with 'surface water', refers to the minimum average flow for a period of seven consecutive days that has an average occurrence of once in 10 years as referenced in 15 NCAC 2B, 0206(a)(3) as adopted February 1, 1976.

(b) No permit for any new commercial hazardous waste treatment facility shall be issued or become effective, and no permit for a commercial hazardous waste treatment facility shall be modified, until the applicant has satisfied the Department that such facility meets, in addition to all other applicable requirements, the following requirements:

(1) The facility shall not discharge directly a hazardous or toxic substance into a surface water that is upstream from a public drinking water supply intake in North Carolina, unless there is a dilution factor of 1,000 or greater at the point of discharge into the surface water under 7Q10 conditions.

(2) The facility shall not discharge indirectly through a publicly owned treatment works (POTW) a hazardous or toxic substance into surface water that is upstream from a public drinking water supply intake in North Carolina, unless there is a dilution factor of 1,000 or greater, irrespective of any dilution occurring in a wastewater treatment plant, at the point of discharge into the surface water under 7Q10 conditions.

Section 2. The provisions of this act are severable. If the Administrator of the United States Environmental Protection Agency concludes: pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6926; and Title 40, Part 271, Code of Federal Regulations §§ 271.22 and .23, or in accordance with other applicable law and regulations; that any provision of this act will result in the withdrawal of approval of the North Carolina hazardous waste program, such provision is void. The Secretary, his designee, or other State official shall, upon receipt of notice of a decision by the Administrator that any provision of this act will result in withdrawal of program approval, certify to the Secretary of State that such provision is void. In the event that any provision of this act is voided pursuant to this section, it shall be revived only upon a subsequent reversal by the Administrator of his decision based on his determination that such provision is not in conflict with Environmental Protection Agency requirements for State program approval, or upon a reversal of the Administrator's initial decision by administrative or judicial review. The voiding of any provision of this act shall not affect other provisions of the act which can be given effect without the voided provision.

Section 3. This act is effective upon ratification.

On February 25, 1987 EPA received a request from the North Carolina Solid and Hazardous Waste Management Branch, Department of Human Resources, to review a proposed North Carolina Senate Bill. The bill would have suspended the State's acceptance of new permit applications as well as amendments to existing permits for the period running from the bill's ratification until August 1, 1987. EPA responded in writing to North Carolina stating that the bill, if enacted, would limit the State's legal authority to issue or modify certain RCRA permits. The bill was not passed.

In a communication dated April 15, 1987 North Carolina asked EPA to review a second bill. The new bill imposed additional financial responsibility and siting requirements on commercial hazardous waste facilities. EPA responded in writing on April 23, 1987. The new bill was cited as being inconsistent with Federal program requirements. This bill also was not enacted.

On May 5, 1987, North Carolina asked EPA to review a third bill. This bill would prohibit commercial hazardous waste treatment facilities from discharging wastewater to a surface water that is upstream from a public drinking water supply intake unless there is a dilution factor of 1000 or greater at the point of discharge, regardless of dilution from a publicly owned treatment work (POTW).

In a letter dated May 13, 1987, EPA notified North Carolina that the bill (S114–CSRT–011), if enacted, would render the State program inconsistent with the Federal program, pursuant to 42 U.S.C. 6926(b) and 40 CFR 271.4, and would subject North Carolina's authorization to withdrawal under the criteria of 40 CFR 271.22. Notwithstanding this notification, the Act was enacted on June 12, 1987 and ratified on June 22, 1987.

IV. Allegations

A. EPA

1. 40 CFR 271.4(a) provides that any aspect of a State's hazardous waste program that unreasonably restricts, impedes or operates as a ban on the free movement across the State's border of hazardous wastes from or to other States for treatment, storage or disposal at facilities authorized to operate under the Federal or an approved State program shall be deemed inconsistent. The Act discriminates against commercial hazardous waste treatment facilities, which normally accept both in-State and out-of-State wastes for treatment.

2. Only commercial hazardous waste facilities are regulated by the Act. State-owned and other non-commercial hazardous waste facilities are not subject to the dilution and siting requirements. The State has provided no evidence in response to EPA information requests to support the Act's distinction between the wastewater discharge of commercial and noncommercial hazardous waste facilities.

3. As a result of application of the dilution provision, the capacity of commercial hazardous waste treatment facilities is or will be substantially reduced.

4. The dilution provisions will apply to 85% of the potential sites for commercial hazardous waste treatment facilities within the State of North Carolina.

5. Compliance with the dilution requirements of the Act will make operation of some or all new commercial treatment facilities within the State of North Carolina economically unfeasible.

6. Only limited capacity for treatment of aqueous hazardous waste currently exists within the State of North Carolina.

7. A possible result of such discrimination is the reduction of the capacity of commercial facilities in North Carolina that can treat out-of-State wastes.

8. 40 CFR 271.4(b) provides that any aspect of a State law or program which has no basis in human health or environmental protection and which acts as a prohibition on the treatment, storage or disposal of hazardous waste in the State may be deemed inconsistent. The Act appears to be without basis in human health or environmental protection. The State has provided no evidence to support and no rationale for human health or environmental protection bases for the Act.

9. The dilution requirement appears to be arbitrary and does not take into account the concentration of chemicals in the wastewater and in the receiving water. The State has provided no supporting evidence for establishing this dilution factor on a health or environmental basis. The Act presents no apparent health or environmental basis for applying the dilution requirement only to commercial facilities. Moreover, despite the existence of statutory and regulatory controls over all wastewater discharges within the State, this provision is narrowly applied by the Act only to the wastewater discharges of commercial hazardous waste treatment facilities.

10. A facility which is unable to find a site where it could meet the dilution requirement, or is unable to modify its process to comply with the water discharge requirements of the Act, would be prohibited from receiving a permit or modifying an existing permit.

11. The Act will prohibit GSX from operating at Laurinburg, Scotland County, North Carolina, and will prohibit GSX and others from operating at numerous other locations within the State.

12. 40 CFR 271.22(a)(1)(ii) provides that the Regional Administrator may withdraw program approval when the State legislature strikes down or limits State authority. The Act provides grounds for withdrawal because the Act limits the ability of existing authorities of the State to be consistent with the federal program as set forth in 40 CFR 271.4.

13. The North Carolina program can no longer issue permits to some commercial treatment facilities which meet the previously authorized requirements. The State's diminished authority to issue such permits renders the North Carolina hazardous waste management program not equivalent to the Federal program and provides grounds for withdrawal of authorization under 40 CFR 271.22(a)(1)(ii).

14. 40 CFR 271.22(a)(2)(i) provides that the Regional Administrator may withdraw program approval when the State program fails to exercise control over required activities including failure to issue permits. The North Carolina program allegedly provides grounds for withdrawal by failing to exercise such control as stated in allegation #13.

B. Petitioners

On September 28, 1987, GSX Chemical Services, Inc. (GSX) petitioned EPA to withdraw authorization of the North Carolina Hazardous Waste Program.

On October 1, 1987 the Hazardous Waste Treatment Council (Treatment Council) filed a petition to commence withdrawal proceedings regarding the authorized North Carolina hazardous waste program.

The GSX and Treatment Council petitions contain allegations previously stated in Subsection IVA. of this Order. In addition:

15. The GSX petition alleges that in June 1985, GSX submitted an application to the Solid and Hazardous Waste Management Branch (SHWMB) of the North Carolina Department of Human Resources for a permit to operate an aqueous waste treatment facility in Scotland County, North Carolina. The GSX application proposed to serve a regional market, including several southeastern states.

16. In April 1987, SHWMB issued a draft permit to GSX which authorizes a daily discharge to Laurinburg-Maxton Airport Commission's POTW of 500,000 gallons per day of treated wastewater in accordance with RCRA and applicable regulations.

17. The drinking water supply intake of the City of Lumberton, North Carolina is 30 miles downstream of the POTW on the Lumber River.

18. The GSX facility permit was the subject of two public hearings and, on August 18, 1987, the period for public comment closed.

19. Application of the Act to GSX's facility would reduce the permitted wastewater discharge from the draft permit's maximum of 500,000 gallons to a maximum of 71,600 gallons per day.

20. GSX alleges that the Act restricts or impedes the free movement of hazardous waste across State borders for purposes of treatment, storage or disposal because a reduction in the treatment and disposal capacity of the proposed GSX facility (or any commercial facility) may prevent such facility from accepting out-of-State wastes for treatment or disposal.

21. The Treatment Council's petition contains allegations similar to those set forth in the GSX petition.

22. The Treatment Council also alleges that the Act's dilution requirement disregards the treatment and dilution which occurs in a POTW.

23. The purpose of the Treatment Council and the objectives of RCRA is to promote health and environmental protection by minimizing land disposal of hazardous wastes and by encouraging the recycling, reuse and treatment of such wastes, 42 U.S.C. 6902(a)(6). The Act allegedly contravenes these objectives.

24. The Treatment Council alleges that Congress intended the free movement of hazardous wastes in interstate commerce to be the "fundamental basis" of the RCRA program, and that the equivalency and consistency requirements for State programs are Congress' intended means of protecting such free movement from States that might unreasonably withhold permits or otherwise obstruct disposal of wastes in interstate commerce. The arbitrary nature of the Act's dilution requirement and its discriminatory application to commercial waste treatment facilities allegedly created an unreasonable restriction, in violation of 40 CFR 271.4(a), of the movement of hazardous waste from other States into North Carolina for treatment and disposal.

25. Finally, the Treatment Council alleges that the Act discriminates against commercial treatment facilities in violation of the equal protection and due process clauses of the Constitution of the United States.

V. Conclusion

The Regional Administrator of EPA, Region IV, has determined that his concerns and petitioners' allegations raise substantial questions as to the consistency and equivalency of North Carolina's hazardous waste program with the Federal program, and that these questions provide cause to commence withdrawal proceedings, pursuant to 40 CFR 271.22 and 271.23. The Regional Administrator hereby schedules a hearing on January 12–13, 1988 to consider the concerns expressed by EPA and the allegations raised by the petitioners, and to assess North Carolina's responses thereto, which shall be served on the Regional Administrator of EPA, Region IV, by the State on or before December 17, 1987. Pursuant to 40 CFR 271.23(b)(4)(v), copies of this Order have been served today upon: Governor James G. Martin, State of North Carolina; Thad Eure, Secretary of the State of North Carolina; Lacy H. Thornburg, North Carolina Attorney General; David T. Flaherty, Secretary, North Carolina Department of Human Resources.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties.

Dated: November 3, 1987.

Lee A. Dehihns,

Acting Regional Administrator.

[FR Doc. 87-26553 Filed 11-16-87; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Parts 558, 559, 560, 561, 562, 564, 566, and 569

[Docket No. 87-9]

Filing of Agreements by Common Carriers and Other Persons Subject to the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is amending its rules governing the filing of agreements by common carriers and other persons subject to the Shipping Act, 1916. The purpose of the rules changes is to incorporate into a single Part all other rules pertaining to the filing of agreements in the domestic offshore trades, and to terminate exemptions for joint policing agreements, military household goods agreements and credit information agreements.

EFFECTIVE DATE: This Final Rule shall become effective 30 days after publication in the Federal Register or upon the receipt of approval from the Office of Management and Budget (OMB) for the reporting and record-keeping requirements, whichever is later. OMB approval will be published when received.

FOR FURTHER INFORMATION CONTACT: Austin L. Schmitt, Director, Bureau of Trade Monitoring, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5787

Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5796

Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5740

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking published in the **Federal Register** on May 4, 1987 (52 FR 16282), pursuant to sections 15, 18(a), 21, 22, 35 and 43 of the Shipping Act, 1916 ("1916 Act"), 46 U.S.C. app. 814, 817(a), 820, 821, 833a and 841a, the Commission invited comments on a proposal to consolidate and amend its rules governing the activities of agreements in the domestic offshore trades subject to the 1916 Act. Commenters were particularly requested to address the continuing need for exemptions presently contained in 46 CFR Parts 558 and 559. By Supplemental Notice of Proposed Rulemaking published in the **Federal Register** on August 11, 1987 (52 FR 29708), the Commission reopened and extended the comment period an additional thirty days to solicit comment on a proposal to terminate the exemption of credit information agreements from the 1916 Act's filing and approval requirements.

The Proposed Rule would consolidate the Commission's rules on 1916 Act agreements under one rule, designated as 46 CFR Part 560, in a manner paralleling the rules under 46 CFR Part 572 governing agreements in U.S. foreign waterborne commerce under the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1701 through 1720. It was also proposed that the rules, which were previously derived from rules primarily intended to deal with conditions in the foreign commerce, be amended to make them more compatible with conditions in the domestic offshore commerce.

Three common carriers by water subject to the 1916 Act filed comments on the Proposed Rule: (1) Crowley Maritime Corporation, through its subsidiaries Trailer Marine Transport Corporation, Hawaiian Marine Lines and Pacific Alaska Line; (2) American President Lines, Ltd. ("APL"); and (3) Sea-Land Service, Inc. ("Sea-Land").

All of the commenters on the Proposed Rule support the consolidation of the Commission's various 1916 Act rules into one rule structurally parallel to the Commission's 1984 Act rules, and general support was expressed for a continuation of the exemptions presently contained in Parts 558 and 559.

No comments were filed in response to the Supplemental Notice of Proposed Rulemaking.

Discussion

After a careful consideration of the comments, the Commission is adopting a Final Rule essentially similar to that proposed in this proceeding, with some modifications addressing the comments received. The Final Rule terminates the exemptions of joint policing agreements, military household goods agreements and credit information agreements from the filing and approval requirements of the 1916 Act that were previously incorporated in Part 559. It also incorporates the amendment to Part 559 promulgated in the Final Rule in Docket No. 85-10, *Marine Terminal Agreements,* which was published on May 19, 1987 (52 FR 18692). The Final Rule will improve public knowledge of the rules presently contained in Parts 558 through 562, 564, 566 and 569 of Title 46, Code of Federal Regulations,[1] and provide a single reference work for industry use in filing agreements.

Insofar as the exemptions set forth under Subpart C of the Final Rule are concerned, the Commission has determined that the Final Rule will not substantially impair effective regulation by the Commission, be unjustly discriminatory or detrimental to commerce within the meaning of section 35 of the 1916 Act.

The Commission has considered all of the comments received in this proceeding and the Supplementary Information discusses some of the more significant issues raised by the comments. Any comments not expressly discussed herein have either been incorporated as a technical change without discussion, have been found to be mooted by the changes incorporated in the Final Rule, or have been found to be irrelevant or without merit. Other nonsubstantive or style changes have also been made, but not expressly discussed.

[1] *Part 558,* Exemption Of Husbanding And Agency Agreements Under The Shipping Act, 1916; *Part 559,* Exemption Of Certain Agreements From The Requirements Of Section 15, Shipping Act, 1916; *Part 560,* Filing Of Agreements By Common Carriers And Other Persons Subject To The Shipping Act, 1916; *Part 561,* Time For Filing Certain Agreements Under The Shipping Act, 1916; *Part 562,* Conference Agreement Provisions Relating To Concerted Activities Under The Shipping Act, 1916; *Part 564,* Admission, Withdrawal And Expulsion Provisions Of Steamship Conference Agreements Under The Shipping Act, 1916; *Part 566,* Shippers' Requests And Complaints Under The Shipping Act, 1916; and *Part 569,* Rules Governing The Right Of Independent Action Under The Shipping Act, 1916.

A. Subpart A—General Provisions

Section 560.104 Definitions.

The definition of the term "Terminal Facilities" set forth in § 560.104(i) of the Proposed Rule has been changed to read as "Marine Terminal Facilities" and moved to § 560.104(e) of the Final Rule. Also, references to "terminal facilities" appearing throughout the Proposed Rule have been changed to read "marine terminal facilities." These technical conforming changes have been made to reflect the treatment of the term in the Commission's Final Rule in Docket No. 85-10, *Marine Terminal Agreements, supra.,* pertinent parts of which have been incorporated in § 560.307, and to avoid confusion that could result from using slightly different nomenclature for what is essentially the same definition.

B. Subpart C—Exemptions

Subpart C of the Proposed Rule incorporates into Part 560 the exemptions heretofore set forth under Parts 558 and 559, with the exception of "Joint policing agreement" and "Military household goods agreement", which were deleted from the list of agreements in Part 559 which are exempt from the filing and approval requirements of section 15 of the 1916 Act. The Commission's Supplemental Notice of Proposed Rulemaking solicited comment on the termination of the exemption of credit information agreements.

All commenters on the Proposed Rule support the continuation of the exemptions provided under this subpart. The exemptions are viewed as desirable in avoiding pre-implementation delay for commonplace, garden-variety agreements.

Sea-Land specifically urges that joint policing agreements (currently set forth in § 559.2(c)) not be deleted from the classes of agreements exempt from filing and approval. In this connection, Sea-Land states that there is a continuing need for this exemption in the domestic offshore trades, and this exemption serves to encourage the use of cargo inspection and self-policing services and enhance compliance with the provisions of carrier tariffs.

The existing exemption for joint policing agreements appears at § 559.2(c) which states:

"Joint policing agreement" means an agreement between or among: two or more individual common carriers by water; two or more associations of common carriers by water each operating pursuant to an approved section 15 agreement; or one or more individual common carriers by water and one or more such associations; which agreement provides that its parties may discuss and agree upon any of the following

activities concerning cargo inspection and/or self-policing services:

(1) Negotiations for and employment of such services,

(2) Establishing of rules and procedures relating thereto (including the collection of delinquent freight and other tariff charges),

(3) Allocation of the costs of such services, and

(4) The administration and management of such arrangements.

The Commission is terminating the exemption of joint policing agreements, effective thirty days after publication of the Final Rule in this proceeding in the **Federal Register.** Thereafter; joint policing agreements must be filed pursuant to the requirements of the 1916 Act and Part 560.

The Supplementary Information to the Proposed Rule noted that joint policing agreements were being deleted from the list of agreements exempt from the filing and approval requirements of section 15 of the 1916 Act because such agreements have been used only in the foreign trades. None of the commenters state that this class of agreements is currently being used in the domestic offshore trade. Although the termination of the exemption for this class of agreements will result in some measure of pre-implementation delay for such agreements in the future, it will not destroy the benefits attributed to such agreements by Sea-Land, *i.e.*, encouragement of the use of cargo inspection and self-policing services and enhancement of compliance with the provisions of carrier tariffs. Moreover, the emergence of conditions prompting the formation of such agreements in the domestic offshore trades would be a serious matter of proper regulatory concern to the Commission under the 1916 Act. Were such conditions to arise, the Commission would have a need to assess such conditions and determine the approvability of agreements intended to remedy such conditions under the standards of the 1916 Act. Finally, the Commission is concerned with the potential for adverse effects on shippers that can result from such agreements if they are not subjected to Commission oversight through requiring that they be filed and reviewed prior to implementation. Joint policing arrangements may involve significant numbers of carriers and thus may have a widespread effect on shippers utilizing these carriers.

For these reasons, the Commission believes that joint policing agreements are significant enough to require that they be filed and approved prior to implementation.

Section 560.305 (redesignated § 560.306) Non-exclusive transshipment agreements—exemption.

APL recommends that the exemption of non-exclusive transshipment agreements under § 559.5 be revised in a manner more closely conforming it with the Commission's treatment of similar agreements in foreign commerce under its counterpart exemption in § 572.306(d). In this regard APL notes that while § 572.306(d) sets forth a list of 13 permitted subjects that may be included in an exempt transshipment agreement, § 560.305(d) prescribes the same 13 subjects, but makes such provisions mandatory. It is alleged that certain of these subjects, such as provisions governing division of expenses (§ 560.305(d)(8)), intercarrier indemnification (§ 560.305(d)(10)), equipment interchange (§ 560.305(d)(11)), and agency relationships (§ 560.305(d)(13)), may not be commercially applicable under certain circumstances. Therefore, APL urges the Commission to revise § 560.305(d) to provide that non-exclusive transshipment agreements "may provide for", rather than "must provide for", the 13 subjects listed.

APL's comments on this aspect of the Proposed Rule are well-supported, and the Final Rule is revised to incorporate APL's recommendation. In order to maintain a parallel structure between Part 560 and Part 572, the section under Part 560 exempting certain transshipment agreements has been moved to § 560.306, and the formerly-proposed § 560.307, which exempted certain equipment interchange agreements, has been moved to § 560.305

Section 560.306 Credit information agreements—exemption.

The Commission's Supplemental Notice of Proposed Rulemaking in this proceeding solicited comment on the termination of the exemption of credit information agreements. No comments were received in response to the Supplemental Notice of Proposed Rulemaking.

The existing exemption for credit information agreements appears at 46 CFR 559.2(e) which states:

> *"Credit information agreement"* means an agreement between common carriers by water or their duly appointed representatives which provides only for the collection, compilation and exchange of credit experience information. Under such an agreement, the parties cannot discuss or agree on any matter which is required to be published in a tariff pursuant to the Shipping Act, 1916 or any rule published pursuant thereto.

The Commission is terminating the current exemption for this class of agreements under the 1916 Act, effective thirty days after publication of the Final Rule in this proceeding in the **Federal Register.** Credit is an important factor in price competition and should be placed under regulatory scrutiny, particularly since the distinction between the sharing of credit information and the collective formation of credit policy and pricing can easily become blurred. The significance of credit information agreements to price competition therefore militates against their being exempted from the 1916 Act's filing requirements, in order that the Commission can ensure that the 1916 Act's standards are adhered to. Moreover, there is no reason to treat this class of agreements differently under the 1916 Act and the 1984 Act.

In this connection, the Commission wishes to note that it recognizes that the sharing of certain credit information is inherent in the process of forming collective credit rules generally interstitial to collective ratemaking authority. Thus, where parties already have collective ratemaking authority and wish to form a credit information agreement, depending on the contents of that agreement, they may already have all the authority they require and may not need to file an additional credit information agreement for approval.

Additional, the Commission wishes to note that the termination of the exemption does not result in a bar to the formation of credit information agreements, but merely requires the parties to such agreements to comply with the 1916 Act's filing and approval requirements.

C. Subpart F—Action on Agreements

Sea-Land suggests that the Commission include under Part 560 a rule similar to § 572.604, which prescribes a uniform time period within which the Commission would act on agreement approval requests. In support of this recommendation, Sea-Land notes that, although the 1916 Act does not prescribe any time period within which the Commission must act upon requests for approval of section 15 agreements, the Commission's general rulemaking authority under section 43 of the 1916 Act would permit it to promulgate regulations providing for such a time period. In Sea-Land's view, adoption of a rule establishing such a uniform time period would be beneficial to the Commission and the industry by enabling domestic offshore, carriers, the shipping public generally and the

Commission to plan their activities more reliably.

As set forth in § 560.404, the Commission contemplates that agreements filed under the 1916 Act will generally be processed within 120 days of filing. A review of the Commission's records, however, indicates that agreements filed under the 1916 Act are, on average, processed to completion in or about the same time as the 45-day period governing the processing of agreements filed under the 1984 Act. For these reasons, the Commission sees no need to include under Part 560 a rule similar to § 572.604, as suggested by Sea-Land

The Federal Maritime Commission has determined that this Final Rule is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterpirses to compete with foreign-based enterprises in domestic or export markets.

The Chairman of the Federal Maritime Commission certifies pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental jurisdictions. The primary economic impact of this rule would be on common carriers and marine terminal operators which generally are not small entities. A secondary impact may fall on shippers, some of whom may be small entities but that impact is not considered to be significant.

The Federal Maritime Commission has completed an environmental assessment of this action and has found that its resolution of this proceeding will not have a significant impact on the quality of the environment. A Finding of No Significant Impact (FONSI) was published in the **Federal Register** on June 1, 1987 (52 FR 20430), and no petitions for review of this FONSI have been received.

The reporting and record-keeping requirements contained in this regulation have been submitted for clearance by the Office of Management and Budget (OMB) under provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The rule shall become final upon receipt of OMB's Notice of Approval, or 30 days following publication of this rule in the **Federal Register**, whichever is later.

List of Subjects in 46 CFR Parts 558, 559, 560, 561, 562, 564, 566, and 569

Antitrust, Contracts, Maritime Carriers, Reporting and record-keeping requirements, Rates.

Therefore, pursuant to 5 U.S.C 553 and sections 15, 18(a), 21, 22, 35 and 43 of the Shipping Act, 1916, 46 U.S.C. app. 814, 817(a), 820, 821, 833a and 841a, Title 46 of the Code of Federal Regulations is amended as follows:

PARTS 558, 559, 561, 562, 564, 566, AND 569 [REMOVED]

1. Parts 558, 559, 561, 562, 564, 566 and 569 are removed.

2. Part 560 is revised to read as follows:

SUBCHAPTER C—REGULATIONS AFFECTING MARITIME AND RELATED ACTIVITIES IN DOMESTIC OFFSHORE COMMERCE

PART 560—AGREEMENTS BY COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT, 1916

Subpart A—General Provisions

Sec.
560.101 Authority.
560.102 Purpose.
560.103 Policies.
560.104 Definitions.

Subpart B—Scope

Sec.
560.201 Subject agreements.

Subpart C—Exemptions

Sec.
560.301 Exemption procedures.
560.302 Non-Substantive agreements—exemption.
560.303 Husbanding agreements—exemption.
560.304 Agency agreements—exemption.
560.305 Equipment interchange agreements—exemption.
560.306 Non-exclusive transhipment agreements—exemption.
560.307 Marine terminal agreements—exemption.

Subpart D—Filing and Form of Agreements

Sec.
560.401 Filing of agreements.
560.402 Form of agreements.
560.403 Supporting statements.
560.404 Time for filing agreements.

Subpart E—Content of Agreements

Sec.
560.501 Provisions of conference agreements.
560.502 Provisions of agreements of conferences and others.

Subpart F—Action of Agreements

Sec.
560.601 Federal Register notice.
560.602 Comments and protests.
560.603 Disposition of agreeement approval requests.

Subpart G—Reporting and Record Retention Requirements

Sec.
560.701 General requirements.
560.702 Filing of reports relating to shippers' requests and complaints.
560.703 Filing of minutes.
560.704 Filing of reports on admissions, withdrawals, and expulsions.

Subpart H—Reserved

Subpart I—Penalties

Sec.
560.901 Failure to file agreements.
560.902 Failure to file reports.
560.903 Falsification of reports.

Subpart J—Paperwork Reduction

Sec.
560.991 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

Authority: 5 U.S.C. 553; 46 U.S.C. app. 814, 817(a), 820, 821, 833a and 841a.

Subpart A—General Provisions

§ 560.101 Authority.

The rules in this part are issued pursuant to the authority of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, and sections 15, 18a, 21, 22, 35, and 43 of the Shipping Act, 1916 (the Act), 46 U.S.C. app. 814, 817(a), 820, 821, 833a, and 841a.

§ 560.102 Purpose.

(a) This part implements those provisions of the Act which govern agreements between common carriers by water in interstate commerce or other persons subject to the Act.

(b) This part also establishes procedures for:

(1) Filing agreement approval requests pursuant to section 15 of the Act, including supporting statements;

(2) Filing comments and protests to such agreements and responses; and

(3) The disposition of agreement approval requests.

§ 560.103 Policies.

(a) It is the responsibility of the Commission to disapprove, cancel, or modify, by order, after notice and hearing, any agreement, or modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and

their foreign competitors; to operate to the detriment of the commerce of the United States; to be contrary to the public interest; or to be in violation of the Act, and to approve all other agreements, modifications, or cancellations. This part is intended to establish procedures for the orderly and expeditious review of agreements in accordance with these statutory requirements.

(b) Section 35 of the Act provides that the Commission may exempt classes of agreements from any requirement of the Act or this part where it finds that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce. In order to minimize delay in implementation of routine agreements and to avoid the private and public cost of unnecessary regulation, the Commission is exempting certain classes of agreements from the filing and approval requirements of the Act and this part.

(c) In order to discharge the responsibilities of the Act the Commission requires sufficient time to analyze and consider every agreement, modification, and cancellation to determine whether or not it is lawful. Therefore, the Commission is establishing procedures, and form and content requirements for agreements, supporting statements, comments and protests, and responses. Parties to agreements are solely responsible for the timely filing of amendments to extend agreements containing termination dates.

(d) It is the responsibility of the Commission to insure that parties to agreements approved under section 15 of the Act are at all times complying with the requirements of that Act. In order to discharge properly this responsibility, the Commission must be fully apprised of the manner in which operations are being and will be carried out and shall require that meaningful reports on such activities be provided to the Commission.

(e) Section 15 of the Act provides that no conference agreement shall be approved, nor shall continued approval be permitted for any agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal. All conference agreements shall contain reasonable and equal terms and conditions for admission and readmission to conference membership to qualified carriers.

(f) Section 15 of the Act provides that the Commission shall disapprove any agreement after notice and hearing on a finding of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints. All ratemaking groups operating under approved section 15 agreements (except leases, licenses, assignments and other agreements of similar character for the use of marine terminal facilities) shall adopt and maintain such procedures.

(g) Section 15 of the Act provides that no agreement between carriers not members of the same conference or conferences of carriers serving different trades that would otherwise be naturally competitive, shall be approved, nor shall continued approval be permitted, unless in the case of agreements between carriers, each carrier, or in the case of agreements between conferences, each conference, retains the right of independent action. All such agreements shall contain a provision retaining the right of independent action.

(h) Section 15 of the Act provides that the Commission shall disapprove an agreement on a finding of inadequate policing of the obligations under it. The Commission shall require that ratemaking agreements (except leases, licenses, assignments and other agreements of similar character for the use of marine terminal facilities) contain procedures for policing the terms of the agreement.

§ 560.104 Definitions.

(a) "*Agreement*" means an agreement, or modification thereof, which is a written document and which reflects an understanding, arrangement, or undertaking, between two or more common carriers by water in interstate commerce or other persons subject to the Act which is required by section 15 of the Act to be filed with the Commission.

(b) "*Assessment agreement*" means an agreement, whether part of a collective bargaining agreement or negotiated separately, which provides for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis regardless of the cargo handled or type of vessel or equipment utilized.

(c) "*Common carrier by water in interstate commerce*" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, District, of possession of the United States and any other State, Territory, or possession of the United States, or between places in the same Territory, District, or possession.

(d) "*Conference agreement*" means an agreement which authorizes two or more common carriers by water, each operating as a single entity in the trade covered by the agreement, to discuss and agree upon common rates, charges and conditions of carriage and to enforce adherence, by means of liquidated damages, penalties, fines, suspension, expulsion or other contractual remedies.

(e) "*Marine Terminal Facilities*" means one or more structures (and services connected therewith) comprising a terminal unit, including, but not limited to, docks, berths, piers, aprons, wharves, warehouses, covered and/or open storage spaces, cold storage plants, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, which are used for the transmission, care and convenience of cargo and/or passengers or the interchange of same between land and common carriers by water in interstate commerce or between two common carriers by water in interstate commerce. This term is not limited to waterfront or port facilities and includes so-called off-dock container freight stations at inland locations and any other facility from which inbound waterborne cargo may be tendered to consignees or at which outbound cargo may be received from shippers for vessel or container loading.

(f) "*Modification*" means any change, alteration, correction, addition, deletion, or revision of an effective agreement or to any appendix to such an agreement.

(g) "*Proponents*" means the parties to an agreement for which section 15 approval has been requested pursuant to this part.

(h) "*Other person subject to the Act*" means any person not included in the term "common carrier by water in interstate commerce", carrying on the business of forwarding or furnishing wharfage, dock, warehouse or other marine terminal facilities in connection with a common carrier by water in interstate commerce.

(i) "*Shippers' requests and complaints*" means any communication requesting a change in tariff rates, rules, or regulations; the protesting of, or objecting to, existing tariff rates, rules, or regulations; objecting to rate increases or other tariff changes; and protests against allegedly erroneous billings due to an incorrect commodity classification, incorrect weight or

measurement of cargo, or other implementation of the tariff. Routine requests for rate information, sailing schedules, space availability, and the like are not included in the term.

Subpart B—Scope

§ 560.201 Subject agreements.

This part applies to agreement by or among two or more common carriers by water in interstate commerce or other persons subject to the Act, or modifications or cancellations thereof:

(a) Fixing or regulating transportation rates or fares;

(b) Giving or receiving special rates, accommodations, or other special privileges or advantages;

(c) Controlling, regulating, preventing, or destroying competition;

(d) Pooling or apportioning earnings, losses, or traffic;

(e) Allotting ports or restricting or otherwise regulating the number and character of sailings between ports;

(f) Limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or

(g) In any manner providing for an exclusive, preferential, or cooperative working arrangement.

Subpart C—Exemptions

§ 560.301 Exemption procedures.

(a) *Authority.* The Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to the Act from any requirement of the Act if it finds that the exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

(b) *Optional filing.* Notwithstanding any exemption from filing or approval or other requirements of the Act and this part, any party to an exempt agreement may file such an agreement with the Commission.

(c) *Application for exemption.* Any person may apply for an exemption or revocation of an exemption of any class of agreements or an individual agreement pursuant to section 35 of the Act and this subpart. An application for exemption shall state the particular requirement of the Act for which exemption is sought. The application shall also include a statement of the reasons why an exemption should be granted or revoked and shall provide information relevant to any finding required by the Act. Where an application for exemption of an individual agreement is made, the application shall include a copy of the agreement.

(d) *Participation by interested persons.* No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons and departments and agencies of the United States.

(e) *Federal Register notice.* Notice of any proposed exemption or revocation of exemption, whether upon application or upon Commission's own motion, shall be published in the **Federal Register.** The notice shall include:

(1) A short title for the proposed exemption or the title of the existing exemption;

(2) The identity of the party proposing the exemption or seeking revocation;

(3) A concise summary of the agreement or class of agreements for which exemption is sought, or the exemption which is to be revoked;

(4) A statement that the application and any accompanying information are available for inspection in the Commission's offices in Washington, DC; and

(5) The final date for filing comments regarding the application.

(f) *Retention of agreement by parties.* Any agreement which has been exempted by the Commission pursuant to section 35 of the Act shall be retained by the parties and shall be made available upon request by the Bureau of Trade Monitoring or Bureau of Domestic Regulation for inspection during the term of the agreement and for a period of three years after its termination.

§ 560.302 Non-substantive agreements—exemption.

(a) *"Non-substantive agreement"* means an agreement between common carriers by water in interstate commerce or other persons subject to the Act, acting individually or through approved agreements, which:

(1) Reflects changes in the:

(i) Name of any geographic locality stated therein;

(ii) Name of the agreement or the name or address of a party to the agreement;

(iii) Name and/or number of any other section 15 agreement, or designated provisions thereof referred to in the agreement;

(iv) Table of contents of an agreement;

(v) Date or amendment number through which agreements state they have been reprinted to incorporate prior revisions thereto or which corrects typographical and grammatical errors in the text of the agreement; or

(vi) Numbers or letters of articles or subarticles of agreements and references thereto in the text;

(2) Reflects changes in the titles or persons or committees designated therein or transfers the functions of such persons or committees to other designated persons or committees or which merely establishes a committee;

(3) Concerns the procurement, maintenance, or sharing of office facilities, furnishings, equipment, supplies, and personnel, including employees and contractors, the allocation and assessment of the costs thereof, or the provisions for the administration and management of such agreements by duly appointed individuals; or

(4) Cancels an agreement approved under the Act and this part.

(b) Non-substantive agreements are exempt from the filing and approval requirements of section 15 and of this part; provided, however, a non-substantive agreement which modifies or cancels an agreement which is subject to the filing and approval requirements of this part shall be filed with the Commission for informational purposes within 30 days of its effective date.

§ 560.303 Husbanding agreements—exemption.

(a) *"Husbanding agreement"* means an agreement between a common carrier by water in interstate commerce and another person subject to the Act through which a carrier contracts with an agent to handle routine vessel operating activities in port, such as notifying port officials of vessel arrivals and departures; ordering pilots, tugs, and linehandlers; delivering mail; transmitting reports and requests from the Master to the owner/operators; dealing with passenger and crew matters; and providing similar services related to the above activities. The term does *not* include agreements which provide for the solicitation or booking of cargoes, signing contracts or bills of lading and other related matters, *nor* does it include agreements that prohibit the agent from entering into similar agreements with other carriers.

(b) Husbanding agreements are exempt from the filing and approval requirements of section 15 and of this part.

§ 560.304 Agency agreements—exemption.

(a) *"Agency agreement"* means an agreement between persons subject to the Act which provides for the agent's solicitation and booking of cargoes, and signing contracts of affreightment and bills of lading, on behalf of a common carrier by water in interstate commerce.

Such an agreement may or may not also include husbanding service functions and other functions incidental to the performance of duties by agents including processing of claims, maintenance of a container equipment inventory control system, collection and remittance of freight and reporting functions.

(b) Agency agreements except those:

(1) Where a common carrier by water in interstate commerce is to be an agent for a competing common carrier by water in the same trade, or

(2) Which permit an agent to enter into similar agreements with more than one such carrier in a trade,

are exempt from the filing and approval requirements of section 15 and of this part.

§ 560.305 Equipment interchange agreements—exemption.

(a) *"Equipment interchange agreement"* means an agreement between two or more common carriers by water in interstate commerce for the exchange of empty containers, chassis, empty LASH/SEABEE barges, and related equipment, which provides only for the transportation of the equipment as required, payment therefor, management of the logistics of transferring, handling and positioning equipment, its use by the receiving carrier, its repair and maintenance, damages thereto, and liability incidental to the interchange of equipment, and no other subject.

(b) Equipment interchange agreements are exempt from the filing and approval requirements of section 15 and of this part.

§ 560.306 Non-exclusive transshipment agreements—exemption.

(a) A nonexclusive transshipment agreement means an agreement by which one common carrier by water in interstate commerce serving a port of origin by direct vessel call and another such carrier serving a port of destination by direct vessel call provide transportation between such ports via an intermediate port served by direct vessel call of both such carriers and at which cargo will be transferred from one to the other and which agreement does not:

(1) Prohibit either carrier from entering into similar agreements with other carriers;

(2) Guarantee any particular volume of traffic or available capacity; or

(3) Provide for the discussion or fixing of rates for the account of the cargo interests, conditions of service or other tariff matters other than the tariff description of the service offered as being by means of transshipment, the port of transshipment and the participation of the nonpublishing carrier.

(b) A nonexclusive transshipment agreement is exempt from the filing and approval requirements of the Act and of this part, provided that the tariff provisions set forth in paragraph (c) of this section and the content requirements of paragraph (d) of this section are met.

(c) The applicable tariff or tariffs shall provide:

(1) The through rate;

(2) The routings (origin, transshipment, and destination ports); additional charges, if any (*i.e.* port arbitrary and/or additional transshipment charges); and participating carriers; and

(3) A tariff provision substantially as follows:

> The rules, regulations, and rates in this tariff apply to all transshipment arrangements between the publishing carrier or carriers and the participating, connecting or feeder carrier. Every participating, connecting or feeder carrier which is a party to transshipment arrangements has agreed to observe the rules, regulations, rates, and routings established herein as evidenced by a connecting carrier agreement between the parties.

(d) Nonexclusive transshipment agreements must contain a declaration of the nonexclusive character of the arrangement and the entire arrangement between the parties, including, when applicable, the following terms and conditions:

(1) The identification of the parties and the specification of their respective roles in the arrangement;

(2) A specification of the governed cargo;

(3) The specification of responsibility for the issuance of bills of lading (and the assumption of common carriage-associated liabilities) to the cargo interests;

(4) The specification of the origin, transshipment and destination ports;

(5) The specification of the governing tariff(s) and provision of their succession;

(6) The specification of the particulars of the nonpublishing carrier's concurrence/participation in the tariff of the publishing carrier;

(7) The division of revenues earned as a consequence of the described carriage;

(8) The division of expenses incurred as a consequence of the described carriage;

(9) Termination and/or duration of the agreement;

(10) Intercarrier indemnification or provision for intercarrier liabilities consequential to the contemplated carriage and such documentation as may be necessary to evidence the involved obligations;

(11) The care, handling and liabilities for the interchange of such carrier equipment as may be consequential to the involved carriage;

(12) Such rationalization of services as may be necessary to ensure the cost-effective performance of the contemplated carriage; and

(13) Such agency relationships as may be necessary to provide for the pickup and/or delivery of the cargo.

(e) No subject other than as listed in paragraph (d) of this section may be included in exempted nonexclusive transshipment agreements.

§ 560.307 Marine terminal agreements—exemption.

(a) *"Marine terminal agreement"* means an agreement, understanding, arrangement or association, written or oral (including any modification, cancellation or appendix) that applies to future, prospective activities between or among the parties and which relates solely to marine terminal facilities and/or services among marine terminal operators and among one or more marine terminal operators and one or more common carriers in interstate commerce that completely sets forth the applicable rates, charges, terms and conditions agreed to by the parties for the facilities and/or services provided for under the agreement. The term does not include a joint venture arrangement among marine terminal operators to establish a separate, distinct entity that fixes its own rates and publishes its own tariff.

(b) *"Marine terminal conference agreement"* means an agreement between or among two or more marine terminal operators and/or common carriers in interstate commerce for the conduct or facilitation of marine terminal operations in connection with waterborne common carriage in the domestic commerce of the United States and which:

(1)(i) Provides for the fixing of and adherence to uniform marine terminal rates, charges, practices and conditions of service relating to the receipt, handling and/or delivery of passengers or cargo for all members; and/or

(ii) Provides for the conduct of the collective administrative affairs of the group; and

(2) May include the filing of a common marine terminal tariff in the name of the group and in which all the members participate, or, in the event of multiple

tariffs, each member participates in at least one such tariff.

(c) *"Marine terminal discussion agreement"* means an agreement between or among two or more marine terminal operators and/or marine terminal conferences and/or common carriers in interstate commerce solely for the discussion of subjects including marine terminal rates, charges, practices and conditions of service relating to the receipt, handling and/or delivery of passengers or cargo.

(d) *"Marine terminal interconference agreement"* means an agreement between or among two or more marine terminal conferences and/or marine terminal discussion agreements.

(e) All marine terminal agreements as defined in § 560.307(a), with the exception of marine terminal conference, marine terminal interconference and marine terminal discussion agreements, as defined in § 560.307(b), (c) and (d) are exempt from the approval requirements of section 15 of the Shipping Act, 1916 on the condition that they be filed with the Commission. Such filing shall consist of:

(1) A true copy and 15 additional copies of the filed agreement;

(2) A letter of transmittal, which shall:

(i) Clearly state that the agreement is being filed for exemption pursuant to this paragraph;

(ii) Identify all of the documents being transmitted including, in the instance of a modification to an approved or exempted agreement, the full name of the approved or exempted agreement, the Commission-assigned agreement number of the approved or exempted agreement and the revision, page and/or appendix number of the modification being filed;

(iii) Provide a concise summary of the filed agreement or modification separate and apart from any narrative intended to provide support for the acceptability of the agreement or modification;

(iv) Clearly provide the typewritten or otherwise imprinted name, position, business address and telephone number of the filing party; and

(v) Be signed in the original by the filing party or on the filing party's behalf by an authorized employee or agent of the filing party.

(3) To facilitate the timely and accurate publication of the **Federal Register** Notice, the letter of transmittal shall also provide a current list of the agreement's participants where such information is not provided elsewhere in the transmitted documents.

(f) Agreements filed for and entitled to exemption under this paragraph will be exempted from the approval requirements of the Shipping Act, 1916, effective on the date they are filed with the Commission.

Subpart D—Filing and Form of Agreements

§ 560.401 Filing of agreements.

(a) Agreement approval requests shall be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001. Such requests shall consist of a true copy and 15 additional copies of the agreement and all supporting information. Requests shall also be accompanied by a letter of transmittal which summarizes the agreement's contents and expressly requests Commission approval pursuant to section 15. The true copy shall be signed by each of the proponents personally or by an authorized representative and shall show immediately below each signature the name, position, and authority of the signer. Requests for approval which do not meet the requirements of this section shall be rejected within 30 days of receipt.

(b) Assessment agreements shall be filed and shall be approved upon filing.

§ 560.402 Form of agreements.

(a) A request for approval of an agreement modification shall be filed in accordance with § 560.401 and shall identify the page and paragraph to be amended and restate each such paragraph. The language to be excised shall be struck through, but not obliterated, and the substituted language, if any, shall be inserted directly following that which is to be excised. The new language shall be underscored. If the modification does not completely replace approved provisions, the page or pages on which the proposed amendments will appear shall be restated with the proposed amendments underscored and placed in proper sequence on the page.

(b) Whenever an approved agreement has been modified three times in the manner described in paragraph (a) of this section, the next succeeding modification shall be accomplished by restating the entire agreement, incorporating all previous modifications, and showing the latest change in the manner required by paragraph (a) of this section.

§ 560.403 Supporting statements.

An agreement submitted for approval may be accompanied by a supporting statement, signed by an authorized representative of the proponents, indicating the reasons which caused the making of the agreement and the results intended to flow from its implementation, or other facts or arguments which support approval. Affidavits or other evidence may be attached to such statements. Supporting statements, including all documents, affidavits or other evidence attached thereto, are public records. No claims of confidentiality will be allowed.

§ 560.404 Time for filing agreements.

(a) All modifications of approved agreements shall be filed within the following specified times:

(1) Applications for extension of an approved agreement due to terminate by its own terms, shall be filed so that the Commission will receive the application not less than one hundred twenty (120) days prior to the date on which the approved agreement would otherwise terminate.

(2) Modifications of an approved agreement, other than as designated in paragraph (a) of this section, should be filed not less than one hundred twenty (120) days prior to the date it is intended that action will begin, change or cease as a result of the provision(s) of the modification.

(b) Failure to file an application for the extension of an approved agreement due to terminate by its own terms at least one hundred twenty (120) days in advance of the termination date may result in the approved agreement terminating prior to Commission action on the filed amendment.

(c) Notice of cancellation of an approved agreement should be filed not less than sixty (60) days prior to the effective date of cancellation.

Subpart E—Content of Agreements

§ 560.501 Provisions of conference agreements.

(a) *Voting.* Conference agreements, agreements between or among conferences, and agreements whereby the parties are authorized to fix rates (except leases, licenses, assignments or other agreements of similar character for the use of marine terminal facilities) submitted to the Commission for approval shall contain a provision stating the manner in which the joint business of the parties may be carried out: i.e., full conference meeting, agents' meeting, principals' meeting, owners' meeting, through committees or subcommittees, telephone or oral polls, or through any other procedure by which the business of the joint parties may be conducted. This provision shall also include quorum requirements and the types of vote necessary to take various actions; i.e., majority, two-thirds, three-fourths, majority plus one, unanimous, etc.

(b) *Membership.* Conference agreements shall include a provision substantially as follows:

Any common carrier by water in interstate commerce which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.

This section will not preclude the conference from imposing legitimate conditions on membership, including but not necessarily limited to, the payment of an admission fee, payment of any outstanding financial obligations arising from prior membership, or the posting of a security bond or deposit. All such conditions must be made expressed terms of the conference agreement, filed with and approved by the Commission pursuant to section 15 of the Act.

(c) Every application for membership shall be acted upon promptly.

(d) Any party may withdraw from the conference without penalty by giving at least 30 days' written notice of intention to withdraw to the conference, except that action taken by the conference to compel the payment of outstanding financial obligations by the resigning member shall not be construed as a penalty for withdrawal.

(e) No party may be expelled against its will from the conference except for failure to maintain a common carrier service between the ports within the scope of the agreement (said failure to be determined according to the minimum sailing requirements set forth in the agreement) or for failure to abide by all the terms and conditions of the agreement.

§ 560.502 Provisions of agreements of conferences and others.

(a) All agreement between common carriers by water not members of the same conference or conferences of such carriers serving trades that would otherwise be naturally competitive, shall contain provisions substantially as follows:

The parties hereto (either carriers or conferences as the case may be) agree that with respect to any actions to be taken or procedures to be followed under this agreement, any party, after (insert here a period of time not to exceed ten days) may take action or follow procedures independent of those agreed upon.

(b) The parties may stipulate in the agreement whatever event should commence the running of the notice period, and the mode of communicating the decision to take independent action.

Subpart F—Action on Agreements

§ 560.601 Federal Register notice.

Requests for approval which are not rejected pursuant to § 560.401 shall be noticed in the **Federal Register**. The notice shall include:

(a) A short title for the agreement;

(b) The identity of the proponents;

(c) The Commission agreement number;

(d) A concise summary of the agreement's contents;

(e) A statement that the agreement and any supporting statement, including all documents, affidavits, or other evidence attached thereto, are available for inspection at the Commission's offices;

(f) The final date for filing protests or comments regarding the agreement; and

(g) The name and address of the filing agent.

§ 560.602 Comments and protests.

(a) A comment is a written statement regarding the approvability of an agreement. Comments have no prescribed form or content and are not limited in any way, except by the time limits provided in the **Federal Register** notice. A written communication regarding the approvability of an agreement, not conforming to the requirements of paragraph (b) of this section, shall be considered a comment. Filing a comment shall not necessarily entitle a person to:

(1) Any discussion of the comment in a Commission order disposing of the agreement;

(2) The institution of any further Commission proceeding; or

(3) Participation in any further proceeding which may be instituted.

(b) A protest is a written opposition to the approval of an agreement which complies with the requirements of this paragraph. A protest also constitutes an undertaking by the protestant to actively participate as a party in any further proceeding concerning the agreement, and protestants shall be so named in any Commission hearing order which may be issued. Protests shall:

(1) Identify, with particularity, the reasons why the agreement, or any constituent part, should be disapproved;

(2) Address the accuracy of any statements and conclusions submitted by the proponents pursuant to § 560.403;

(3) Allege facts which support the arguments made in paragraphs (b)(1) and (b)(2) of this section; and

(4) Specify the source or derivation of the facts alleged pursuant to paragraph (b)(3) of this section.

(c) A copy of all comments and protests filed with the Commission shall be served upon the filing agent identified in § 560.601(g) on the same date they are filed with the Commission. A certificate of service attesting that this requirement has been met shall be attached to the comment or protest.

(d) Within 15 days from the date that comments or protests are due (as specified by the **Federal Register** notice or as subsequently extended by the Commission), the proponents or their authorized representative may file a response to each such comment or protest with service to all persons which have filed comments or protests.

(e) Except as provided in this section and § 560.403, or except, in the case of an unprotested agreement, as the Director, Bureau of Trade Monitoring or the Director, Bureau of Domestic Regulation may in his/her discretion initiate, or unless specifically requested in writing by the Commission, with copies to the proponents and persons which have filed protests or comments, no other written or oral communication concerning a pending agreement shall be permitted. Amendments or supplements to documents submitted pursuant to § 560.403 and this section shall be permitted in the discretion of the Commission upon a showing of good cause, except that, in no case shall such permission be granted where the agreement has been scheduled and noticed for an agency meeting pursuant to § 503.82 of this chapter. A change in material fact or in applicable law occurring after the submission of the initial statement, comment or protest will normally constitute good cause. Inquiries as to the status of agreements shall be made to the Secretary of the Commission.

§ 560.603 Disposition of agreement approval requests.

(a) The Commission shall, by conditional or unconditional orders, approve, disapprove, or institute further proceedings regarding agreements filed with it.

(b) Further proceedings regarding an agreement will be instituted when:

(1) The Commission, in its discretion, considers further inquiry advisable;

(2) A protest alleges material facts which, if true and reasonably subject to proof on the basis of their source and derivation, and arguments advanced, would preclude approval of the agreement, except that no further proceeding will be instituted if the

disputed factual issues are resolved by the proponents' acceptance of conditions imposed by a conditional order in accordance with paragraph (c) of this section;

(3) The proponents of an agreement which seemingly contravenes the standards of section 15 properly exercise their right to request a further hearing pursuant to paragraph (d) of this section.

(c) The Commission may issue a conditional order prescribing modifications in the agreement necessary to obtain approval when the agreement does or appears to contravene the standards of section 15 unless modified; and if so modified, would be approvable without further proceedings. If conditions imposed by the Commission are met within the time specified by a conditional order, the revised version of the agreement will stand approved from the date of receipt. Notice of such date shall be given to proponents or their representative by the Commission.

(d) Failure to meet conditions imposed by the Commission will result in either the automatic disapproval of the agreement or the institution of further proceedings by the Commission either on its own initiative or, where the conditional order found that the agreement was unapprovable, pursuant to a request from proponents. Any such request shall include a detailed recital of the facts that they intend to prove at that hearing, a description of evidence intended to be used to prove those facts, and an explanation as to why the facts sought to be proven support the approval of the agreement. If a finding of unapprovability was made, the conditional order will expressly state the date upon which disapproval would take place.

(e) It is unlawful to carry out the provisions of a conditionally approved or disapproved agreement prior to approval by the Commission.

Subpart G—Reporting and Record Retention Requirements

§ 560.701 General requirements.

(a) The parties to conference agreements, agreements between or among conferences and agreements whereby the parties are authorized to fix rates (except leases, licenses, assignments or other agreements of similar character of the use of marine terminal facilities) shall retain a record of the vote on each question voted on for at least two years. These records may be retained by a single party to the agreement, or an administrative official of a conference or ratemaking agreement designated for that purpose.

(b) All reports or circulars, in whatever form, distributed to the parties, which relate to matters within the scope of the approved agreement, shall be retained by the parties for at least two years. This record may be retained by a single party to the agreement, or an administrative official of a conference or ratemaking agreement designated for that purpose.

§ 560.702 Filing of reports relating to shippers' requests and complaints.

(a) By January 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement (except for leases, licenses, assignments or other agreements of similar character for the use of marine terminal facilities) shall file with the Commission a report covering all shippers' requests and complaints received during the preceding calendar year or pending at the beginning of such calendar year. All such reports shall include the following information for each request or complaint:

(1) Date request or complaint was received;

(2) Identity of the person or firm submitting the request or complaint;

(3) Nature of request or complaint, i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc.;

(4) If final action was taken, date and nature thereof;

(5) If final action was not taken, an identification of the request or complaint as "pending";

(6) If denied, the reason.

(b) Tariffs issued by or on behalf of conferences and other rate-making groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. All changes made in such instructions shall be published in said tariffs, supplements thereto, or reissues thereof, in accordance with the tariff filing requirements of section 18(a) of the Act.

§ 560.703 Filing of minutes.

(a) The parties to each approved conference agreement, agreement between or among conferences, or agreements subject to this part whereby the parties are authorized to fix rates (except leases, licenses, assignments or other agreements of similar character for the use of marine terminal facilities) shall, through a designated official, file with the Commission a report of all meetings describing all matters within the scope of the agreement which are discussed or taken up at any such meeting, and shall specify the action taken with respect to each such matter. For the purpose of this part, the term "meeting" shall include any meeting of parties to the agreement, including meetings of their agents, principals, owners, committees or subcommittees of the parties authorized to take final action on behalf of the parties. If the agreement authorizes final action by telephonic or personal polls of the membership, a report describing each matter so considered and the action taken with respect thereto shall be filed with the Commission. These reports need not disclose the identity of parties that propose actions, or the identity of parties that participated in the discussions of any particular matter.

(b) The reports subject to paragraph (a) of this section shall be filed with the Commission within 30 days after such meetings and shall be certified as to accuracy and completeness by the Conference Chairman, Secretary, or other official.

(c) No report need be filed under paragraph (a) of this section with respect to any discussion of or action taken with regard to rates that, if adopted, would be required to be published in a tariff on file with the Commission. This reporting exemption does not apply to discussions involving general rate policy, general rate changes, the opening or closing of rates, or discussions involving items, that, if adopted, would be required to be published in other tariff sections as specified in Part 550 of this chapter.

§ 560.704 Filing of reports on admissions, withdrawals, and expulsions.

(a) Prompt notice of admission to membership to a conference shall be furnished to the Commission and no admission shall be effective prior to the postmark date of such notice.

(b) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Commission.

(c) Notice of withdrawal of any party

shall be furnished promptly to the Commission.

(d) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled member and a copy of such notification submited to the Commission.

Subpart H—[Reserved]

Subpart I—Penalties

§ 560.901 Failure to file agreements.

Any common carrier by water in interstate commerce or other person subject to the Act entering into or carrying out an agreement subject to the Act which has not been filed with and approved, or has not been exempted, by the Commission is in violation of section 15 of the Act and this part and subject to penalties of up to $1000 for each day such violation continues.

§ 560.902 Failure to file reports.

Compliance is mandatory and failure to file the reports required by this part may result in disapproval of agreements under section 15 of the Act or penalties of up to $100 for each day of such default under section 21 of the Act.

§ 560.903 Falsification of reports.

Knowing falsification of any report required by the Act or this part is a violation of the rules of this part and is subject to the penalties set forth in section 21 of the Act and may be subject to the criminal penalties provided in 18 U.S.C. 1001.

Subpart J—Paperwork Reduction

§ 560.991 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

This section displays the control numbers assigned to information collection requirements of the Commission in this part by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. The Commission intends that this part comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget (OMB) for each agency information collection requirement:

[Codes to be Assigned by OMB]

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-26443 Filed 11-16-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[CC Docket No. 78-196; FCC 87-316]

Revision of the Uniform System of Accounts for Telecommunications Companies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has further reconsidered the threshold at which corrections of prior period results can be recorded in the regular accounts without prior approval of the Commission. This action was taken by the Commission to set standards for corrections of prior period results that are not unduly burdensome for either the carriers or the Commission.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Virginia Brockington, Accounting Systems Branch, Accounting and Audits Division, Common Carrier Bureau, (202) 634-1861.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order* adopted October 8, 1987, and released October 26, 1987. The full text of this Commission is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order

On April 13, 1987, the American Telephone and Telegraph Company (AT&T) filed a petition for further reconsideration of an action taken in an earlier Reconsideration Order in CC Docket No. 78-196 released February 18, 1987. In that Order the Commission established a $100,000 limitation in Part 32 for corrections of prior period results that can be recorded in the regular accounts without prior approval of the Commission. AT&T requested the Commission to reinstate the standards of § 31.01-5 of Part 31 of the Commission's rules, which permit carriers to make correction through adjustments to current period accounts without prior approval provided the adjustments do not "seriously distort" the current period accounts.

On April 21, 1987, the petition was issued for public comment. Comments were filed in support of AT&T's petition. The commenters agreed with AT&T that the $100,000 limit was too low and believed that such a threshold would require submission for approval of a large volume of corrections of little or no consequence. In addition, most commenters agreed that the Commission should return to the "seriously distort" standards of Part 31. In lieu thereof, one commenting party suggested the use of a percentage threshold rather than a flat dollar figure, while several others suggested a qualitative approach.

The Commission considered the percentages suggested by the commenting parties and adopted a percentage threshold coupled with a flat dollar floor. In addition, the Commission believed that different materiality standards should be set for smaller Class B carriers. The amendment to Part 32 will prohibit Class A carriers from recording in their current operating accounts without prior approval, any corrections in excess of one percent of the aggregate summary accounts dollars or $1 million, whichever is higher. For Class B carriers, the Commission will require the measurement of materiality in relation to total operating revenues or expenses according to the nature of the item, using a one percent threshold.

The Commission also took the opportunity to make a perfecting change to Part 32. The Commission amended Part 32 to require that billing and collection expenses, regardless of whether they are paid to an exchange carrier, to an unregulated outside vendor, or incurred by a carrier performing its own billing and collection, be included in Account 6623, Customer Services, rather than in Account 6540, Access charges. This recommendation which was suggested by AT&T was not addressed in the *Report and Order* issued by the Commission on May 1, 1986.

Ordering Clauses

Accordingly, it is ordered, that the petition filed by AT&T is granted to the extent discussed herein.

It is further ordered, that under the authority contained in sections 4(i), 4(j) and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 220, Part 32, *Uniform System of Accounts for Telecommunications Companies*, of the Commission's Rules is amended as set forth below effective January 1, 1988.

List of Subjects in 47 CFR Part 32

Uniform System of Accounts for Telecommunications Companies.

William J. Tricarico,

Secretary.

PART 32—UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS COMPANIES

1. The authority citation for Part 32 reads as follows:

Authority: Secs. 4(i), 4(j) and 220 as amended; 47 U.S.C. 154(i), 154(j) and 220 unless otherwise noted.

2. Section 32.25 is revised to read as follows:

§ 32.25 Unusual items and contingent liabilities.

Extraordinary items, prior period adjustments and contingent liabilities shall be submitted to this Commission for review before being recorded in the company's books of account. The materiality of corrections of errors in prior periods shall be measured in relation to the summary account level used for reporting purposes for Class A carriers, or in relation to total operating revenues or total operating expenses for Class B carriers. For Class A carriers, no correction in excess of one percent of the aggregate summary account dollars or one million dollars, whichever is higher, may be recorded in current operating accounts without prior approval. For Class B carriers, no correction which exceeds one percent of total operating revenues or one percent of total operating expenses, depending on the nature of the item, may be recorded in current operating accounts without prior approval.

3. Section 32.6540 is revised to read as follows:

§ 32.6540 Access expense.

(a) This account shall include amounts paid by interexchange carriers or other exchange carriers to another exchange carrier for the provision of carrier's carrier access.

(b) Subsidiary record categories shall be maintained in order that the entity may separately report interstate and intrastate carrier's carrier expense. Such subsidiary record categories shall be reported as required by Part 43 of this Commission's Rules and Regulations.

4. Section 32.6623 is revised to read as follows:

§ 32.6623 Customer services.

(a) This account shall include costs incurred in establishing and servicing customer accounts. This includes:

(1) Initiating customer service orders and records;

(2) Maintaining and billing customer accounts;

(3) Collecting and investigating customer accounts, including collecting revenues, reporting receipts, administering collection treatment, and handling contacts with customers regarding adjustments of bills;

(4) Collecting and reporting pay station receipts; and

(5) Instructing customers in the use of products and services.

(b) This account shall also include amounts paid by interexchange carriers or other exchange carriers to another exchange carrier for billing and collection services. Subsidiary record categories shall be maintained in order that the entity may separately report interstate and intrastate amounts. Such subsidiary record categories shall be reported as required by Part 43 of this Commission's Rules and Regulations.

[FR Doc. 87-26217 Filed 11-16-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 61113-7235]

Groundfish of the Gulf of Alaska

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director) has determined that the share of the sablefish target quota (TQ) allocated to trawl gear in the Southeast Outside/East Yakutat District of the Gulf of Alaska has been achieved. Retention of sablefish by trawl vessels fishing in the Southeast Outside/East Yakutat District after 12:00 noon, Alaska Standard Time, on November 10, 1987, is prohibited. This action is necessary to limit the trawl harvest of sablefish in the Southeast Outside/East Yakutat District to the amount that is permissible under Federal regulations implementing the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). This closure is a management measure intended to implement the allocation of the sablefish resource between hook-and-line and trawl gear in the Southeast Outside/East Yakutat District.

DATES: This notice is effective at noon, Alaska Standard Time, (AST), November 10, until midnight, AST, December 31, 1987. Public comments are invited on this closure until November 25, 1987.

ADDRESS: Comments should be mailed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska, 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Resource Management Specialist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The FMP governs the groundfish fishery in the exclusive economic zone in the Gulf of Alaska under the Magnuson Fishery Conservation and Management Act. Regulations implementing the FMP are at 50 CFR Part 672. Section 672.2 of the regulations defines the Western, Central, and Eastern Regulatory Areas in the Gulf of Alaska. This section also defines the regulatory districts of the Eastern Regulatory area, one of which is the Southeast Outside/East Yakutat District. The fishery is directed at an optimum yield for all groundfish species equal to 116,000–800,000 metric tons (mt). Under the procedure set forth at § 672.20(a), 1987 TQ's were established for each of the groundfish species, which were then apportioned among the regulatory areas or districts. One of the species is sablefish, for which the 1987 TQ in the Southeast Outside/East Yakutat District is 4,200 mt.

Section 672.24(b)(1) restricts the trawl catch of sablefish in the Southeast Outside/East Yakutat District to 5 percent of the TQ or 210 mt. Under § 672.24(b)(3)(ii), if the share of the sablefish TQ assigned to any type of gear for any area or district is reached, further catches of sablefish must be treated as prohibited species by persons using that type of gear for the remainder of the year.

The Regional Director has determined that persons using trawl gear will take the 210 mt quota by November 10. Therefore, effective at noon, Alaska Standard Time, November 10, 1987, further catches of sablefish by persons using trawl gear in the Southeast Outside/East Yakutat District must be treated as prohibited species.

Public comments on this notice may be submitted to the Regional Director at the address above for 15 days following its effective date. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this closure's continued effect, modifying it, or rescinding it.

Classification

Allocation of the sablefish resource between hook-and-line and trawl gear in the Southeast Outside/West Yakutat District and the continued health of all components of the sablefish fishery will be jeoplardized unless this notice takes effect promptly. NOAA therefore finds for good cause that prior opportunity for public comment on this notice is contrary to the public interest and its effective date should not be delayed. This action is taken under §§ 672.22 and 672.24 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fish, Fisheries, Reporting and recordkeeping requirements.

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

Dated: November 10, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87-26410 Filed 11-12-87; 9:15 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 221
Tuesday, November 17, 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.

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Collective-Bargaining Units in Health Care Industry

AGENCY: National Labor Relations Board.

ACTION: Proposed rule; notice of extension of time for filing comments following completion of hearing.

SUMMARY: The National Labor Relations Board gives notice that it is extending the time for filing comments on the proposed rulemaking for collective-bargaining units in the health care industry from November 20, 1987, to December 14, 1987, to allow sufficient time following the conclusion of the final hearing on October 16, 1987, for interested parties to obtain and review the transcripts in order to prepare their comments.

DATES: The comment period which presently ends at the close of business on November 20, 1987, has been extended to the close of business on December 14, 1987.

ADDRESSES: Comments should still be submitted to the Executive Secretary as set forth in 52 FR 25142, July 2, 1987.

FOR FURTHER INFORMATION CONTACT: Curtis A. Wells, Associate Executive Secretary, Telephone: (202) 254–9430.

SUPPLEMENTARY INFORMATION:

Backround

The Board's notice of proposed rulemaking and original notice of hearing was published in the **Federal Register** (52 FR 25142) on July 2, 1987. That notice provided for three hearings: On August 17, 1987, in Washington, DC; on August 31, 1987, in Chicago, Illinois; and on September 14, 1987, in San Francisco, California. The notice also provided that the period for comment ended at the close of business on October 30, 1987.

Thereafter, in response to requests by large numbers of organizations and individuals who wished to testify, the Board added a fourth hearing date, October 7, 1987, in Washington, DC. The Board published notice of the additional hearing in the **Federal Register** (52 FR 29038) on August 5, 1987. That notice stated that the comment period still ended at the close of business on October 30, 1987.

Subsequently, in response to requests by a number of participants in the hearings to permit interested parties to obtain and review the hearing transcripts in preparation of their comments, the Board extended the comment period to the close of business on November 20, 1987. The Board published notice of the extension of time in the **Federal Register** (52 FR 36589) on September 30, 1987.

The October 7 hearing ended on October 16. The AFL-CIO has informed the Board that it did not receive the transcripts to that hearing until November 4, more than a week after the approximately 10-day period for receipt of the transcripts contemplated by the Board in its earlier extension of time for the comment period. The AFL-CIO also informed the Board that it had been told that the American Hospital Association had not received the final transcripts as of November 4, 1987. The AFL-CIO has requested an extension of time for filing its comments based on the late receipt of the transcripts and the Thanksgiving holiday period. The American Hospital Association has informed the Board that it is agreeable to an extension of time for filing the comments. Since under the present schedule some of the interested parties would have less than the full period contemplated by the Board for review of the final transcripts prior to preparing their comments, and since this might reduce the value of the comments to the Board, the Board has decided to extend the period for making comments until the close of business on December 14, 1987.

Dated, Washington, DC, 12 November 1987.
By direction of the Board.

National Labor Relations Board.

John C. Truesdale,
Executive Secretary.

[FR Doc. 87–26489 Filed 11–16–87; 8:45 am]
BILLING CODE 7545–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202, 203, 206, 212, and 218

Revision of Coal Product Valuation Regulations and Related Topics

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of intent to issue a further notice of proposed rulemaking.

SUMMARY: The Minerals Management Service (MMS) is hereby giving notice that it intends to issue a further notice of proposed rulemaking for coal product value regulations. The purpose of this notice is to advise lessees and other interested persons of the procedures MMS intends to follow before issuing final regulations.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Minerals Management Service, Royalty Management Program Chief, Rules and Procedures Branch, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 628, Denver, Colorado 80225, telephone number (303) 231–3432, (FTS) 326–3432.

SUPPLEMENTARY INFORMATION: The MMS, earlier this year, issued proposed valuation regulations for coal (52 FR 1840, Jan. 15, 1987). Many comments were received during the 90-day public comment period, both in written form and at public hearings. MMS subsequently reopened the comment period on July 9, 1987, for 14 days (52 FR 25887). During the second comment period, MMS received some significant comments from principal interested parties raising issues which merited further consideration and response from the public. Of particular interest was a comment submitted jointly on behalf of the coal and electric utility industries by the National Coal Association, Edison Electric Institute, American Mining Congress, American Public Power Association, National Rural Electric Cooperative Association, and the Western Fuels Association, Inc. The proposal submitted by these parties included a comprehensive, section-by-section set of revisions to the MMS's January proposed rulemaking, including justification for the suggested modifications

MMS also received a brief response to the industry proposal from Governor Sullivan of Wyoming, which questioned some of the basic concepts in the proposal. In addition, MMS received a comprehensive set of section-by-section comments from Indian representatives.

To allow for futher consideration of these significant comments, MMS again reopened the comment period for 60 days (52 FR 29868, August 12, 1987) to give interested persons an opportunity to obtain from MMS copies of the comments described above and then to provide a response for MMS to consider in developing a final rulemaking.

Because of the difficult issues and diversity of comments, MMS has decided to publish a further notice of proposed rulemaking before issuing a final rule.

MMS received many comments during the reopened comment periods, and several comments were received after the last comment period closed. MMS also expects to receive additional comments before the further notice of proposed rulemaking is issued. MMS will include in the rulemaking record all comments received since publication of the proposed regulations on January 15, 1987 and prior to the close of the comment period on the planned further notice of proposed rulemaking. The further notice will be published after MMS has had an opportunity to evaluate the comments it has received to date and to discuss the issues further with the principal affected groups.

Date: November 12, 1987.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 87-26478 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-MR-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-6]

Authorized Use of Multiple Synchronous Transmitters

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time for comments.

SUMMARY: This Order extends the time for filing comments in MM Docket No. 87-6, regarding use of multiple synchronous transmitters by AM broadcast stations, in response to a Motion to Extend Comment Dates filed by the Association for Broadcast Engineering Standards, Inc.

DATES: Comments must be filed on or before May 9, 1988, and reply comments on or before June 8, 1988.

ADDRESS: Federal Communications Commissions, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jay Jackson, Policy and Rules Division, Mass Media Bureau, (202) 632-9660.

Order Granting Motion For Third Extension of Time For Filing Comments

Adopted: November 6, 1987.

Released: November 6, 1987.

By the Chief, Mass Media Bureau:

1. On March 3, 1987, the Commission released a *Notice of Inquiry* in MM Docket 87-6 to consider standards for the use of multiple synchronous transmitters by AM broadcast radio stations. 52 FR 8085, published March 16, 1987. Pursuant to an *Order Granting a Further Extension of Time for Filing Comments,* comments were due to be filed on or before November 9, 1987 and reply comments on or before December 9, 1987. 52 FR 27019, published July 17, 1987.

2. On October 30, 1987, the Association for Broadcast Engineering Standards, Inc. ("ABES") filed a motion to extend comment and reply comment dates to February 9, 1987 and March 7, 1987, respectively. ABES makes arguments similar to those that persuaded us to grant the previous two requests for extensions of time. It contends that an extension is required so that operators of experimental synchronous facilities can conduct testing and submit detailed reports of their experiments. Thus far, notes ABES, "very little hard data" have been submitted. ABES points out that only one station, KROL of Laughlin, Nevada, has submitted a report of operational experiences, albeit only outlining efforts to overcome technical dificulties and promising to forward the results of further testing with its semi-annual report. ABES believes that a extension of 90 days will allow permittees/licensees time to provide sufficient operational data from their experiments, particularly considering their obligations to submit detailed accounts of their operations every six months after grant of test authorization.

3. Section 1.46(a) of the Commission's Rules states that extension of time should not be routinely granted. In this regard, we note that this is the third request for extension of time in this proceeding. Nevertheless, the reasons for the grant of the two previous requests still obtain. The receipt of data from the licensees of the experimental synchronous operations was and is considered critical to the Commission's full and comprehensive consderation of the issues in this proceeding.[1] While we wish to move ahead expeditiously, to date only one six-month report of actual operations have been submitted, and it did not contain operational data. Moreover, at least a couple of other stations have indicated that they plan to commence experimental operations with synchronous transmitters. Therefore, the grant of additional time should permit KROL and other licensees/permitees to complete construction, conduct testing, and to prepare and submit test results so that they may be properly used in formulating rules.

4. Although we are concerened with any undue delay, licensees/permittees using experimental facilities must have sufficient time to complete their testing so that they can participate in this rulemaking, as dictated by their authorizations. We note, however, that a mere extension of 90 days will not ensure such participation because licensees are only required to submit detailed reports every six months following test authorization, and, thus, little if any data would be forthcoming during the requested 90-day period. Therefore, to provide greater assurance that meaningful data can be generated and submitted, we will extend the comment dates a period of 180 days. It does not appear that undue harm to any party would be caused by this extension.

5. Accordingly, it is ordered that the Motion to Extent Comments Dates filed by the Association For Broadcast Engineering Standards, Inc. is granted and that the date for filing comments and reply comments are extended to May 9, 1988 and June 8, 1988, respectively.

6. This action is taken pursuant to authority found in Sections 4S(i) and 303(r) of the Communications Act of 1934, as amended, and §§0.204(b), 1.46, and 1.45 of the Commission's Rules.

Federal Communications Commission.

Alex D. Felker,

Chief, Mass Media Bureau.

William J. Tricarico,

Secretary.

[FR Doc. 87-26368 Filed 11-16-87; 8:45 am]

BILLING CODE 6712-01-M

[1] In this regard, we reiterate our encouragement that interested parties apply for authority to operate experimental synchronous AM stations in order that the widest base of operational data may be developed.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To List the Boulder Darter as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list a small fish, the boulder darter (*Etheostoma* (*Nothonotus*) sp.), formerly referred to by the Service as the Elk River darter, as an endangered species under the Endangered Species Act (Act) of 1973, as amended. This species is presently know from only about 25 miles (46 kilometers) of the lower Elk River system in Giles County, Tennessee, and Limestone County, Alabama. The species' decline has resulted primarily from habitat alteration associated with water impoundment. Due to the species' limited distribution, any factor that adversely modifies habitat or water quality in the short river reach it now inhabits could further threaten its survival. Comments and information pertaining to this proposal are sought from the public.

DATES: Comments from all interested parties must be received by January 19, 1988. Public hearing requests must be received by January 4, 1988.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Biggins at the above address, (704/259-0321 or FTS 672-0321).

SUPPLEMENTARY INFORMATION:

Background

The boulder darter (*Etheostoma* sp.) is an undescribed species in the subgenus *Nothonotus* (a manuscript describing it is in preparation, Dr. David Etnier, University of Tennessee, personal communications, 1987). It attains a maximum length of about 3 inches (7.6 centimeters) (Dr. David Etnier, personal communications, 1987). The body of males is olive to gray, and they lack the red spots that are characteristic of closely related species. The female's color is similar but lighter. Both sexes have a gray to black bar located below the eye and a similar colored spot behind the eye. Because of the species' rarity (less than 50 specimens have ever been collected), its biology is unknown. This darter has historically been collected from the Elk River as far upstream as Fayetteville, Lincoln County, Tennessee (at approximately river mile 90), and downstream through Giles County, Tennessee, into Limestone County, Alabama (at approximately river mile 30); from two Elk River tributaries, Indian Creek and Richland Creek, Giles County, Tennessee; and from Shoal Creek, Lauderdale County, Alabama (O'Bara and Etnier 1987). Based on knowledge of the species' preferred habitat (fast-moving water runs over large boulder and slab rock substrate), it is believed the species once also inhabited the southern bend of the Tennessee River, at least in areas near its confluence with the Elk River and Shoal Creek (Dr. David Etnier, personal communications, 1987).

Based on a recently completed status survey (O'Bara and Etnier 1987) of the species' historic range and other Tennessee River tributaries in Tennessee and Alabama, the species is presently restricted to about 23 miles (43 kilometers) of the Elk River in Giles County, Tennessee (20 miles or 37 kilometers), and Limestone County, Alabama (3 miles or 6 kilometers), and just over 2 miles (3 kilometers) of Richland Creek and Indian Creek (Giles County, Tennessee). The species' extirpation from the upper Elk River, Lincoln County, Tennessee, was likely due to the impacts of cold water releases from Times Ford Reservoir. The loss of the Shoal Creek population and any Tennessee River populations resulted from water impoundments behind Wheeler and Wilson Dams. The Shoal Creek population loss also may be partially attributed to a historic pollution discharged from a large manufacturing plant. Because of the species' present limited distribution (about 25 river miles or 46 kilometers) and the limited availability of boulder darter habitat (fast-moving water with boulder substrate) in the Elk River system, any factor that modifies or degrades the habitat or water quality in these short river reaches could further threaten the species' survival.

On September 18, 1985, the Service announced in the **Federal Register** (50 FR 37959) that the boulder darter (referred to as the Elk River darter in that notice), along with 136 other fish species, was being considered for addition to the List of Endangered and Threatened Wildlife. On February 10, 1987, the Service notified Federal, State, and local governmental agencies by mail (State fish and wildlife agencies and affected county governments were also contacted by phone) that a status review of the boulder darter was being conducted and that the species could be proposed for listing. Four responses to the February 10, 1987, notification were received. Support for the proposal was received from the Tennessee Wildlife Resources Agency and the Tennessee Department of Conservation. The Tennessee State Planning Office stated that "State and local government evaluation * * * indicated no conflicts with existing activities." The Department of Housing and Urban Development indicated that it had no information on the species.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the boulder darter (*Etheostoma* sp.) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The boulder darter is presently known to occur in disjunct segments on about 23 miles (43 kilometers) of the Elk River in Giles County, Tennessee, and Limestone County, Alabama, and about 2 miles (3 kilometers) total in two Elk River tributaries (Richland Creek and Indian Creek) in Giles County, Tennessee (O'Bara and Etnier 1987). This represents a substantial reduction over its historically known range, and the present distribution represents only a fraction of what the fishes' range likely was prior to the construction of impoundments on the Elk and Tennessee Rivers.

Historically the fish has been collected in the Elk River upstream as far as river mile 90 in Lincoln County, Tennessee. Recent surveys of the Elk River in Lincoln County have failed to recollect the fish in the county even though suitable habitat is still present (O'Bara and Etnier 1987). It is believed this population segment was extirpated and has not been repopulated because of the cold water releases from Tims Ford Reservoir. Historical records of this species also exist for Shoal Creek, Lauderdale County, Alabama. Sampling

in this creek during the summer of 1983 and the fall of 1986 failed to verify this fish. It is believed the Shoal Creek population was lost due to flooding of lower Shoal Creek by Wilson Dam and due to pollution from an upstream industrial complex. Although this discharge has been substantially improved, the boulder darter apparently has not recolonized the area.

Although data are lacking, it is believed, based on the historical availability of suitable habitat, that the boulder darter once inhabited the Tennessee River and the lower portion of some Tennessee River tributaries in the southern bend area of the Tennessee River from the Paint Rock River downstream to at least Shoal Creek (Dr. David Etnier, personal communications, 1987). These main Tennessee River and tributary populations would have been eliminated when the Tennessee River impoundments (Wheeler and Wilson Dams) inundated the preferred habitat of the fish.

No water impoundments are planned for the Elk River in the area presently occupied by the species. However, other factors, such as increased levels of siltation from major land use changes, improper pesticide use, toxic chemical spills, and/or uncontrolled mining of phosphate in the watershed, could further threaten the species in the short river reaches and limited habitat it now occupies.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The specific area inhabited by the species are presently unknown to the general public. As a result, overutilization of the species has not been a problem. However, vandalism may become a problem because of publicity associated with listing, especially if maps of specific occupied habitat areas are identified through critical habitat designation (see later discussion in the "Critical Habitat" section).

C. *Disease or predation.* Although the boulder darter is undoubtedly consumed by predators, there is no evidence that predation is a threat to the species.

D. *The inadequacy of existing regulatory mechanisms.* The States of Tennessee and Alabama prohibit taking wildlife and fish for scientific purposes without a State collecting permit. However, these State laws do not protect the species' habitat from the potential impacts of Federal actions. Federal listing will provide the species additional protection under the Endangered Species Act by requiring a Federal permit to take the species and by requiring Federal agencies to consult with the Service when projects they fund, authorize, or carry out may affect the species.

E. *Other natural or manmade factors affecting its continued existence.* The boulder darter requires deep (greater than 2 feet or 0.6 meters), fast-moving water over boulder habitat. Because the Elk River's substrate is primarily sand and gravel and many river reaches consist of long, slow pools, the boulder darter's required habitat is extremely limited. The scarcity of this fish's preferred habitat further restricts the species' range and increases its vulnerability to habitat alteration at these sites.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the boulder darter (*Etheostoma* sp.) as an endangered species. The species presently ranges over only about 25 river miles (46 kilometers), and within this river reach, it is restricted to very specific habitat areas that are scarce. This restricted range and habitat limitation makes the species vulnerable to extinction. Therefore, the list of this species as endangered, as opposed to threatened, is most appropriate. See the following section for reasons why critical habitat is not being designated.

Critical Habitat

Section 7(a)(2) of the Endangered Species Act, as amended, requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. Section 4(a)(3) requires that critical habitat be designated, to the maximum extend prudent and determinable, concurrent with the determination that a species is endangered or threatened. The Service finds that a determination of critical habitat for the boulder darter is not prudent at this time. Such a determination would result in no known benefit to the species. As part of the development of this proposed rule, Federal agencies have been notified of the boulder darter's distribution and requested to provide data on proposed Federal projects that might adversely affect the species. No projects were identified. Should any potential adverse effects arise from future projects, the involved Federal agencies will already have the species' distributional data needed to determine if the species may be impacted by their action. The listing of a species and the publicity that arises creates the potential for vandalism. Through the designation of critical habitat and the requirement for maps and specific habitat descriptions, the threat to this species from vandalism would increase. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard of the Act. Therefore, the Service believes that designation of critical habitat would not be prudent, because no benefit to the species has been identified that would outweigh the potential threat of vandalism or collection, which would be exacerbated by publication of a detailed critical habitat description.

Available Conservation Measures

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

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any if being proposed or designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The Service has notified Federal agencies that may have

programs that affect the species. As a result of this notification, no Federal agencies identified any current programs that may impact the boulder darter. However, Federal activities that could occur in the future and impact the species include, but are not limited to, the carrying out of or the issuance of permits for hydroelectric facilities construction, reservoir construction, stream alteration, wastewater facility development, and road and bridge construction. It has been the experience of the Service, however, that nearly all section 7 consultations have been resolved so that the species has been protected and the project objectives have been met.

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

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Public Comments Solicited

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

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

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

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

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

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

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Asheville Field Office, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

National Environmental Policy Act

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

References Cited

O'Bara, C.J., and D.A. Etnier. 1987. Status survey of the boulder darter. Final report submitted to U.S. Fish and Wildlife Service, Asheville Field Office, 100 Otis Street, Room 224, Asheville, NC. May 1987. 13 pp.

Author

The primary author of this final rule is Richard G. Biggins, Asheville Field Office, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 672-0321).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

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

PART 17—[AMENDED]

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

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.);* Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

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

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes:							
Darter, boulder	*Etheostoma (Nothonotus)* sp.	U.S.S. (TN, AL)	Entire	E		NA	NA

Dated: October 22, 1987.

Susan Recce,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-25688 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 23

Proposed Procedural Change in Requesting Comments on Species Listings in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of request for comment.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain species of animals and plants. Appendices I, II, and III to the Convention list those species for which trade is controlled. Appendix III includes species that any Party nation identifies as being subject to regulation within its jurisdiction for the purposes of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.

Any Party may enter reservations on any species added to the Appendices. The effect of a reservation is to exempt that Party from implementing the Convention for a particular species. The U.S. Fish and Wildlife Service (Service) entertains comments on whether to enter a reservation for any species. However, based on (1) the lack of comments on previous Appendix III listings, (2) the Service and U.S. Department of State policies disfavoring reservations, and (3) the opportunity provided in the Convention to enter reservations on Appendix III species at any time, the Service proposes to announce future additions to Appendix III as final rules without requesting public comments on the issue of entering a reservation. The purpose of this document is to announce this proposed change in procedure and to request comments regarding this proposed change. A final decision on this procedure will be announced as a Notice of Decision.

DATES: The Service will consider comments received by December 17, 1987, in determining whether it will implement the proposed procedure in announcing species additions to Appendix III.

ADDRESSES: Please send correspondence concerning this notice to the Chief, Office of Scientific Authority; Mail Stop: Room 527, Matomic Building; U.S. Fish and Wildlife Service; Department of the Interior; Washington, DC 20240. Background materials will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, in Room 537, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane at the address given above, or telephone (202) 653-5948.

SUPPLEMENTARY INFORMATION:

Background

Any Party nation may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties, or by postal procedures between meetings. Amendments are adopted by a two-thirds majority of the Parties voting at meetings or voting when necessary by the postal procedures. Appendix III includes species that any Party nation unilaterally identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.

Under the Convention, trade in specimens of species included in Appendix III requires the issuance of either an export permit, a re-export certificate or a certificate of origin. Export permits are required if the shipment originates from the nation that has included the species in Appendix III. The export of specimens of these species from other nations requires the presentation of "certificates of origin," or in the case of re-export, "certificates from the nation of re-export," which are required to show that the specimen was processed in that nation and/or is being re-exported. Trade in any specimen of these species, whether alive or dead, will be covered by the provisions of the Convention, as will trade in any readily recognizable part or derivative (unless an exemption for any part or derivative is specified in the listing).

As a Party to the Convention, the United States has an opportunity to reserve on amendments to the Appendices. Articles XV and XVI of the Convention enable any Party to exempt itself from implementing the Convention for any particular species or part or derivative if it enters a reservation with respect to that species. In the case of a nation that is a Party at the time an amendment to Appendix I or II is adopted, a reservation may be entered *only* during the period of 90 days (1) after the Parties voted to place the species in Appendix I or II or (2) in the case of votes by postal procedures, after the date of notification by the Secretariat of the species' acceptance. In the case of a nation that is a Party at the time an amendment to Appendix III is requested, a reservation may be entered *at any time* after the Secretariat notifies the Parties of the amendment placing the species in Appendix III.

However, reserving would do very little to relieve importers in the United States from the need for foreign export permits because the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) make it a Federal offense to import into the United States any animals taken, possessed, transported, or sold in violation of foreign conservation laws. If the foreign nation has enacted the Convention as part of its positive law, and that nation has not taken a reservation with regard to the species, part, or derivative, the United States would continue to require Convention documents as a condition of import. A reservation by the United States also would provide exporters in this country with little relief from the need for the U.S. export documents. Receiving countries that are party to the Convention will generally require Convention-equivalent documentation from the United States even if it enters a reservation, because the Parties have agreed to allow trade with non-Parties (including reserving Parties) only if they issue documents containing all of the information required in Convention permits or certificates.

If the United States entered a reservation, both importers and exporters would be in a confusing situation where Convention requirements are imposed by other countries and not by the United States. This could lead persons to inadvertently violate laws of foreign countries that honor the listing.

Further, the entering of a reservation could interfere with one of the major U.S. goals under the Convention, which is full and active compliance with the spirit of this treaty by all countries. The Department of State, as a matter of general policy, does not favor the United States taking reservations under any treaty except in those cases where, absent a reservation, the treaty would conflict with U.S. law or be impossible to implement. Service interest in bilateral cooperation with foreign governments in support of conservation efforts and preservation of endangered and threatened species, the fact that trade in Appendix III species not native to the United States is not prohibited under the Convention in any way, and

the fact that paperwork processing associated with certificates for re-exports or indicating country of origin is already minimal, make it even less likely that the Service would recommend that a reservation be entered for an Appendix III listing.

Proposed Procedural Change

The Service proposes to submit future Appendix III species listing as final rules for immediate inclusion in the Code of Federal Regulations (50 CFR 23.23). Such final rules would contain a statement of reasons supporting the Service's finding that good cause exists to omit the proposed rule notice and public procedure thereon, because they would be "impracticable, unnecessary, or contrary to the public interest" 5 U.S.C. 553(b)(1982). While the Service proposes not to routinely request comments as to amending the list of Appendix III species in the Code of Federal Regulations, the Service may request public comments with regard to reservations in a proposed rule if a significant biological, trade, or legal issue exists. In any event, public comments will be welcomed after any final rule amending the list of Appendix III species is published in the **Federal Register**. Inasmuch as reservations on Appendix III species can be entered at any time, any comment requesting a reservation could be addressed, and reservations entered if warranted even after publication of the final rule in the **Federal Register**.

However, the Service has not been asked to enter reservations on Appendix III species in response to any contemporary proposed rules, and it is unlikely to enter any, even if requested. Thus, the main effect of elimination of a **Federal Register** notice requesting comments before publication of the final rule for inclusion of the Appendix III species in the Code of Federal Regulations would be to reduce the Federal paperwork burden, thereby saving time and money.

The Service requests comment on whether to implement the proposed procedure for announcing Appendix III species listings. The Service's final decision as to whether to implement this procedural change will be announced as a Notice of Decision in the **Federal Register**.

If the United States considered it appropriate to initiate adding a species to Appendix III (which it has not done thus far), the Service would propose the species in the **Federal Register** and seek public comment in the usual way. This new proposed procedure only applies to Appendix III listing by other Parties, where considering a reservation might be appropriate.

Note: The Department has determined that amendments to the Convention Appendices, which result from actions of the Parties to the Convention, do no require the preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Department also has determined the such amendments are not rules for purposes of Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) Notices on Appendix III species listing do not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

This document was prepared by Dr. Charles W. Dane, Chief, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

List of Subjects in 50 CFR Part 23

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

Dated: November 5, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-26414 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 657

[Docket No. 71145-7245]

Atlantic Salmon

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement the Fishery Management Plan for Atlantic salmon (FMP). The FMP establishes a Management program for the U.S. Atlantic salmon resource to complement existing management programs of the New England States and to complement Federal management authority over salmon of domestic origin on the high seas conferred to the United States as a member of the North Atlantic Salmon Conservation Organization (NASCO). The FMP prohibits the possession of Atlantic salmon taken from Federal waters, thereby preventing the interception of migratory salmon on their return to natal waters. The action is intended to bring U.S. management in line with that of other nations.

DATE: Comments on the proposed rule are invited until Monday, December 28, 1987.

ADDRESSES: Send comments on the proposed rule to Richard Roe, Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on the Atlantic salmon regulation."

Copies of the FMP, the environmental assessment, and the regulatory impact review/regulatory flexibility analysis are available from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Carol Kilbride, 617-281-3600, ext. 331.

SUPPLEMENTARY INFORMATION: The FMP, prepared by the New England Fishery Management Council (Council) complements the international management program for Atlantic salmon (*Salmo salar*) established under the aegis of the Convention for the Conservation of Salmon in the North Atlantic (NASCO Convention), to which the United States became a signatory nation in March, 1982. The FMP prohibits the possession of Atlantic salmon from the exclusive economic zone, and in so doing, reinforces the Atlantic salmon restoration programs established by individual State agencies within the United States and by other countries. In effect, the management program assures that no interception fishery for Atlantic salmon will develop in U.S. waters where salmon of U.S. origin may be susceptible to capture during their spawning migration as they return to their natal rivers. The prohibition on possession is necessary because all returning U.S.-origin Atlantic salmon are needed to occupy the available spawning habitat to support the Atlantic salmon restoration programs.

The FMP, which this proposed rule would implement, confirms U.S. management of U.S.-origin salmon in the 3-12 mile zone. The NASCO Convention of 1982 excepts territorial seas, and defines them as being the 0-12 mile zone contiguous to the coastline of the signatory nation (excepting the 0-40 mile zone recognized in the case of Greenland). Contrastingly, the United States recognizes only a 0-3 mile zone for its own territorial sea off the East Coast. By virtue of this disparity, the 3-12 mile zone off the United States

coastline is explicitly not under the management authority of NASCO nor is it under the explicit management authority of the coastal States of the United States. Thus, all management programs for U.S.-origin Atlantic salmon may be potentially compromised by unregulated exploitation of salmon resources within the zone. This deficiency in U.S. management of Atlantic salmon poses a threat to the salmon restoration efforts in the Northeast and weakens the U.S. position with regard to initiatives placed before NASCO and the U.S. expectations for responsive salmon management under NASCO.

The Council proposes to establish a management program for Atlantic salmon beyond the U.S. territorial sea to complement existing State management programs in coastal waters and U.S. regulation of salmon of domestic origin on the high seas beyond 12 miles under the Altantic Salmon Convention Act of 1982 (16 U.S.C. 3601–3608).

NOAA has undertaken an initial review of the FMP and has found an inconsistency in the broad definition of the management unit. While the definition of the management unit includes all anadromous salmonids, the FMP analysis only addresses the single species of Atlantic salmon. NOAA is concerned that the disparity between the described management unit and FMP analyses may inconsistent with National Standard 3 of the Magnuson Act at 16 U.S.C. 1851(a)(3), and its corresponding guidelines for FMPs at 50 CFR 602.13. NOAA will address this issue during the Secretarial review period. No comments were received on this issue during development of the proposed FMP. NOAA encourage the Council as well as other interested parties to address this issue in their comments on the proposed FMP.

Classification

Section 304(c)(2) of the Magnuson Act, as amended by Pub. L. 99–659, requires the Secretary of Commerce to publish regulations proposed by a Council within 15 days of receipt of an FMP and regulations. At this time, the Secretary has not determined that the FMP these regulations would implement is consistent with the national standards, other provision of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Administrator of NOAA has determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The General Council of the Department of Commerce certified to the Small Business Administration that this rule, if adopted, would not have a significant economic impact on a substantial number of small businesses because no fishing for Atlantic salmon is taking place now in the EEZ and none would be allowed under this rule. The Council prepared an environmental assessment and concluded that the proposed rule will have no significant impact upon the human environment. Copies of the FMP and its associated documents are available from the Council (see **ADDRESSES**).

This proposed rule contains no information collection requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York.

List of Subjects in 50 CFR Part 657

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: November 10, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, a new 50 CFR Part 657 is proposed to be added as follows:

PART 657—ATLANTIC SALMON FISHERY

Subpart A—General Provisions

Sec.

657.1 Purpose and scope.
657.2 Definitions.
657.3 Relationship to other laws.
657.4 Prohibitions.
657.5 Facilitation of enforcement.
657.6 Penalties.

Subpart B—Management Measures

657.20 Prohibition on possession.

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

Subpart A—General Provisions

§ 657.1 Purpose of scope.

This part implements the Fishery Management Plan for Atlantic salmon developed by the New England Fishery Management Council in consultation with the U.S. Fish and Wildlife Service of the U.S. Department of the Interior. These regulations govern the conservation and management of Atlantic salmon.

§ 657.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meanings:

Area of custody means any vessel, building, vehicle, pier or dock facility where fish might be found.

Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or a designee.

Atlantic salmon means *Salmo salar.*

Authorized officer means

(a) Any commissioned warrant, or petty officer of the U.S. Coast Guard;

(b) Any special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Catch, take, or harvest includes, but is not limited to, any activity which results in killing any fish, or bringing any live fish aboard a vessel.

Exclusive economic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves

(a) The catching, taking or harvesting of fish;

(b) The attempted catching, taking or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing; including, but not limited to, preparation, supply,

storage, refrigeration, transportation, or processing.

Land means to begin offloading fish, to offload fish, to enter a port with the intent of offloading fish, or to transfer fish to another vessel.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*).

Operator, with respect to any vessel, means the master or other individual aboard and in charge of that vessel.

Owner, with respect to any vessel, means

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including, but not limited to parties to a management agreement, operating agreement, or other similiar arrangement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Recreational fishing means fishing for finfish which does not result in their barter, trade, or sale.

Recreational fishing vessel means any vessel from which no fishing other than recreational fishing is conducted. Party and charter boats are not considered recreational fishing vessels.

Regional Director means the Regional Director, Northeast region, NMFS, 14 Elm Street, Federal Building, Gloucester, MA 01930, or a designee.

Retain aboard means to fail to return fish to the sea after a reasonable opportunity to sort the catch.

Secretary means the Secretary of Commerce, or a designee.

Vessel of the United States means

(a) Any vessel documented under Chapter 121 of Title 46, United States Code;

(b) Any vessel numbered under Chapter 123 of Title 46, United States Code, and measuring less than 5 net tons;

(c) Any vessel numbered under Chapter 123 of Title 46, United States Code, and used exlusively for pleasure; and

(d) Any vessel not equipped with propulsion machinery of any kind and used exclusively for pleasure.

§ 657.3 Relationship to other laws.

(a) Fishing vessel operators will exercise due care in the conduct of fishing activities near submarine cables. Damage to submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protection of Submarine Cables. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one quarter nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

(b) Nothing in these regulations will supercede more restrictive State or local management measures for Atlantic salmon.

§ 657.4 Prohibitions.

(a) It is unlawful for any person to do any of the following:

(1) Use any vessel of the United States for taking, catching, harvesting, fishing for, or landing any Atlantic salmon taken from the EEZ;

(2) Transfer directly or indirectly, or attempt to transfer, to any vessel any U.S.-harvested Atlantic salmon;

(3) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, or export any Atlantic salmon taken, retained, or imported;

(4) After being signaled by an authorized officer, to dump on board or into the water the contents of the net before the authorized officer has permitted the net to be emptied;

(5) Make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvest, landing, purchase, sale, possession, or transfer of any Atlantic salmon;

(6) Refuse to permit an authorized officer to board a fishing vessel or to enter an area of custody, subject to such person's control, for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit under the Magnuson Act;

(7) Forcibly assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (a)(3) of this section;

(8) Resist a lawful arrest for any act prohibited by this part;

(9) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this part;

(10) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search by an authorized officer while enforcing this part; or

(11) Fail to comply immediately with enforcement and boarding procedures specified in § 657.5.

(b) It is unlawful to violate any other provision of this part, the Magnuson Act, or any regulations or permit issued under the Magnuson Act.

§ 657.5 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM or high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to allow an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal

to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must

(1) Guard Channel 16, VHF-FM, if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope of safety line, and illumination for the ladder; and,

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following additional signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (.- .-)[1], is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (.-. -.-- -.-. -.--) means "you should proceed at slow speed, a boat is coming to you." The signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... --.- ...--) means "you should stop or heave to; I am going to board you."

(4) "L" (.-..) means "you should stop your vessel instantly."

[1] Period (.) means a short flash of light. Dash (-) means a long flash of light.

§ 657.6 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Magnuson Act, 15 CFR Part 904 (Civil Procedures), and other applicable law.

Subpart B—Management Measures

§ 657.20 Prohibition on possession.

(a) *Bycatch.* All Atlantic salmon caught incidental to a directed fishery for other species in the EEZ must be released in such a manner as to insure maximum probability of survival.

(b) *Presumption.* The possession of Atlantic salmon will be *prima facie* evidence that such Atlantic salmon were taken in violation of these regulations. Evidence that such fish were harvested under State authority, or from foreign waters, or from aquaculture enterprises, will be sufficient to rebut the presumption. This presumption does not apply to fish being sorted on deck.

[FR Doc. 87-26411 Filed 11-16-87; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 221
Tuesday, November 17, 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.

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: December 2–4 1987.

Time: 9:00 a.m.

Place: State Department Building, Washington, DC.

Type of Meeting: Closed.

Contact: Colonel William C. Golbitz, General Advisory Committee on Arms Control and Disarmament, Room 5927, Washington, DC 20451 (202) 647–5178.

Purpose of Advisory Committee: To advise the Director of the U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.

Agenda: Will present the following discussions and presentations:

December 2–4 1987

Soviet Strategic Forces
Soviet Nonconventional Forces
Verification Issues
Soviet Space Programs
START Issues
INF Issues
Geneva Negotiation Positions
Executive Discussions

Reason for Closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to Close Meeting: The closing of this meeting is in accordance with a determination by the Director of the Arms Control and Disarmament Agency dated April 1, 1987, made pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act as amended.

William J. Montgomery,

Committee Management Officer.

[FR Doc. 87–25449 Filed 11–16–87; 8:45 am]

BILLING CODE 6820–32–M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review; Correction

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation, correction.

In **Federal Register** document 87–25906 beginning on page 43095 in the issue of Monday, November 9, 1987, the December dates were incorrectly stated. Please make the following corrections:

1. On pages 43095–43096 the due date for the request for review which read December 31, 1987, is corrected to read November 30, 1987.

2. On page 43096 in the first column, fourth line, December is corrected to read November.

The antidumping, countervailing and suspended investigation proceedings and periods cited remain unchanged.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Date: November 10, 1987.

[FR Doc. 87–26470 Filed 11–16–87; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

National Fish and Seafood Promotional Council; Meeting

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

Time and date: The meeting will convene at 8:30 a.m., December 1, 1987, and adjourn at approximately 11:00 a.m., December 3, 1987.

Place: Universal South Building, 1825 Connecticut Avenue, NW., Washington, DC 20235

Status: Under the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4001–4017), NOAA announces a meeting of the National Fish and Seafood Promotional Council (NFSPC). Parts of this meeting will be open to the public. The remainder of the meeting will be closed to the public. NFSPC was established by the Fish and Seafood Promotion Act of 1986 to develop for the Secretary's approval, annual plans and budgets to generically market and promote fisheries products which includes consumer education and research.

Matters to be considered:

Portion open to the public: December 1, 1987, 8:30 a.m.–5:00 p.m., Introduction of Council members, Overview of Fish and Seafood Promotion Act, NMFS Trade Perspectives, Overview of Fishing Industry, Past and Current Marketing Activities. December 2, 1987, 8:30 a.m.–10:45 a.m., Model Seafood Surveillance Program Review and Administrative and Operational Procedures.

Portion closed to the public: December 2, 1987, 10:45 a.m.–5:00 p.m. and December 3, 1987, 8:30 a.m. to 11:00 a.m. (Closed Session) selection of Council Chairperson, budget, other employment matters, and internal Council organizational matters.

For Further Information Contact: Phyllis S. Bentz, Chief Industry Grants & Marketing Council Operations Branch, Office of Trade and Industry Services, NMFS, Washington, DC 20235. Telephone: (202) 673–5371.

Dated: November 10, 1987.

Carmen J. Blondin,

Director, Office of Trade and Industry Services.

[FR Doc. 87–26412 Filed 11–16–87; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council has scheduled public meetings of its advisory entities as follows:

Scientific and Statistical Committee (SSC)—Will meet jointly with the Pacific Council's Salmon Plan Development Team and agency staff

from the Oregon Department of Fish and Wildlife, and the Washington Department of Fisheries to review the Oregon production index area coho estimation methodology used by the Pacific Council. The public meeting will convene December 2, 1987, at 9 a.m., at the Red Lion Inn-Portland Center, Portland, OR, and adjourn December 3. Following the meeting, the SSC will release recommendations to the Pacific Council on selection of the best Oregon production index area estimation methodology to use for the 1988 ocean salmon fishing season. In January 1988 the Pacific Council will review the SSC recommendations and adopt a specific methodology.

Performance Select Group—Will convene November 30–December 1, 1987, at the Pacific Council's office (address below), to discuss and recommend refinements in Council operating procedures which the Council will address at its January 13–14, 1988, meeting.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 200 SW. First Avenue, Portland, OR 97201; telephone: (503) 221–6352.

Date: November 10, 1987.

Ann D. Terbush,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87–26413 Filed 11–16–87; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION ON MERCHANT MARINE AND DEFENSE

Commission on Merchant Marine and Defense; Meeting

Summary: The Commission on Merchant Marine and Defense was established by Pub. L. 98–525 (as amended), and the Commission's was constituted in December 1986. The Commission's mandate is to study and report on problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the Merchant Marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base to support naval and merchant ship construction. In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the Commission announces the following meeting:

Dates and Times: Monday, November 23, 1987, Beginning 9:00 a.m., Tuesday, November 24, 1987, Beginning 9:00 a.m.

Place: Suite 520, 4401 Ford Avenue, Alexandria, Virginia, 22302–0268;

Type of Meeting: Closed.

Contract Person: Allan W. Cameron, Executive Director, Commission on Merchant Marine and Defense, Suite 520, 4401 Ford Avenue, Alexandria, Virginia 22302–0268, Telephone (202) 756–0411.

Purpose of Meeting: To receive additional information pertaining to the needs of the national defense for the Merchant Marine and the shipbuilding industry, and to discuss and to deliberate facts and opinions obtained from briefings and public hearings.

Supplementary Information: The executive meetings of the Commission will be closed to the public pursuant to 5 U.S.C. 552b(c)(1) and 552b(c)(4) in the interests of national security and to protect proprietary information provided to the Commission in confidence.

Allan W. Cameron,

Executive Director, Commission on Merchant Marine and Defense.

[FR Doc. 87–26445 Filed 11–16–87; 8:45 am]

BILLING CODE 3820-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Establishment of a Guaranteed Access Level for Cotton Textile Products from Costa Rica

November 10, 1987.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 277–4212.

The purpose of this notice is to advise the public that during recent consultations, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 7 and 8, 1984 between the Governments of the United States and Costa Rica and the Special Access Program, the two governments signed a Memorandum of Understanding establishing a guaranteed access level for properly certified textile products assembled in Costa Rica from fabric formed and cut in the United States in Category 340/640 (cotton and man-made fiber woven shirts for men and boys), exported from Costa Rica during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988. The established level and effective date will be published in the **Federal Register** upon the exchange of diplomatic notes.

Participating firms doing business in Costa Rica are advised to take all necessary steps to ensure that textile products in Category 340/640, produced or manufactured in Costa Rica from fabric formed and cut in the United States that are to be exported under the Special Access program from Costa Rica on or after January 1, 1988, for entry into the United States for consumption, or withdrawal from warehouse for consumption, are accompanied by a certification issued by the appropriate Costa Rican authorities and a properly completed and certified CBI Export Declaration (Form ITA–370P). Each shipment of textile products in Category 340/640 of Costa Rica not accompanied by a properly issued certification and a CBI Export Declaration must be accompanied by a properly issued visa.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–26448 Filed 11–16–87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Establishment of a Guaranteed Access Level for Cotton Textile Products From the Dominican Republic

November 10, 1987.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212.

The purpose of this notice is to advise the public that during recent consultations, under the terms of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of December 18, 1986, between the Governments of the United States and the Dominican Republic and the Special Access Program, the two governments signed a Memorandum of Understanding establishing a guaranteed access level for properly certified textile products assembled in the Dominican Republic from fabric formed and cut in the United States in Category 347/348 (cotton trousers, slacks, and shorts) which are exported from the Dominican Republic during the five-month period which begins on January 1, 1988, and extends through May 31, 1988. The established level and effective date will be published in the **Federal Register** upon the exchange of diplomatic notes.

Participating firms doing business in the Dominican Republic are advised to take all necessary steps to ensure that textile products in Category 347/348, produced or manufactured in the Dominican Republic from fabric formed and cut in the United States that are to

be exported under the Special Access Program from the Dominican Republic on or after January 1, 1988, for entry into the United States for consumption, or withdrawal from warehouse for consumption, are accompanied by a certification issued by the appropriate Dominican Republic authorities and a properly completed and certified CBI Export Declaration (Form ITA-370P). Each shipment of textile products of the Dominican Republic not accompanied by a properly issued certification and a CBI Export Declaration must be accompanied by a properly issued visa.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-26449 Filed 11-16-87; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of an Import Level for Certain Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Singapore

November 12, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 18, 1987. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the previously established import limit for Category 642, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Background

A CITA directive dated December 16, 1987 (51 FR 45797) established import restraint limits for certain cotton, wool and man-made fiber textile products, including Category 642, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

During consultations held September 23-25, 1987 between the Governments of the United States and the Republic of Singapore, agreement was reached to further amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 31 and June 5, 1986, as amended, to convert the designated consultation level for man-made fiber textile products in Category 642 to a specific limit for the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register.**

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 12, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 6, 1986 concerning certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on November 18, 1987, the directive of December 16, 1986 is hereby amended to increase the level for man-made fiber textile products in Category 642 to a level of 165,000 dozen.[1]

The limits set forth above are subject to adjustment in the future according to the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 31, and June 5, 1986, as amended.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-26447 Filed 11-16-87; 8:45 am]

BILLING CODE 3510-DR-W

[1] The limit has not been adjusted to reflect any imports exported after December 31, 1986.

DEPARTMENT OF DEFENSE

Department of the Air Force

Delivery of Personal Mail at Air Force Installations

AGENCY: Department of the Air Force, DOD.

ACTION: Notice.

SUMMARY: This notice updates a previous notice announced in the **Federal Register** on 26 May 1987, 52 FR 19567. It serves to advise the private sector of United States Air Force policy for delivering mail from private sources to individual members or employees of the Air Force. It only applies to mail received in quantities of 50 or more on the same day from the same mailer and addressed to individuals by name at their duty office. It does not apply to personal mail addressed to family housing areas on Air Force Installations, to properly addressed mail sent to unit mail rooms, or mail intended for final delivery by the United States Postal Service. Additionally all mail, regardless of source or quantity, addressed to an Air Force Postal Service Center will be delivered as long as the name of the addressee and the receptacle (box) numer are correct. The previous notice indicated this policy was in effect at some, but not all Air Force installations. It is now in effect at all Air Force installations.

EFFECTIVE DATE: November 17, 1987.

FOR FURTHER INFORMATION CONTACT: Steven M. Fried, Chief of Administrative Communications Policy Section, Directorate of Information Management and Administration, Office of the Administrative Assistant to the Secretary of the Air Force, Washington DC 20330-1000. Telephone (202) 693-2166.

SUPPLEMENTARY INFORMATION: The Air Force has a general policy that individual members and employees are not to use their office address for the receipt of personal mail. This policy has been difficult to enforce because it is often difficult to determine if mail from private sources is intended for people as individuals or as officials of the Air Force. Due to the nature of the mail and

the quantities received, however, it can sometimes be reasonably determined to be personal. Until recently, the Air Force attempted to deliver such mail if it contained a correct name and office address. Since the Air Force, rather than the Postal Service, sorts and delivers mail internally on all Air Force installations, the receipt of large volumes of personal mail taxes available equipment and staffing resources. Initially, several Air Force installations requested permission to refuse delivery of large volumes of personal mail addressed to individuals at their office. In accordance with Department of Defense policy regarding installation management, the Air Force approved these requests on an individual basis. At these installations unofficial mail (from private sources) addressed to individuals by name received in quantities of 50 or more on the same day from the same mailer may be refused and returned to the Postal Service. An exception was made for mailings of less than 50 pieces since such a low volume would have a negligible impact. However, repeated mailings of less than 50 pieces to circumvent this policy may be refused and returned. Since the last notice on this subject, all Air Force installations were granted permission to refuse this type of mailing. Therefore, there is no longer any reason for mailers in the private sector to contact that installation to establish the local delivery policy.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-26471 Filed 11-16-87; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Privacy Act of 1974: Deletion of Record System

AGENCY: Department of the Army, DoD.

ACTION: Notice subject to the Privacy Act.

SUMMARY: Notice is hereby given that the Department of the Army is deleting a record system from its existing inventory of record systems subject to the Privacy Act of 1974.

EFFECTIVE DATE: November 17, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Cliff Jones, Systems Management Branch, HQ, Army Information Systems Command (AS-OPS-MR), Fort Huachuca, AZ 85613-5000. Telephone 602-538-6568, Autovon: 879-6568.

SUPPLEMENTARY INFORMATION: The Army's inventory of systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a) have been published to date in the **Federal Register** as follows:

FR Doc. 85-10237 (50 FR 22090) May 29, 1985 (DoD Compilation)
FR Doc. 86-14667 (51 FR 23576) June 30, 1986
FR Doc. 86-19534 (51 FR 30900) August 29, 1986
FR Doc. 86-25274 (51 FR 40479) November 7, 1986
FR Doc. 86-27580 (51 FR 44361) December 9, 1986
FR Doc. 87-8140 (52 FR 11847) April 13, 1987
FR Doc. 87-11379 (52 FR 18798) May 19, 1987
FR Doc. 87-15611 (52 FR 25905) July 9, 1987
FR Doc. 87-19686 (52 FR 32329) August 27, 1987

The Army is deleting a record system identified as: A0609.02 DAAG, entitled: Army Nuclear Test Personnel Review Program (ANTPR) as there is no further need of the system because an existing record system maintained by the Defense Nuclear Agency is currently being utilized.

Patricia H. Means,

Federal Register Liaison Officer, Department of Defense.

November 10, 1987.

Deletion of Record System Notice

A0609.02DAAG

SYSTEM NAME:

Army Nuclear Test Personnel Review Program (ANTPR) 52 FR 18822, May 19, 1987.

Reason: The Defense Nuclear Agency system of records identified as HDNA 010, entitled: Nuclear Test Participants (50 FR 22603, May 29, 1985) is currently being utilized by the Army.

[FR Doc. 87-26438 Filed 11-16-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of General Counsel; Intent To Grant Exclusive Patent License; Lakewood Partners, Inc.

Notice is hereby given of an intent to grant to Lakewood Partners, Inc. of Houston, Texas, an exclusive license to practice in the United States the inventions described in U.S. Patent Nos. 4,388,267 and 4,408,904, both entitled "Temperature Profile Detector." The patents are owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed exclusive license will be subject to a license and other rights retained by the U.S. Government, and will be subject to a negotiated royalty provision. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to either of the inventions in the United States, in which applicant states that he has already brought either of the inventions to practical application or is likely to bring either invention to practical application expeditiously.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Issued in Washington, DC, on November 5, 1987.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 87-26469 Filed 11-16-87; 8:45 am]

BILLING CODE 6450-01-M

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement; European Atomic Energy Community and Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/SW(EU)-142, for the transfer of 34,712 kilograms of uranium enriched to 3.97 percent in the isotope uranium-235 from the Federal Republic of Germany to Sweden for conversion of uranium hexafluoride to uranium dioxide power. After conversion it is planned to return the material to the Federal Republic of Germany.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: November 9, 1987.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-26486 Filed 11-16-87; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

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

Notice is hereby given of the following meeting:

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

Date and time: Monday, December 7, 1987, 12:00 noon.

Place: Sun Building, First Floor Conference Rms. A & B, 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 decisions from the Coordinating Subcommittee meeting and review progress on individual assignments.

Tentative Agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss decisions from the Coordinating Subcommittee meeting.
—Review progress on 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.

Summary minutes of the meeting will be available for public review at the Freedom of Information Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary Fossil Energy.

[FR Doc. 87-26487 Filed 11-16-87; 8:45 am]

BILLING CODE 6450-01-M

Natural Gas Transportation Task Group; National Petroleum Council; Public Meeting

Notice is hereby given of the following meeting:

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

Date and time: Tuesday, December 8, 1987, 10:00 a.m.

Place: Houston Airport Marriott, The Matagorda Room, 18700 John F. Kennedy Boulevard, Houston, Texas.

Contact: Margie D. Biggerstaff, U.S. Department of Eneregy, 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 decisions from the Coordinating Subcommittee meeting and review progress on individual assignments.

Tentative agenda:

—Opening remarks by Chairman and Government Cochairman.
—Discuss decisions from the Coordinating Subcommittee meeting.
—Review progress on 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.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

J. Allen Wampler,

Assistant Secretary, Fossil Energy.

[FR Doc. 87-26488 Filed 11-16-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER88-82-000 et al.]

Arizona Public Service Co. et al.; Electric Rate and Corporate Regulations Filings

November 10, 1987.

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

1. Arizona Public Service Company

[Docket No. ER88-82-000]

Take notice that on November 5, 1987, Arizona Public Service Company (APS) tendered for filing a Letter Agreement (Agreement) between APS and Maricopa County Municipal Water Conservation and Drainage District Number One (MCM) executed November 2, 1987. This Agreement provides for supplemental power along with wheeling, administrative and banking services to be rendered by APS for MCM for an interim period of six months or upon execution of more comprehensive agreements, whichever date is shorter.

APS, with the concurrence of MCM requests waiver of 18 CFR 35.11 so that the Agreement will become effective on January 1, 1988.

The rates for these services is the same as those contained in a number of other agreements for similar service that the Commission has previously accepted.

Copies of this filing have been served upon the Arizona Corporation Commission and MCM.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Boston Edison Company

[Docket No. EL87-13-003]

Take notice that on November 3, 1987, Boston Edison Company tendered for filing pursuant to Commission Order dated July 2, 1987, paragraph D, a refund report with interest calculations.

Copies of this filing were served upon all affected parties to this proceeding.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this document.

3. Duke Power Company

[Docket No. ER88-77-000]

Take notice that on November 3, 1987, Duke Power Company (Duke) tendered for filing with the Commission pursuant to section 205 of the Federal Power Act and § 35.12 of the Commission's Rules and Regulations an Interconnection Agreement between Duke and Nantahala Power and Light Company. This agreement provides for the establishment of an initial interconnection between Duke and Nantahala in the vicinity of Tuckasegee, North Carolina. Pursuant to the Interconnnection Agreement, Duke will construct a transmission line approximately 30 miles long to interconnect the Duke and Nantahala systems.

Duke states that the rates filed are the product of extensive negotiations between the parties and are designed to take into account the relationship between the Duke and Nantahala systems, and in particular, load diversity.

Duke states further that service under the Interconnection Agreement will begin on the day physical interconnection of the Duke and Nantahala systems is established. Because the Interconnection Agreement provides the construction of the line will not begin until all regulatory approvals have been received, Duke requests that the Commission take action as soon as possible.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Iowa Southern Utilities Company

[Docket No. ER88-80-000]

Take notice that on November 4, 1987, Iowa Southern Utilities Company tendered for filing substitute tariff sheets in its FERC Electric Service tariff for decreased electric rates for wholesale service. The substitute tariff has been filed in response to changes in the Federal Income Tax rate from 46% to 34% effective July 1, 1987.

Copies of the filing were served upon the cities of Afton, Orient, Danville and Bloomfield and the Utilities Boards of New London and Mt. Pleasant and the Iowa Army Ammunition Plant at Middletown, Iowa. A copy of the filing has also been mailed to the Utilities Division of the Iowa Department of Commerce.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. In the Transfer of Nantahala Power and Light Company to Duke Power Company

[Docket No. EC88-1-000]

Take notice that on November 3, 1987, Duke Power Company (Duke) tendered for filing an application pursuant to section 203 of the Federal Power Act for approval to acquire all of the outstanding common stock of Nantahala Power and Light Company (Nantahala) from the Aluminum Company of America (Alcoa). The purchase price is an amount equal to the Net Book Value of Nantahala's issued and outstanding common stock as of the closing.

Duke states that under the proposed transaction, Nantahala well cease to be a wholly owned subsidiary of Alcoa and will become a wholly owned subsidiary of Duke. Neither Duke nor Nantahala will dispose of, consolidate, or merge their respective facilities with each other or with any other public utility or any other entity. Both Duke and Nantahala will retain ownership of the same facilities before and after the purchase. Duke states further that Duke and Nantahala have entered into an Interconnection Agreement pursuant to which Duke will construct new transmission facilities into Nantahala's eastern territories, thereby interconnecting the two utilities. It is contemplated that Nantahala will remain a separate utility serving the same load it now serves and that, once the interconnection is established, Duke will assume from the Tennessee Valley Authority (TVA) the role of supplying Nantahala's requirements over and above that supplied by Nantahala's own generation.

Duke states that the proposed acquisition is consistent with the public interest for the following reasons: (1) As part of the transfer, Nantahala will become interconnected with the Duke transmission grid, and will thereby improve its overall system reliability; (2) Duke will include Nantahala in its long term planning; (3) the benefit of Nanathala's hydro generation will remain in the Nantahala service area; (4) Nantahala will secure a source of long term power through Duke; (5) Nantahala's cost of purchasing power from Duke is expected to be less than it would have been had Nantahala purchased its power requirements from TVA; (6) Nantahala is a winter peaking utility and Duke is a summer peaking utility; and (7) because of the interconnection of the Duke and Nantahala systems, there will be increased reliability for the Duke and Nantahala systems. Duke states that the sum of these factors makes the acquisition of Nantahala's securities by Duke beneficial to Alcoa, Nantahala, Duke, and the customer of Duke and Nantahala.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Pacific Power & Light Company, an assumed business name of PacifiCorp

[Docket No. ER88-79-000]

Take notice that on November 4, 1987, Pacific Power & Light Company (Pacific), an assumed business name of PacifiCorp, tendered for filing in accordance with § 35.30 of the Commission's Regulations, Pacific's Revised Appendix 1 for the state of Idaho and Bonneville Power Administration's (Bonneville) Determination of Average System Cost (ASC) for the state of Idaho (Bonneville's Docket No. 5-A3-8701). The Revised Appendix 1 calculates the ASC for the state of Idaho applicable to the exchange of power between Bonneville and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective March 2, 1987, which it claims is the date of commencement of service.

Copies of the filing were supplied to Bonneville, the Idaho Public Utilities Commission and Bonneville's Direct Service Industrial Customers.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. Northern States Power Company (Minnesota)

[Docket No. ER88-76-000]

Take notice that on November 2, 1987, Northern States Power Company (Minnesota) (NSP) tendered for filing proposed changes in FERC transmission service rates.

The 23 affected transmission service customers and their current FERC rate schedule designations of their customers are as follows:

Customer	FERC rate schedule No.
Group I—Transmission Service Rate Schedules:	
Ada	390
East River Electric Power Cooperative, Inc.	331
Fairfax	400
Hillsboro	414
Marshall	403
Melrose	401
Olivia	388
Saint James	412
Sauk Centre	389
Sleepy Eye	393
Blue Earth	438
Mountain Lake	444
Delano [1]	391
Glencoe [1]	395
Hutchinson [1]	434
Lake Crystal [1]	396
New Ulm [1]	398
Janesville [1]	399
Group II—On Line Transmission Service Rate Schedule:	
East Grand Forks	387
Granite Falls	436
Sioux Falls	413
State of South Dakota (Penitentiary)	385
University of North Dakota	404

[1] These customers have the transmission service rate schedules in their contracts but have never used such rate schedules and are likely not to rely on such schedules in the future.

The total decrease is $87,211, or 5.6% for the transmission service customers and $7,168, or 4.5% for the on-line transmission service customers below the rates in effect on the date of this filing. It is requested that the decrease be permitted to become effective retroactive to July 1, 1987.

NSP states that the proposed rate decreases are caused by the decrease in Federal corporate income tax rates from 46% to 40% to 34% due to the 1986 Tax Reform Act. This filing is made in accordance with FERC Order No. 475, dated June 26, 1987.

Copies of the rate schedule changes and comparative billing data were served upon NSP's customers affected by this filing. In addition, copies of the filing have been mailed to the Minnesota Public Utilities Commission, the North Dakota Public Service Commission and the South Dakota Public Utilities Commission.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of Indiana, Inc.

[Docket No. EC88-5-000]

Take notice that on November 5, 1987, Public Service Company of Indiana, Inc. (PSI), 1000 East Main Street, Plainfield, Indiana 46168, tendered for filing an Application for Approval of Proposed Corporate Reorganization, pursuant to section 203 of the Federal Power Act, 16 U.S.C. 824(b). PSI proposes to effect a corporate reorganization whereby PSI would become a wholly-owned subsidiary of a newly formed holding company and PSI common stock will be exchanged for holding company common stock.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Public Service Electric and Gas Company

[Docket No. ER-78-000]

Take notice that on November 4, 1987, Public Service Electric and Gas Company of New Jersey (Public Service) tendered for filing proposed changes in its FERC Electric Tariff, Original Vol. No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $1,201,817 based on year ended December 31, 1986 (Period I) and $1,243,156 based upon year ended December 31, 1988 (Period II).

Public Service states that in the early 1970's the Company undertook a vital generation construction program in order to satisfy the growing needs of Public Service customers. This program was completed in early 1987. This request reflects the completion of this construction program as well as all other costs that are incurred in the rendering of reliable electric service. This filing also includes the effect of the 1986 Tax Reform Act.

Copies of the filing were served upon the public utility's jurisdictional customers, Atlantic Electric and the Boroughs of Milltown, South River, Park Ridge, and the New Jersey Board of Public Utilities.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this document.

10. Sierra Pacific Power Company

[Docket No. ER87-268-000]

Take notice that on November 4, 1987, Sierra Pacific Power Company (Sierra) tendered for filing an amendment to its proposed rate changes relating to (1) two revisions to contracts pursuant to which Sierra provides transportation for Bonneville Power Administration (BPA) for transfer to Harney Electric Cooperative and (2) a contract pursuant to which Sierra provides transportation for BPA for transfer to Wells Rural Electric Cooperative. The amendment proposes no revisions to the proposed rate changes, but only provides more information on these changes.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

11. Southern California Edison Company

[Docket No. ER88-83-000]

Take notice that on November 5, 1987, Southern California Edison Company (Edison) tendered for filing proposed changes in its FERC Electric Service Tariff, Time-of-Use Resale Service, Schedule R-4.1. The proposed changes incorporated in proposed Schedule R-7.0 rates would increase revenue for the 12-month period ending December 31, 1988, from sales and service to the City of Vernon, California by $3.5 million from revenues at present, Schedule R-4.1 rates.

Southern California Edison Company requests an effective date for proposed Schedule R-7.0 rates, of Janaury 5, 1987.

The purpose of this filing is to reflect in rates increased costs associated with new generation facilities and increased congeneration demand and energy costs, offset in part by the removal of CWIP from rate base.

Copies of the filing were served upon the public utility's jurisdictional customers, the California Public Utilities Commission, and the Arizona Corporation Commission.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

12. West Texas Utilities Company

[Docket No. ER88-61-000]

Take notice that on November 4, 1987, West Texas Utilities Company (WTU) tendered for filing a Service Agreement executed by WTU and a new customer, Kimble Electric Cooperative, Inc. (Kimble). Kimble will take service under WTU's full-requirements TR-1 Rate Schedule, FERC Electric Tariff Original Volume No. 1. WTU requests an effective date of November 1, 1987 for the Service Agreement and, accordingly, seeks waiver of the Commission's notice requirements.

Copies of the filing have been served on Kimble and the Public Utility Commission of Texas and are available for public inspection at WTU's general

offices in Abilene, Texas. Copies of the transmittal letter requesting waiver of the notice requirements were served on WTU's other wholesale customers.

Comment Date: November 24, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26455 Filed 11-16-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS72-43 et al.]

Perkins Energy Co. (J.R. Perkins and F.L. Parham d/b/a Perkins Production, Co.), et al.; Applications for Small Producer Certificates [1]

November 10, 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 November 27, 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.

Lois D. Cashell,

Acting Secretary.

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

Docket No.	Date filed	Applicant
CS72-43	[1] 10-2-87	Perkins Energy Company, (J.R. Perkins and F.L. Parham d/b/a Perkins Production Company), P.O. Box Drawer 878, Duncan, Oklahoma 73534.
CS74-271-001	[2] 10-30-87	Fuel Resources, Inc. and Brooklyn Union Exploration Company Inc., (Fuel Resources, Inc.), 166 Montague Street, Brooklyn, New York 11201.
CS76-34	[3] 10-9-87	First Republic Bank, Dallas N.A., Sole Trustee, *et al.*, (William Y. Penn and First National Bank in Dallas, Trustees, *et al.*), c/o Penn Resources, Inc., 2121 San Jacinto, Suite 1960, Dallas, Texas 75201.
CS76-1161	[4] 10-23-87	John D. and Catherine T. MacArthur Foundation, (National Drilling Company, Inc.), c/o Burke, Griffin, Chomicz & Wienke, P.C., Suite 1000, 303 East Wacker Drive, Chicago, Illinois 60601.
CS77-375-001	[5] 10-19-87	Unit Drilling and Exploration Company and Unit Corporation, (Unit Drilling and Exploration Company), P.O. Box 702500, Tulsa, Oklahoma 74170.
CS88-1-000	10-5-87	Laclede Operating Company, 2118 S. Van Buren, Amarillo, Texas 79109.
CS88-2-000	10-8-87	Carroll Resources, Inc., Rt. 4 N, Box 6, Duck, West Virginia 25063.
CS88-3-000	10-13-87	Sugarland Oil Company, 5155 E. 51st, Suite 201, Tulsa, Oklahoma 74135.
CS88-4-000	10-13-87	Tidemark Exploration, Inc., P.O. Box 702675, Tulsa, Oklahoma 74170.
CS88-6-000	10-19-87	Barrett Resources Corporation, Barrett Energy Company and Excel Energy Corporation, 1125 17th Street, Suite 2100, Denver, Colorado 80202.
CS88-7-000	10-26-87	Lance Reemtsma and First Interstate Bank, Agent for David A. Pierce, Susan L. Pierce Nelson, John B. Pierce, and Dirk V. Reemtsma, P.O. Box 4140, Farmington, New Mexico 87499.
CS88-8-000	10-26-87	Orion Natural Resources Corporation, 1201 Mark Twain Avenue, Reno, Nevada 89509.
CS88-9-000	10-27-87	Rockbridge Oil & Gas, Incorporated, Bayside Resources and Buffalo Petroleum, P.O. Box 27804, Houston, Texas 77227.
CS88-10-000	10-30-87	Beryl B. McMaham, individually and as Testamentary Trustee of the W.C. McMahan Estate Trust, for Thomas V. McMahan and the Trust for Gwinn M. Lewis, 3300 First City Tower, 1001 Fannin, Houston, Texas 77002-6760.
CS88-11-000	10-30-87	H.R. Stasney and Sons Company, 3300 First City Tower, 1001 Fannin, Houston, Texas 77002-6760.
CS88-12-000	10-30-87	Jones Company, 3300 First City Tower, 1001 Fannin, Houston, Texas 77002-6760.

[1] Letter dated October 1, 1987, received October 2, 1987, advising that upon the death of J.R. Perkins in 1980 the name of Perkins Production Company was changed to Perkins Energy Company, a corporation, with F.L. Parham owning 50% of the stock.

[2] Letter dated and received October 30, 1987, requesting amendment of small producer certificate to reflect Brooklyn Union Exploration Company, Inc., as co-holder of the small producer certificate issued to Fuel Resources, Inc., in Docket No. CS74-271.

[3] Letter dated and received October 9, 1987, as supplemented by letter dated and received November 5, 1987, transmitting application for abandonment in Docket No. CI88-18-000 and advising that Robert Read Penn, David Cauthon Penn, William Travis Penn and Frank Walter Penn obtained their interests from the Estate of Robert Lee John Penn, and that First Republican Bank, Dallas N.A. is now the sole trustee of the group of trusts commonly known as the Penn Family Trusts.

[4] By letter dated October 21, 1987, received October 23, 1987, Applicant requests redesignation of the small producer certificate in Docket No. CS76-1161 to reflect that John D. and Catherine T. MacArthur Foundation (the Foundation) is the successor in interest to all of the assets and liabilities of National Drilling Company, Inc. (National). Applicant states that National was a wholly owned subsidiary of Bankers Life and

Casualty Company (Bankers), which, in turn, was wholly owned by John D. MacArthur (MacArthur). Upon MacArthur's death in 1978 the stock of Bankers was transferred to the Foundation, and as a result of its ownership of Bankers, the Foundation became owner of National. As a result of a divestiture program required by federal tax laws, National was liquidated and all of its assets and liabilities were transferred directly to the Foundation by separate assignments.

[5] By letter dated October 12, 1987, received October 19, 1987, Applicant requests the addition of Unit Corporation to the small producer certificate in Docket No. CS77-375.

[FR Doc. 87-26456 Filed 11-16-87; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 8793-002]

Surrender of Preliminary Permit; Daniel A. Baldwin

November 9, 1987.

Take notice that Daniel A. Baldwin, permittee for the proposed Baldwin Project, has requested that his preliminary permit be terminated. The permit was issued on September 25, 1985, and would have expired on August 31, 1988. The project would have been located on Silver Creek in the Nez Perce National Forest, in Idaho County, Idaho. The permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The permittee filed the request on October 8, 1987, and the preliminary permit for Project No. 8793 shall remain in effect through the thirtieth day after issuance of this notice unless that day is 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26457 Filed 11-16-87; 8:45am]
BILLING CODE 6717-01-M

[Project No. 9006-002]

Surrender of Preliminary Permit; Mutual Energy Company, Inc.

November 12, 1987.

Take notice that Mutual Energy Company, Inc., permittee for the proposed Tumalo Creek Project, has requested that its preliminary permit be terminated. The permit was issued on September 3, 1985, and would have expired on August 31, 1988. The project would have been located on Tumalo Creek in the Deschutes National Forest, in Deschutes County, Oregon. The permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The permittee filed the request on October 26, 1987, and the preliminary permit for Project No. 9006 shall remain in effect through the thirtieth day after issuance of this notice unless that day is 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26458 Filed 11-16-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI88-95-000]

Houston Gas Exchange Corp.; Application for Blanket Certificate of Public Convenience and Necessity and for Pre-Granted Abandonment Authorization

November 12, 1987.

Please take notice that on November 5, 1987, Houston Gas Exchange Corporation ("HOUGEX"), pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717-717(z) ("NGA"), and Parts 154 and 157 of the regulations of the Federal Energy Regulatory Commission ("Commission"), 18 CFR Parts 154 and 157, filed an application for a blanket certificate of public convenience and necessity (i) authorizing sales for resale of natural gas by HOUGEX of all categories of gas subject to NGA jurisdiction; and (ii) approving pregranted abandonment of all sales for resale for which sales certificate authority is authorized.

HOUGEX also requested a blanket certificate of public convenience and necessity with pregranted abandonment authorizing sales for resale of natural gas by producer/suppliers from whom HOUGEX purchases gas or for whom HOUGEX acts as agent, of all categories of natural gas subject to NGA jurisdiction. In addition, HOUGEX requested waiver of the requirements under Parts 154 and 271 of the regulations of the Commission with respect to establishment and maintenance of rate schedules and with respect to production related allowances. Finally, HOUGEX requested that it be subject to the Commission's NGA jurisdiction only to the extent necessary to implement the requested authority.

It appears reasonable and consistent with the public interest in these cases to prescribe a period shorter than the normal for the filing of protests and motions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should, on or before November 25, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385,214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

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

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26459 Filed 11-16-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI87-911-000 and CI87-943-000]

Mountain Fuel Resources, Inc.; Applications for Blanket Limited-Term Abandonment and for a Blanket Limited-Term Certificate of Public Convenience and Necessity With Pregranted Abandonment

November 12, 1987.

Taken notice that on September 21, 1987, as supplemented on November 5, 1987, Mountain Fuel Resources, Inc. (MFR) 79 South State Street, Salt Lake City, UT 8411, filed applications pursuant to section 7 of the Natural Gas Act. MFR requests, on behalf of its producer-suppliers currently selling natural gas to MFR pursuant to certificates of public convenience and necessity, an order: (1) Authorizing blanket limited-term abandonment, by mutual agreement between MFR and its producer-suppliers, of sales and services under contracts previously certificated by the Commission, and (2) a blanket

limited-term certificate with pregranted abandoment for such producer-suppliers to make sales-for-resale in interest commerce of gas released by MFR, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

MFR states that the purpose of its applications is to provide MFR with relief from currently escalating take-or-pay exposure while retaining long-term reserves needed to meet future customer requirements. MFR explains that it also seeks the above-listed authorizations in order to give MFR's producer-suppliers the opportunity to successfully compete for natural gas sales in the current market. It is proposed that the abandonment of service and sales by producer-suppliers terminate two years from the date a Commission order is issued in this proceeding or at any earlier date negotiated between MFR and its producer-suppliers.

MFR states it would offer to negotiate releases in a non-discriminatory manner with all its producer-suppliers that agree to offer take-or-pay relief. According to MFR, each producer-supplier would be free to determine if it wished to have its gas released and to negotiate the terms and conditions of the release. In any such negotiation, either party would be free to negotiate terms that, in its judgement, would protect its short and long-term interests.

In addition, MFR requests a waiver of the requirements under Parts 154 and 271 of the Commision's Regulations that MFR's producer-suppliers establish and maintain rate schedules for the sales of released gas.

MFR also requests that its producer-suppliers be permitted automatically to collect the monthly adjustment on released gas that the requirement for filing a blanket affidavit to cover sales of released gas, in accordance with 18 CFR 154.94(h), be waived; and, to the extent MFR's producer-suppliers qualify for collection of any allowance under section 110 of the Natural Gas Policy Act of 1978 (NGPA) that the requirements that they comply with § 154.94(k) and Part 271 of the Commision's Regulations be waived for released volumes.

MFR states that it currently provides non-discriminatory natural gas transportation service pursuant to section 311(a)(1) of the NGPA. MFR also provides transportation service on behalf of individual shippers under NGA section 7(c) certificates granted by the Commission. Therefore, MFR states that its producer-suppliers would have the option, upon the release of natural gas by MFR, to transport the released volumes on MFR's system, either under the terms and conditions specified in MFR's FERC Gas Tariff, Original Volume No. 1-A, or under an individual certificated transportation arrangement approved by the Commision in accordance with MFR's FERC Gas Tariff, Original Volume No. 3.

MFR states it would file with the Commision a quarterly report within 45 days after the end of each calendar quarter during which authorized abandonments occurred. The report would include details regarding the limited-term abandonment of any sale previously certificated by the Commission.

MFR states that the following is an estimate of the daily deliverability, as of January 1, 1987, that might be released in accordance with the authority sought herein:

NGPA category	Estimated daily volume (Mcf)
104 Flowing gas, large producer	11,000
104 Flowing gas, small producer	3,700
104 Recompletion gas, large producer	9,700
104 Recompletion gas, small producer	2,800
104 1973-74 biennium gas, large producer	900
104 1973-74 biennium gas, small producer	1,500
104 Post-1974	11,000
104 Minimum rate gas	8,000
104 Other (special relief, Opinion 455 or Limited 431)	500
106	6,800
108	2,400
Total	58,300

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 30, 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 Commision's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commision will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commision's rules.

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

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26460 Filed 11-16-87; 8:45 am]

BILLING CODE 6717-01-M

Niagara Mohawk Power Corp.; Existing Licensee's Intent To File an Application for New License

November 10, 1987.

Take notice that on August 6, 1987, Niagara Mohawk Power Corporation, licensee for the Hydraulic Race Project No. 2424 has stated its intent pursuant to section 15(b)(1) of the Federal Power Act (Act) to file an application for a new license. The license for the Hydraulic Race Project No. 2424 will expire on June 30, 1991. The project is located on the New York State Barge Canal, on the Mohawk River in Niagara County, New York and has a total capacity of 4,687 kW.

The principal project works currently licensed for Project No. 2424 are: (1) A regulator tunnel owned by the New York State Department of Transportation; (2) a gate structure in the south canal wall above Lock No. 35 at Lockport; (3) a 140-foot-long, 12.5-foot-diameter tunnel connecting with the state tunnel; (4) a 99-foot-long, 13-foot-diameter steel penstock; (5) a powerhouse containing one generating unit with an installed capacity of 4,687-kW; and appurtenant facilities.

Under section 15(c)(1) of the Act, as amended by the Electric Consumer Protection Act of 1986, each application for a new license and any competing license application must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 29, 1989.

Pursuant to section 15(b)(2), the licensee is required to make available current maps, drawings, data and such other information as the Commission shall by rule require regarding the construction and operation of the licensed project. See Docket No. RM87-7-000 (Interim Rule issued March 30, 1987), for a detailed listing of required information. A copy of Docket No. RM87-7-000 can be obtained from the Commission's Public Reference Section, Room 1000, 825 North Capitol Street, NE, Washington, DC 20426. The above information is required to be available for public inspection and reproduction at a reasonable cost a described in the rule at the licensee's offices.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26461 Filed 11-16-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-108-002]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

November 10, 1987.

Take notice that on October 30, 1987, Southern Natural Gas Company (Southern) tendered for filing certain proposed changes to its FERC Gas Tariff, Sixth Revised Volume No. 1 and Original Volume No. 2 to become effective November 1, 1987. Southern states that the proposed tariff sheets have been filed in compliance with Ordering Paragraphs (D) and (F) of the Commission's September 30, 1987 order issued in Docket Nos. TA88-1-7-000 and RP87-108-000, which required Southern to revise its Annual Charge Adjustment (ACA) clause to comport with Order No. 472-B and to revise certain rate schedules to reflect the imposition of the ACA charge thereunder.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions and upon all shippers on behalf of whom Southern transports gas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214. 385.211). All such motions or protests should be filed on or before November 17, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-26462 Filed 11-16-87; 8:45 am]

BILLING CODE 6717-01-M

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 866 Superseded]

Prior Approval of District Board Directors Special Assignments

AGENCY: Farm Credit Administration.

ACTION: Notice.

SUMMARY: On August 6, 1986, the Chairman of the Farm Credit Administration (FCA) issued Order No. 866 (51 FR 31369, September 3, 1986) which provided Farm Credit System (System) district boards the flexibility to responsibly monitor and control the compensation of board members for activities outside regular board meetings.

A final rule was published on September 25, 1987 (52 FR 36012) revising the regulations relating to the compensation of members of System district boards. The revisions implement FCA Order No. 866 and section 5.5 of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2226, which authorizes the FCA to approve the compensation paid to district directors for undertaking certain functions or activities.

Upon the effective date of these regulations (52 FR 41401), FCA Order No. 866 has been superseded and is no longer in effect.

November 12, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87-26490 Filed 11-16-87; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Guidelines for Compliance With the Federal Bank Bribery Law

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Issuance of guidelines.

SUMMARY: Pursuant to the Bank Bribery Amendments Act of 1985, the Federal Deposit Insurance Corporation ("FDIC") is issuing guidelines to assist financial institution officials in complying with the bank bribery law. The guidelines, which were developed by the Interagency Bank Fraud Working Group, encourage all FDIC-insured state-chartered banks that are not members of the Federal Reserve System and all FDIC-insured state-licensed branches of foreign banks to adopt codes of conduct that describe the prohibitions of the bank bribery law. The guidelines also identify situations that, in the opinion of the FDIC, do not constitute violations of the Federal bank bribery law.

EFFECTIVE DATE: November 17, 1987.

FOR FURTHER INFORMATION CONTACT: James R. Dudine, Chief, Special Activities Section, Division of Bank Supervision (202-898-6750), or Ronald R. Glancz, Assistant General Counsel Legal Division (202-898-7266), 550 17th Street NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

A. Background

The Comprehensive Crime Control Act of 1984 (Pub. L. 98-473, title 11, October 12, 1984) amended the Federal bank bribery law, 18 U.S.C. 215, to prohibit employees, officers, directors agents and attorneys of financial institutions from seeking or accepting anything of value in connection with any transaction or business of their financial institution. The amended law also prohibited anyone from offering or giving anything of value to employees officers, directors, agents or attorneys of financial institutions for or in connection with any transaction or business of the financial institution. Because of its broad scope, the 1984 Act raised concerns that it might have made what is acceptable conduct unlawful.

In July 1985, the Department of Justice issued a Policy Concerning Prosecution Under the New Bank Bribery Statute. In that Policy, the Department of Justice discussed the basic elements of the prohibited conduct under section 215, and indicated that cases to be considered for prosecution under the new bribery law entail breaches of fiduciary duty or dishonest efforts to undermine financial institution transactions. Because the statute was intended to reach acts of corruption in the banking industry, the Department of Justice expressed its intent not to prosecute insignificant gift giving or entertaining that does not involve a breach of fiduciary duty or dishonesty.

Congress decided that the broad scope of the statute provided too much prosecutorial discretion. Consequently, Congress adopted the Bank Bribery Amendments Act of 1985 (Pub. L 99-370, August 4, 1986) to narrow the scope of 18 U.S.C. 215 by adding a new element, namely an intent to corruptly influence or reward an officer in connection with financial institution business. As amended, section 215 provides in pertinent part:

Whoever—

(1) corruptly gives, offers, or promises anything of value to any person, with intent to influence or reward an officer, director, employee, agent, or attorney of a financial institution in connection with any business or transaction of such institution; or

(2) as an officer, director, employee agent, or attorney of a financial institution, corruptly solicits or demands for the benefits of any person, or corruptly accepts or agrees to accept anything of value from any person, intending to be influenced or rewarded in connection with any business or transaction of such institutions; shall be [guilty of an offense]

The law now specifically excepts the payment of bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business. This exception is set forth in subsection 215(c).

The penalty for a violation remains the same as it was under the 1984 Act. If the value of the thing offered or received exceeds $100, the offense is a felony punishable by up to five years imprisonment and a fine of $5,000 or three times the value of the bribe or gratuity. If the value does not exceed $100, the offense is a misdemeanor punishable by up to one year imprisonment and a maximum fine of $1,000.

In addition, the law now requires the financial institution regulatory agencies to publish guidelines to assist employees, officers, directors, agents and attorneys of financial institutions in complying with the law. The legislative history of the 1985 Act makes it clear that the guidelines would be relevant to, but not dispositive of, any prosecutorial decision the Department of Justice may make in any particular case. 132 Cong. Rec. 5944 (daily ed. Feb. 4, 1986). Therefore, the guidelines developed by the regulatory agencies are not a substitute for the legal standards set forth in the statute.

Additionally, in adopting its own prosecution policy under the bank bribery statute, the Department of Justice can be expected to take into account the appropriate financial institution regualtory agencies' expertise and judgment in defining those activities or practices that the agencies believe do not undermine the duty of an employee, officer, director, agent or attorney to the financial institution (*United States Attorneys' Manual* section 9–40.439). The FDIC believes that if reasonable codes of conduct are adopted and complied with, the likelihood of criminal prosecution will be diminished.

B. Discussion of Comments

The FDIC received a total of twelve letters commenting on the proposed guidelines which were published in the **Federal Register** on May 19, 1987 (52 FR 18740): Six from trade associations, four from State nonmember banks, one from a national bank and one from a law firm. Ten of the commenters generally supported the issuance of the proposed guidelines but offered particular suggestions for changes to the guidelines, while two commenters suggested that the FDIC should not issue guidelines on this subject at all.

The most frequently expressed comments were that: (a) The general prohibitory language in the guidelines should be redrafted to make clear that only conduct undertaken with "corrupt intent" is prohibited by the Bank Bribery Amendments Act of 1985; (b) the exceptions in the guidelines should be expanded to allow bank officials to accept various other benefits in other circumstances; (c) the guidelines should retain their flexibility by not recommending specific dollar limits in defining what is an acceptable gift or gratuity for a bank official to receive in connection with bank business; (d) the reporting requirements of the proposed guidelines should be amended to delete the recommendation that a bank official be required to report items he or she "anticipates receiving;" (e) the provision prohibiting bank officials from accepting business opportunities not generally available to the public should be more narrowly drafted; and (f) the guidelines should not specify that banks obtain written acknowledgments of their codes of conduct from all of their officers and employees on a "periodic basis" since such a practice would be unduly burdensome and too costly.

Corrupt Intent

Several commenters stated that the proposed guidelines improperly defined the conduct that is prohibited by the Bank Bribery Amendments Act of 1985 since the guidelines failed to make reference to the "corrupt intent" element of the statute. They felt that the general prohibitions in the guidelines should be redrafted so that only items solicited or accepted with the requisite "corrupt intent" would be prohibited. In order to clarify and to emphasize that the guidelines are meant to proscribe only corrupt activity in financial institutions, the FDIC has expanded the phrase "consistent with the statute" in the general prohibitory language of the guidelines to include an express reference to the "corrupt intent" requirement of the statute. By making this change in the language of the general prohibitions, the FDIC emphasizes that the guidelines are not intended to proscribe activities that would otherwise be permissible under the statute, that is, activities undertaken without an intent to influence or reward a bank official in connection with the business of the bank.

Exceptions to the Guidelines Prohibitions

The FDIC received several comments on the exceptions to the general prohibitions of the guidelines. Many of the commenters advocated broadening the exceptions in the guidelines to allow bank officials to accept various other benefits in other circumstances. For instance, several commenters suggested that exception (b) be expanded to allow bank officials to accept not only meals, refreshments or entertainment, but also hotel accommodations and travel expenses. Four commenters also recommended that this exception be broadened to allow for the acceptance of gratuities in situations where there are little or no business discussions being conducted. They suggested that the proposed language of exception (b) casted doubt on the propriety of some normal business entertainment practices, such as where business discussions are of a general nature or of a limited duration relative to the time of the activity itself.

Based on these comments, the FDIC has modified exception (b) to include travel arrangements and accommodations in the list of excepted items and has expanded the purpose requirement to include the purpose of fostering better business relations. The FDIC also modified exception (b) to allow for the acceptance of the items specified in that exception only if the items would be paid for by the bank as a reasonable business expense if not paid for by another party. This language was added to exception (b) because the FDIC believes that there is no threat of a violation of the Bank Bribery Amendments Act of 1985 if the benefit is a reasonable business expense that would otherwise be paid for by the bank.

Many of the commenters recommended that the FDIC broaden other exceptions to the general prohibitions of the guidelines. The FDIC declines to follow those recommendations because the FDIC believes that the guidelines allow for the identification of specific situations in which the acceptance of something of value is appropriate under circumstances identified as acceptable by the bank. The guidelines provide that on a case-by-case basis, a bank may approve of other such situations, not identified as specific exceptions in the guidelines, which are consistent with the bank bribery statute, provided that such approval is made in writing on the basis of a full written disclosure of all relevant facts. The FDIC is of the opinion that this provision allows sufficient flexibility which negates the need to broaden the other exceptions in the guidelines.

Specific Dollar Limits

Six of the commenters stated that they agreed with the FDIC's decision not to establish specific dollar limits in defining what is an acceptable gift or gratuity for a bank official to receive in connection with bank business. They recommended that the guidelines retain their flexibility by not establishing specific dollar limits, in recognition of the broad diversity in practices and

wide variance in costs associated with banking throughout the country. Therefore, the final guidelines, like the proposed guidelines, do not establish specific dollar limits for the various benefits that bank officials may receive in connection with bank business. Some commenters also suggested, however, that the guidelines' use of terms such as "nominal," "reasonable" or "modest," was confusing, and those terms created vague, ambiguous and inconsistent standards. While the FDIC does not believe it is appropriate to further define these standards, the FDIC does believe that the standards should be consistent. Therefore, the FDIC has replaced the words "nominal" and "modest" in exceptions (d) and (f) with the term "reasonable" to promote consistency in the guidelines.

Anticipated Gifts and Gifts Offered but not Accepted

Several commenters suggested that the reporting requirements of the proposed guidelines should be amended to delete the recommendation that a bank official be required to report items he "anticipates receiving" that are beyond what is authorized in the bank's code of conduct or written policy. They felt that the concept of "anticipation" is too illusive and conjectural to warrant a report and that such reporting is unnecessary. The FDIC agrees with these views and thus, the requirement to report items that a bank official "anticipates receiving" has been deleted from the final guidelines.

Some commenters also suggested that the guidelines be amended to delete the recommendation that a bank official be required to disclose items he is offered, but does not accept, whenever those items exceed what is authorized in the bank's code of conduct or written policy.

Their concern is that reporting offers that are not accepted could lead to bank customers being charged with illegal acts just because they are unaware of the bank's policy. The FDIC believes, however, that this concern is unwarranted since the Federal bank bribery law prohibits only acts performed with an intent to corruptly influence or reward a bank official in connection with the business of the bank. Therefore, offers made by customers without the requisite "corrupt intent" would be unlikely to result in criminal prosecution. The FDIC believes, however, that bank officials should be required to report offers of items they do not accept, because the bank bribery statute provides that one who offers anything of value with a corrupt motive violates the statute, regardless of whether or not the item is accepted by the bank official.

In addition, the FDIC has clarified the phrase "[t]he code of conduct should provide that, if a bank official is offered, or receives, something of value beyond what is expressly authorized in the bank's code of conduct," by deleting the word "expressly." This change was made in response to comments received by other members of the Interagency Bank Fraud Working Group so that the FDIC's guidelines are consistent with those of the other bank regulatory agencies. The underlying reason for the change is that some commenters felt that inclusion of the word "expressly" was inconsistent with the provision suggesting that a bank's code of conduct provide for a case-by-case approval of other circumstances when the acceptance of benefits by bank officials would not amount to a corrupting influence.

Outside Business Interests

The FDIC received several comments concerning the provision in the guidelines prohibiting bank officials from accepting business opportunities which are not generally available to the public. One commenter suggested that the language of this provision be amended to prohibit the acceptance of business opportunities only when they are made available to bank officials "by reason of their employment by the bank." The commenter felt that a bank official should be able to accept business opportunities from customers of the bank if those opportunities have nothing to do with the official's position with the bank. The FDIC agrees that there may be business opportunities not generally available to the public which do not present the possibility of corrupt activity. Therefore, the FDIC has modified this provision so that it applies to a business opportunity that is not available to other persons or that is available because of the official's position with the bank.

Written Acknowledgments and Agreements

Three commenters objected to the recommendation in the guidelines that banks obtain periodic written acknowledgments from their officers and employees of their codes of conduct or written policies and the bank officials' agreements to comply therewith. They expressed their opinion that requiring such acknowledgments and agreements to be executed by all employees and officers on a "periodic basis" is unnecessary and would be too burdensome and costly. They suggested that this provision be revised to recommend that banks obtain these acknowledgments and agreements from every existing employee at the time their codes or policies are adopted or revised, and from each new employee at the time the employee begins working. The FDIC recognizes that obtaining "periodic" written acknowledgments may be overly burdensome and thus, has amended this provision in accordance with the above-noted suggested revision.

Other Changes

The FDIC has made two other minor changes to the guidelines to ensure that its guidelines are consistant with those issued by the other bank regulatory agencies. First, the phrase "other than normal authorized compensation," which appears in provision (2) of the general prohibitions, was revised so that it reads "other than bona fide salary, wages and fees referred to in U.S.C. 215." The underlying reasons for this modification were to reduce the uncertainty concerning what was meant by "normal authorized compensation" as well as to promote consistency with the bank bribery statute. Second, the word "only" has been deleted from the following sentence in the proposed guidelines: "However, a Bank Official's full disclosure evidence good faith only when such disclosure is made in the context of properly exercised supervision and control." The word "only" has been removed from this sentence because the bank regulatory agencies did not want to limit the availability of a good faith defense for conscientious employees who disclose to supervisors who fail to exercise their duties.

The Board of Directors, having implemented the above-noted changes, adopts the following guidelines:

Guidelines for Compliance with the Federal Bank Bribery Law

The Bank Bribery Amendments Act of 1985 (Pub. L. 99-370, Aug. 4, 1985) amends the Federal bank bribery law, 18 U.S.C. 215, and requires that the financial institution regulatory agencies publish guidelines to assist employees, officers, directors, agents and attorneys of financial institutions in complying with the law. These guidelines are issued pursuant to that mandate.

The FDIC encourages all FDIC-insured state-chartered banks that are not members of the Federal Reserve System and all FDIC-insured state-licensed branches of foreign banks ("insured state nonmember banks") to adopt internal codes of conduct or written policies, or to amend their present codes of conduct, to include provisions that

explain the general prohibitions of the bank bribery law. These guidelines relate only to the Federal bank bribery law and do not address other areas of conduct that an insured state nonmember bank would find advisable to cover in its code of ethics. Consistent with the intent of the statute to proscribe corrupt activity within financial institutions, the bank's code of conduct should prohibit any employee, officer, director, agent or attorney of an insured state nonmember bank (hereinafter "Bank Official(s)") from (1) soliciting for themselves or for a third party (other than the bank itself) anything of value from anyone in return for any business, service or confidential information of the bank and (2) accepting anything of value (other than bona fide salary, wages and fees referred to 18 U.S.C. 215(c)) from anyone in connection with the business of the bank, either before or after a transaction is discussed or consummated

The insured state nonmember bank's codes or policies should be designed to alert Bank Officials about the bank bribery statute, as well as to establish and enforce written policies on acceptable business practices.

In its code of conduct, the insured state nonmember bank may, however, specify appropraite exceptions to the general prohibition of accepting something of value in connection with bank business. There are a number of instances where a Bank Official, without risk of corruption or breach of trust, may accept something of value from one doing or seeking to do business with the insured state nonmember bank. The most common examples are the business luncheon or the special occasion gift from a customer. In general, there is no threat of a violation of the statute if the acceptance is based on family or personal or personal relationship existing independent of any business of the institution; if the benefit is available to the general public under the same conditions on which it is available to the Bank Official; or if the benefit would be paid for by the insured state nonmember bank as a reasonable business expense if not paid for by another party.

Other exceptions to the general prohibition regarding acceptance of things of value in connection with bank business may include:

(a) Acceptance of gifts, gratuities, amenities or favors based on obvious family or personal relationships (such as those between the parents, children or spouse of a Bank Official) where the circumstances make it clear that it is those relationships rather than the business of the bank concerned which are the motivating factors;

(b) Acceptance of meals, refreshments, entertainment, accommodations or travel arrangements, all of reasonable value, in the course of a meeting or other occasion, the purpose of which is to hold bona fide business discussions or to foster better business relations, provided that the expense would be paid for by the bank as a reasonable business expense if not paid for by another party (the bank may establish a specific dollar limit for such an occasion);

(c) Acceptance of loans from other banks or financial institutions on customary terms to finance proper and usual activities of Bank Officials, such as home mortgage loans, except where prohibited by law;

(d) Acceptance of advertising or promotional material of reasonable value, such as pens, pencils, note pads, key chains, calendars and similar items;

(e) Acceptance of discounts or rebates on merchandise or services that do not exceed those available to other customers;

(f) Acceptance of gifts of reasonable value that are related to commonly recognized events or occasions, such as a promotion, new job, wedding, retirement, holiday or birthday (the bank may establish a specific dollar limit for such an occasion); or

(g) Acceptance of civic, charitable, educational, or religious organization awards for recognition of service and accomplishment (the bank may establish a specific dollar limit for such an occasion).

By adopting a code of conduct with appropriate allowances for such circumstances, an insured state nonmember bank recognizes that acceptance of certain benefits by its Bank Officials does not amount to a corrupting influence on the bank's transactions. The policy or code may also provide that, on a case by case basis, an insured state nonmember bank may approve of other circumstances, not identified above, in which a Bank Official accepts something of value in connection with bank business, provided that such approval is made in writing on the basis of a full written disclosure of all relevant facts and is consistent with the bank bribery statute.

In issuing guidance under the statute in the area of business purpose entertainment or gifts, it is not advisable for the FDIC to establish rules about what is reasonable or nomal in fixed dollar terms. What is reasonable in one part of the country may appear lavish in another part of the country. An insured state nonmember bank should seek to embody the highest ethical standards in its code of conduct. In doing this, an insured state nonmember bank may establish in its own code of conduct a range of dollar values which covers the various benefits that its Bank Officials may receive from those doing or seeking to do business with the bank.

The code of conduct should provide that, if a Bank Official is offered or receives something of value from a customer beyond what is authorized in the bank's code of conduct or written policy, the Bank Official must disclose that fact to an appropriately designated official of the bank. The insured state nonmember bank should keep contemporaneous written reports of such disclosures. An effective reporting and review mechanism should serve to prevent situations that might otherwise lead to implications of corrupt intent or breach of trust and should enable the insured state nonmember bank to better protect itself from self-dealing. However, a Bank Official's full disclosure evidences good faith when such disclosure is made in the context of properly exercised supervision and control. Management should review the disclosures and determine that what is accepted is reasonable and does not pose a threat to the integrity of the insured state nonmember bank. Thus, the prohibitions of the bank bribery statute cannot be avoided by simply reporting to management the acceptance of various gifts.

The FDIC recognizes that a serious threat to the integrity of an insured state nonmember bank occurs when its Bank Officials become involved in outside business interests or employment that gives rise to a conflict of interest. Such conflicts of interest may evolve into corrupt transactions that are covered under the bank bribery statute. Accordingly, insured state nonmember banks are encouraged to prohibit, in their codes of conduct or policies, their Bank Officials from self-dealing or otherwise trading on their positions with the bank or accepting from one doing or seeking to do business with the bank a business opportunity not available to other persons or that is made available because of such official's position with the bank. In this regard, an insured state nonmember bank's code of conduct or policy should require that its Bank Officials disclose all potential conflicts of interest, including those in which they have been inadvertently placed due to either business or personal relationships with customers, suppliers, business associates, or competitors of the bank.

Disclosures and Reports

To make effective use of these guidelines, the FDIC recommends the following additional procedures:

(a) The insured state nonmember bank should maintain a copy of any code of conduct or written policy it establishes for its Bank Officials, including any modifications thereof;

(b) The insured state nonmember bank should require from its Bank Officials an initial written acknowledgement of its code or policy plus written acknowledgment of any subsequent material changes to the code or policy and the Bank Officials' agreement to comply therewith; and

(c) The insured state nonmember bank should maintain contemporaneous written reports of any disclosures made by its Bank Officials in connection with a code of conduct or written policy.

By Order of the Board of Directors, this 10th day of November, 1987.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-26482 Filed 11-16-87; 8:45 am]

BILLING CODE 6714-01-M

Privacy Act of 1974; Proposed New System of Records

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of proposed system of records: "Insured Bank Liquidation Records."

SUMMARY: The FDIC, when it acts as liquidator or receiver of certain of the assets of a failed insured bank or a failing insured bank provided open-bank assistance by the FDIC, maintains files on individuals who are indebted to the closed or assisted bank or who otherwise had outstanding obligations to the bank. Traditionally, the FDIC has taken the position that, when acting as a liquidator or receiver, it is not an agency subject to the Privacy Act of 1974. The FDIC has, however, determined to comply voluntarily with the Privacy Act's requirements and, thus, is giving notice of a new system of records, entitled "Insured Bank Liquidation Records."

DATE: Comments on the establishment of the system must be submitted by January 19, 1988.

ADDRESS: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, or hand-delivered to Room 6108 of the same address between 9:00 a.m. and 5:00 p.m., Monday–Friday. Comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, assistant Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, telephone (202) 898–3811.

SUPPLEMENTARY INFORMATION: The FDIC is proposing to establish a new system of records, pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) concerning records of individuals who had obligations with FDIC-insured institutions that have failed or that were provided open-bank assistance by the FDIC and for which the FDIC is acting in its corporate capacity or in its receivership capacity as liquidator of certain of the institutions' assets.

When an insured bank fails, the FDIC in its corporate capacity is responsible for the payment of the insured deposits in that bank. In addition, the FDIC is generally appointed receiver of the failed bank, with the obligation to liquidate its assets and, to the extent possible, pay its creditors. One option available to the FDIC at the time a bank fails, is to arrange a purchase and assumption ("P&A") transaction, wherein another insured bank assumes the deposit (and other) liabilities and purchases certain assets of the failed bank. A consequence of the P&A is that the FDIC, in its corporate capacity, receives for liquidation the less desirable assets of the failed bank. Because the FDIC becomes the owner of the assets, it gets possession of the relevant records of the failed bank. The FDIC, as it liquidates the assets, also creates additional records. The FDIC also can act as a liquidator in its corporate capacity when it acquires certain obligations of FDIC-insured institutions that are failing and that are provided assistance in order to remain open. When neither a P&A nor an open-bank assistance transaction can be arranged, the FDIC in its corporate capacity pays off the insured depositors of the failed bank, and the FDIC proceeds to liquidate the bank's assets in its receivership capacity.

The FDIC has consistently maintained that it is not an agency for purposes of the Privacy Act when it acts as a liquidator or receiver. That determination rests on the fact that the liquidator functions, in essence, as a receiver. As receiver, the FDIC has been recognized as acting in a capacity separate and distinct from its corporate capacity. This determination, however, did not act to deny an individual access to records relating to the loan account held by the failed bank. Instead, the FDIC has historically provided access to a great deal of the information on file (the exceptions being FDIC's commercial information or information relating to a third person's personal privacy). For example, in early 1987, the FDIC developed a streamlined procedure so that individuals could request information relating to their loan files directly from the local office instead of having the request processed through the Washington office.

The FDIC has recently re-examined its position and has determined that, although not subject to the Privacy Act as a matter of law when acting as liquidator or receiver, it is sound public policy to comply voluntarily with the act's requirements. This is because the nature and scope of FDIC's liquidation and receivership activities have changed significantly in the last several years as the number of bank failures and open-bank assistance transactions has increased and the FDIC has established regional and consolidated liquidation sites. The FDIC presently has many assets under its jurisdiction, many of which may relate to individuals. Under these circumstances, the FDIC believes that it will be to the advantage of the individuals whose loan records have come into the possession of the FDIC as liquidator or receiver to establish formal procedures under the Privacy Act. This will assure that such individuals will know the procedures to be followed to gain access to their records and the steps by the FDIC to safeguard their privacy.

Consequently, the FDIC is proposing to establish a new system of records, the Insured Bank Liquidation Records system. The system will consist essentially of the credit or loan files held by a failed or assisted institutionand FDIC asset files about obligors of the failed or assisted institution. The system will apply only to liquidation or receivership records actually in the FDIC's possession. Where another entity administers the liquidation of FDIC-owned assets, and has possession of the loan files, the files are not "records" within the meaning of the Privacy Act. Similarly, the system will apply to records held by the FDIC as receiver only to the extent that the disposition of the records is within the FDIC's discretion. In other words, where the appropriate state law governing the FDIC's administration of the receivership establishes procedures relating to such records, the FDIC will first and foremost comply with such requirements and will only voluntarily comply with the Privacy Act to the extent that is not inconsistent with state law.

The primary purpose of the system will be to enable FDIC liquidators to have ready access to all information essential to the efficient disposition of assets of the institution. Much of the information in the system will have been obtained from the individuals about whom records are maintained. Additionally, information will have been provided by officers and employees of the institution and by parties providing services to the FDIC, such as appraisers. Analysis of loans by FDIC employees could be included. Information in the system will be available to the individual except to the extent that it has been compiled in reasonable anticipation of a civil action or proceeding, including collection actions or foreclosures. *See* 5 U.S.C. 552a(d)(5). This means that, for example, where a loan is in default, the FDIC will not disclose to the individual information such as appraisals, analyses of collection strategy or recovery, or legal memoranda.

Accordingly, the FDIC's Board of Directors proposes to establish the following system records.

FDIC 30-64-0013

SYSTEM NAME:

Insured Bank Liquidation Records.

SYSTEM LOCATION:

Designated FDIC regional offices (liquidation), consolidated field offices, and sites of failed FDIC-insured institutions. A list of the designated locations is available from the Operations Branch of the FDIC's Division of Liquidation, 550 17th Street, NW., Washington, DC 20429.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who were obligors of FDIC-insured institutions that have failed or that were provided open-bank assistance by the FDIC and for which the FDIC is acting as liquidator or receiver of certain of the institutions' assets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the obligor's credit or loan files held by the closed or assisted institution, which files may include the loan and related documents, correspondence, and bank officer notes; FDIC asset files, including information relating to the obligor's financial condition, such as financial statements, income tax returns, asset or collateral verifications, appraisals, and sources of payment: intra-agency memoranda or notes relating to the liquidation of the obligation; correspondence; and any other documents related to the liquidation of the asset. Records held by the FDIC as receiver are a part of this system only to the extent that the state law governing the receivership is not inconsistent or does not otherwise establish specific requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1819, 1821, 1823; applicable state laws governing the liquidation of assets of failed financial institutions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Information in the system may be disclosed:

(1) To prospective purchasers of the individual's obligation(s) for the purpose of informing the prospective purchasers about the nature and quality of obligation(s) to be purchased.

(2) To persons performing services for the FDIC in connection with the liquidation of an individual's obligations, such as appraisers, outside counsel, and collection agencies, and auditing or accounting firms retained to assist in an audit or investigation of FDIC's liquidation activities.

(3) To participants in the obligation in order to fulfill any contractural or incidental responsibilities in connection with the participation agreement.

(4) To federal or state agencies, such as the Farmers Home Administration, or to financial institutions where information is relevant to an application or request by the individual for a loan, grant, financial benefit, or other entitlement.

(5) To federal or state agencies, such as the Internal Revenue Service or state taxation authorities, in the performance of their governmental duties, such as obtaining information regarding income, including the reporting of income resulting from a compromise of an obligation.

(6) To apprise courts of competent jurisdiction supervising the FDIC's liquidation or receivership functions of information required by statute to be disclosed to the court and necessary to obtain approvals from the court for the disposal of assets and the disposition of claims and other related issues.

(7) To federal or state bank examiners for the purposes of examining borrowing relationships in operating banks that may be related to an obligation of an individual covered by this system.

(8) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(9) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(10) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12), to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:

Maintained in file folders and on computer discs and tapes.

RETRIEVABILITY:

Indexed by name of failed or assisted insured institution and by name of the individual.

SAFEGUARDS:

File folders are stored in lockable file cabinets and/or in secured vault areas accessed only by authorized personnel. Computer records are accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Credit or loan files of the failed or assisted bank are maintained for the period of time provided under applicable state or federal laws pursuant to wich the FDIC liquidates the obligations. FDIC asset files and information maintained in an online capacity are retained as long as needed.

SYSTEM MANAGER(S) AND ADDRESSES:

The appropriate FDIC regional director (liquidation) for records maintained in FDIC regional offices; the appropriate FDIC Bank Liquidation Specialist-in-Charge for records maintained in consolidated field offices or at the site of a failed or assisted institution.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, 550 17th Street NW., Washington, DC 20429. The request must contain the individual's name and address and the name and address of the failed or assisted institution at which the individual had an obligation.

RECORDS ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual on whom the record is maintained; appraisers retained by the originating bank or the FDIC; investigative and/or research companies; credit bureaus and/or services; references named by the individual; attorneys or accountants retained by the originating bank or the FDIC; participants in the obligation(s) of the individual; officers and employees of the failed or assisted bank; congressional offices that may initiate an inquiry; and other parties providing services to the FDIC in its capacity as liquidator or receiver.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

By direction of the Board of Directors.

Dated at Washington, DC, this 10th day of November 1987.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-26483 Filed 11-16-87; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200054.

Title: Tampa Port Authority Terminal Agreement.

Parties:

Tampa Port Authority (TPA)
G & C Stevedoring Co. (G & C)

Synopsis: The proposed agreement provides for G & C to lease from TPA 1,400 square feet of bare land for use in locating a mobile office in connection with G & C's terminal and stevedoring operations.

Agreement No.: 224-010969-001.

Title: Baltimore Terminal Agreement.

Parties:

Maryland Port Administration (MPA)
Maher Terminals, Inc. (Maher)

Synopsis: The proposed agreement will amend the basic Terminal Lease Agreement between MPA and Maher to reflect the inclusion of Ocean Star Container Line, Inc.'s tonnage to Maher's current totals and adds additional acreage to Maher.

Agreement No.: 224-010817-001.

Title: Port of Portland Terminal Agreement.

Parties:

Port of Portland
Johnson Scanstar
Pacific Europe Express
Hapag Lloyd

Synopsis: The proposed agreement extends the Agreement for one year from November 1, 1987 through October 31, 1988. The extension is the first of three possible one year extensions authorized by Article 1, paragraph B of the basic Agreement.

Joseph C. Polking,

Secretary.

Dated: November 12, 1987.

[FR Doc. 87-26444 Filed 11-16-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

John W. Baer, et al.; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has 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 notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 2, 1987.

A. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *John W. Baer and H. Carl Baer III,* Bemidji, Minnesota; to acquire 100 percent of the voting shares of Security State Bancshares of Bemidji, Inc., Bemidji, Minnesota, and thereby indirectly acquire Security State Bank of Bemidji, Bemidji, Minnesota.

Board of Governors of the Federal Reserve System, November 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-26429 Filed 11-6-87; 8:45 am]

BILLING CODE 6210-01-M

Barnett Banks, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 4, 1987.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks, Inc.,* Jacksonville, Florida; to acquire 100 percent of the

voting shares of First Fulton Bancshares, Inc., Palmetto, Georgia, and thereby indirectly acquire First Fulton Bank and Trust, Palmetto, Georgia.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Inland Bancorp, Inc.,* Oak Brook, Illinois; to become a bank holding company by acquiring 85.31 percent of the voting shares of American National Bank of Downers Grove, Downers Grove, Illinois.

2. *MetroBanCorp,* Indianapolis, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Metro Bank, Indianapolis, Indiana, a *de novo* bank.

3. *Midlothian State Bank Employees Stock Ownership Plan,* Midlothian, Illinois; to become a bank holding company by acquiring 26.16 percent of the voting shares of Midlothian State Bank, Midlothian, Illinois.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *PBT Bancshares, Inc.,* McPherson, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank & Trust Company, McPherson, Kansas.

Board of Governors of the Federal Reserve System, November 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-26430 Filed 11-16-87; 8:45 am]

BILLING CODE 6210-01-M

Mason State Co.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 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.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 4, 1987.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Mason State Company,* Mason City, Nebraska; to retain Central Nebraska Insurance Agency, Inc., Mason City, Nebraska, and thereby engage in the sale of general insurance in a town with a population of less than 5,000 pursuant to § 225.25(b)(8) of the Board's Regulation Y. This activity will be conducted within a 15 mile radius of Mason City.

Board of Governors of the Federal Reserve System, November 10, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-26431 Filed 11-16-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service; Drug Testing Provisions; Delegation of Authority to the Assistant Secretary for Health

Notice is hereby given that on November 5, 1987, the Secretary of Health and Human Services has delegated to the Assistant Secretary for Health, with authority to redelegate, all the authorities vested in the Secretary under section 503(a)(1) (A) and (B) and section 503(c) (1) and (2) of the Drug Testing Provisions of the Supplemental Appropriations Act of 1987, Pub. L. 100-71, (5 U.S.C. 7301 Note), as amended hereafter. This delegation requires that in certifying agency drug testing plans the concurrence of an internal departmental Advisory Board must be obtained. it excludes the authority to promulgate regulations, and to submit reports to the Congress and withhold certification of agency drug testing plans.

Date: November 5, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-26427 Filed 11-16-87; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Blood Products Advisory Committee

Date, time, and place. December 3 and 4, 1987, 8:30 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. December 3, 1987, open committee discussion, 8:30 a.m. to 12:30 p.m.; closed presentation of data, 1:30 p.m. to 5 p.m.; closed committee discussion, 5 p.m. to 5:30 p.m.; December 4, 1987, open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discusion, 9:30 a.m. to 1 p.m.; closed committee discussion, 2 p.m. to 3 p.m.; Clay Sisk, Center for Drugs and Biologics (HFN-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee may discuss: (1) Blood donor status of recipients of pituitary-derived

growth hormone; (2) report on safety of Rh•D immune globulin; (3) biosafety in handling blood products; (4) regulatory/scientific issues of collection systems and home kits for human immunodeficiency virus serology; (5) testing for human T-cell lymphotropic virus, type I (HTLV–1) antibodies; (6) recommendations for autologous blood components; and (7) discussion of low-volume red blood cell units. Because time may not permit discussion of all topics on this list, persons planning to attend who are interested in only certain of these topics should communicate with the contact person near the meeting date.

Closed presentation of data. The committee will discuss trade secret or confidential commercial information relevant to pending investigational new biological product applications and biological product license applications including HTLV–I test kits. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Closed committee deliberations. The committee will discuss trade secret or confidential commercial information relevant to pending investigational new biological product applications and biological product license applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Immunology Devices Panel

Date, time, and place. December 14 and 15, 1987, 9 a.m., Rm. 503A–529A, 200 Independence Avenue SW., Washington, DC.

Type of meeting and contact person. Open public hearing, December 14, 1987, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed presentation of data, 1 p.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4 p.m.; open committee discussion, 4 p.m. to 5 p.m.; open committee discussion, December 15, 1987, 9 a.m. to 10 a.m.; closed presentation of data, 10 a.m. to 12 m.; closed committee deliberations, 1 p.m. to 3 p.m.; open committee discussion, 3 p.m. to 5 p.m.; Srikrishna Vadlamudi, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before December 1, 1987, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a tumor marker test kit to be used in the monitoring of cancer patients.

Closed presentation of data. Trade secret or confidential commercial information will be presented to the committee regarding the above premarket approval application. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Closed committee deliberations. The committee will discuss trade secret or confidential commercial information regarding the above premarket approval application. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeing will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial

information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended, and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: November 10, 1987.

John M. Taylor,

Acting Commissioner of Food and Drugs.

[FR Doc. 87-26424 Filed 11-16-86; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration.

ACTION: Notice; amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending an advisory committee notice to reflect changes in time and to add an open committee discussion to the agenda. The announcement of the Vaccines and Related Biological Products Advisory Committee meeting, which was published in the **Federal Register** of October 23, 1987 (52 FR 39709 at 39710), is revised to read as follows:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. November 23, 1987, 8:30 a.m., and November 24, 1987, 8:15 a.m., Bldg. 31, Conference Rm. 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, November 23, 1987, 8:30 a.m. to 9:30 a.m., unless public participation does not last long; closed committee deliberations, 9:30 a.m. to 5 p.m.; open committee discussion, November 24, 1987, 8:15 a.m. to 10:30 a.m.; closed committee deliberations, 10:30 a.m. to 11:30 a.m.; Jack Gertzog, Center for Drugs and Biologics (HFN-31), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases. The committee also reviews and evaluates the quality and relevance of FDA's research program which provides scientific support for the regulation of these products.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee will discuss *H. Influenzae* vaccines.

Closed committee deliberations. The committee will review trade secret or confidential commercial information relevant to pending investigational new drugs (IND's) in the Office of Biologics Research and Review. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Dated: November 10, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-26425 Filed 11-16-87; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Acquired Immunodeficiency Syndrome (AIDS); Regional Education and Training Centers Program

AGENCY: Health Resources and Services Administration, PHS, DHHS.

ACTION: Notice of potential availability of funds.

SUMMARY: The Bureau of Maternal and Child Health and Resources Development (BMCHRD), Health Resources and Services Administration (HRSA), announces that Fiscal Year (FY) 1988 funds are expected to be available for training grants to develop AIDS regional Education and Training Centers (ETCs). These centers will provide training for health care personnel in the care of people with Acquired Immunodeficiency Syndrome (AIDS) and other conditions related to infection with the Human Immunodeficiency Virus (HIV). The goal of the training is to prepare community primary care providers to be able to counsel, diagnose, and manage such patients and to prepare selected trainees to act as instructors in their local areas. The centers will operate in collaboration with health professions schools, community hospitals, local health departments, and other organizations involved in the provision of care to people with HIV related conditions.

DATE: To receive consideration, applications must be received by the close of business January 19, 1988, by the Grants Management Officer at the address below.

Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for submission to the review committee. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be acceptable as proof of timely mailing.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to Mrs. June Horner, Chief, Education and Training Centers Branch, Room 9-12, 5600 Fishers Lane, Rockville, Maryland

20857, 301 443-6745. Training grant applications (PHS form # 6025-1, approved under OMB number 0915-0060) and additional information regarding business, administrative and fiscal issues related to the awarding of grants under this notice may be requested from Ms. Glenna Wilcom, Grants Management Officer, Bureau of Maternal and Child Health and Resources Development, Parklawn Building, Room 9A-17, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-6811.

SUPPLEMENTARY INFORMATION:

Program Objectives

The purpose of the training grant program is to support the development of regional ETCs for the health provider community. The program objectives for each center are to: (1) Provide (in collaboration with health professions schools, local hospitals, and health departments) education and training to primary care providers (and others) in the treatment and prevention of HIV infection; (2) provide updates of new and timely information about HIV infection to primary and secondary health care providers; and (3) serve as the support system for area health professionals through such means as AIDS hotlines, clearinghouses, and referral activities.

Availability of Funds

Based upon the President's budget request, approximately $3.8 million is expected to be available in Fiscal Year (FY) 1988 for competitive grants. This amount, however, may be changed by final action on the FY 1988 appropriation. The project period will be for 3 years. This requires submission of a budget for each of the 3 years. Funds will be awarded in FY 1988 for the first year. Funds for the next 2 years are subject to the availability of funds.

Existing Grantees and Service Areas

Four grants for ETCs were awarded in FY 1987. The grantees and their current service areas are as follows:

1. New York University, New York, New York: Service Area—NY, NJ, CT, PR, and VI
2. Ohio State University, Columbus, Ohio: Service Area—MI, OH, KY and TN
3. University of California/Davis, Davis, California: Service Area—CA, AZ, NV, and HI
4. University of Washington, Seattle, Washington: Service Area—WA, OR, AK, MT and ID

Applicants may propose any service area, including a State or a portion of a State which is contained in the service area of an existing ETC. If, however, an applicant proposes a service area that includes some portion of an existing grantee's service area, then consideration of the proposed area will be contingent on the provision of a signed agreement with the existing grantee indicating that efforts in any shared service area will be complementary and not duplicative.

Eligible Applicants

All public and private entities, non-profit and for-profit, are eligible to apply. Eligible entities may include, but are not limited to, schools in academic health science centers; professional associations; consortia of health care and community organizations, i.e., Area Health Education Centers (AHECs); public or private hospitals and local health departments which could develop coordinated regional AIDS education and training programs.

Review Criteria

Applications for training grants will be reviewed and rated according to the applicant's ability to meet the program objectives. Specific criteria will be included in the application package. Preference will be given to applicants who propose a strategy for including a broad variety of health professions disciplines, i.e., physicians, dentists, physician assistants, social workers, psychologists, counselors, nurse practitioners, nurses, etc., both in the program development process, and in the proposed composition of trainee groups.

The ability of health departments, hospitals, and other health care providers and institutions to assure confidentiality of patient information is critical to efforts to see that HIV infected persons receive adequate health care. Therefore, every reasonable effort should be made by the ETC to provide for confidentiality of the patients and patients' records for the portion of the training which is clinical in nature.

Technical Assistance (T.A.) Workshops

ETC program staff will be available at 3 Technical Assistance (T.A.) Workshops to respond to any questions potential applicants may have. The dates, locations and times of the T.A. Workshops are as follows:

1. *Date*—Wednesday, December 2, 1987.

Location—Federal Building, Room 1830, 1200 Main Tower, Dallas, Texas.

Time—9 a.m.

2. *Date*—Friday, December 4, 1987.

Location—Federal Building, 19th Floor; Room 19A & B, 101 Marietta Tower, Atlanta, Georgia.

Time—9 a.m.

3. *Date*—Tuesday, November 24, 1987.

Location—Los Angeles County Health Dept., Conference Rm. 901, 313 N. Figueroa Street, Los Angeles, California.

Time—9 a.m.

Applicants who plan to attend one of the T.A. Workshops must confirm their participation, the location of the workshop they will be attending, and the number of individuals in their party. This information is necessary for determining required room size. Notification should be made at least one week prior to the workshop date to: Mrs. June Horner, Chief, Education and Training Centers Branch, 301 443-6745. If there are changes to the above schedule, applicants will be notified at the time of confirmation.

Allowable Costs

A successful applicant under this notice must spend funds it receives according to the approved application and budget; the authorizing legislation; terms and conditions of the award; the regulations of the Department and the PHS applicable to grants; the cost principles specified in 45 CFR Part 74, Subpart Q; the applicable Office of Management and Budget (OMB) circular for non-profit grantees; and for for-profit organizations, cost will be determined in accordance with 41 CFR Subpart 1-15:2, *Contracts with Commercial Organizations,* for organizations other than hospitals.

Indirect costs for training grants other than those awarded to State or local government agencies shall be reimbursed at 8 percent of total allowable direct costs exclusive of tuition and related fees and expenditures for equipment, or at the actual indirect cost rate, whichever results in a lesser dollar amount. State and local government agencies shall receive reimbursement at their full indirect cost rates.

Other Award Information

A successful applicant under this notice will submit reports in accordance with the provisions of the general regulations which apply under 45 CFR Part 74, Subpart J, Monitoring and Reporting of Program Performance.

Executive Order 12372

The ETC Program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal

programs, as implemented by 45 CFR Part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application package under this notice will contain a listing of States which have chosen to set up such a review and will provide a point of contact in the States for the review. Applicants should promptly contact their State Single Point of Contact (SPOC) and follow their instructions prior to the submission of an application.

The SPOC has 60 days after the application deadline date to submit its review comments.

The OMB Catalog of Federal Domestic Assistance number is 13.145.

Date: October 9, 1987.

David N. Sundwall,

Administrator, HRSA.

[FR Doc. 87-26426 Filed 11-16-87; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-940-08-4220-10; A-22923]

Proposed Withdrawal of Federal Land; Opportunity for Public Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: Correction of Notice of proposed withdrawal published in Vol. 52, No. 170, Wednesday, September 2, 1987, page 33297. The Notice is corrected by adding the following legal description:

Gila and Salt River Meridian, Arizona

T. 4 S., R. 3 W.,
Sec. 36, all.

John T. Mezes,

Chief, Branch of Lands and Minerals

[FR Doc. 87-26477 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-32-M

[OR-943-08-4220-10; GP-08-021; OR-10970]

Termination of Proposed Withdrawal and Reservation of Land; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of Agriculture, Forest Service, has cancelled its application to withdraw certain lands for the Sparks-Devils Lakes Recreation Area. This action will open 2,330 acres to mining. The lands have been and remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: Notice of Department of Agriculture, Forest Service application OR 10970 for withdrawal and reservation of land was published as FR Doc. 74-11064 of the issue of May 14, 1974. The purpose of the proposed withdrawal is to protect the Sparks-Devils Lakes Recreation Site located near Bend in central Oregon. The applicant agency has cancelled the application in its entirety which includes the following described lands:

Willamette Meridian

Deschutes National Forest

T. 18 S., R., 8 E.,

A tract of land in the following subdivisions, excepting a strip of land withdrawn as the Cascade Lakes Road Zone by PLO 2751;
Sec. 4, S½SE¼;
Sec. 9, NE¼;
Sec. 10, NW¼ and SE¼;
Sec. 11, NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½S½, NE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 14;
Sec. 15, E½;
Sec. 22, NE¼NE¼;
Sec. 23, W½.

The areas described aggregate 2,330 acres in Deschutes County.

At 8:30 a.m. on December 18, 1987, subject to valid existing rights, the provisions of other existing withdrawals, and the requirements of applicable law, the land shall be opened to location and entry under the United States mining laws. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: November 3, 1987.

[FR Doc. 87-26472 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-08-4220-10; GP-08-013; OR-11159]

Termination of Proposed Withdrawal and Reservation of Land; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of Agriculture, Forest Service, has cancelled its application to withdraw certain lands for the Bachelor Butte and the Todd Lake Recreation Areas. This action will open approximately 2,291 acres to mining. The lands have been and remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: Notice of Department of Agriculture, Forest Service application OR 11159 for withdrawal and reservation of land was published as FR Doc. 75-12568 of the issue of May 13, 1975. The purpose of the proposed withdrawal is to protect the Bachelor Butte and the Todd Lake Recreation Areas located in the Deschutes National Forest, southwest of Bend, in central Oregon. The applicant agency has cancelled the application in its entirety which includes the following described lands:

Willamette Meridian

Deschutes National Forest

Bachelor Butte Recreation Area

T. 18 S., R. 8 E.,
Sec. 13, S½SE¼;
Sec. 24, NE¼.

T. 18 S., R. 9 E.,
Sec. 16, W½SW¼;
Sec. 17, all, excepting a strip of land withdrawn as the Cascade Lakes Road Zone by PLO 2751;
Sec. 18, lots 3 and 4, E½ and E½W½, excepting a strip of land withdrawn for the Cascade Lakes Road Zone by PLO 2751;
Sec. 19, lot 4, N½NE¼ and NE¼NW¼;
Sec. 20, N½N½, N½SW¼NE¼, SE¼NE¼, N½SW¼NW¼, NE¼SE¼NW¼, and N½NW¼SE¼NW¼, excepting a strip of land withdrawn as the Cascade Lakes Road Zone by PLO 2751;
Sec. 21, NW¼, and the NE¼SW¼ excepting a strip of land withdrawn as the Cascade Lakes Road Zone by PLO 2751;
Sec. 28, NW¼NE¼, S½NE¼, NE¼SE¼NW¼, S½SE¼NW¼, and SE¼, excepting a strip of land withdrawn as the Cascade Lakes Road Zone by PLO 2751;
Sec. 29, NE¼SE¼SE¼ and S½SE¼SE¼;
Sec. 30, SW¼SE¼SE¼;
Sec. 31, NW¼NE¼NE¼ and S½NE¼NE¼.

Todd Lake Recreation Area

T. 18 S., R. 9 E.,
Sec. 7, SE¼SW¼ and S½SE¼.

The areas described aggregate approximately 2,291 acres in Deschutes County.

At 8:30 a.m. on December 18, 1987, subject to valid existing rights, the provisions of other existing withdrawals, and the requirements of applicable law, the land shall be opened to location and entry under the United States mining laws. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: November 3, 1987.

[FR Doc. 87-26473 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-08-4220-11; GP-08-020; ORE-05047]

Proposed Continuation of Withdrawal; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers proposes that a withdrawal continue for an additional 100 years and requests that the lands involved remain closed to surface entry and mining but be opened to mineral leasing subject to Department of Army concurrence.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: The U.S. Army Corps of Engineers proposes that the withdrawal made by Public Land Order No. 1808 of February 27, 1959, continue for a period of 100 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands involved are described as follows.

Willamette Meridian

Willamette National Forest

T. 16 S., R. 4½ E.,
Sec. 21, lots 1 and 2;
Sec. 25, the north 10 chains of lot 1.
T. 16 S., R. 5E.,
Sec. 19, lots 4, 8 and SW¼;
Sec. 29, S½SW¼SW¼;
Sec. 30, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 31, E½ and E½NW¼;
Sec. 32, N½, SW¼, N½NE¼SE¼, and W½SE¼.
T 17 S., R. 5 E., unsurveyed,
Sec. 4, S½SW¼, NE¼, SW¼NW¼, NW¼SE¼NW¼, S½SE¼NW½, N½SW¼, W½NE¼SE¼, and NW¼SE¼;
Sec. 5, NW¼NE¼, S½NE¼, W½, N½SE¼, and SW¼SE¼;
Sec. 6, NE¼, E½SE¼, and E½W½SE¼;
Sec. 7, E½NE¼ and NE¼SE¼;
Sec. 8, W½NE¼, S½SE¼NE¼, NW¼, and S½;
Sec. 9, W½NW¼SW¼;
Sec. 17, E½, E½W½, E½W½NW¼, E½NW¼SW¼, and SW¼SW¼;
Sec. 20, E½, N½NW¼, SE¼NW¼, and E½E½SW¼;
Sec. 21, W½SW¼SW¼;
Sec. 28, W½NW¼NW¼ and W½W½S W¼;
Sec. 29, NE¼, E½SE¼, and E½NW¼SE¼;
Sec. 33, NW¼NW¼.

The areas described aggregate approximately 4,973.84 acres in Lane County.

The purpose of the withdrawal is to protect the Cougar Lake Reservior Project. The withdrawal currently segregates the lands from operation of the public land laws generally, including the mining laws and mineral leasing laws. The Department of the Army request no changes in the purposes or segregative effect of the withdrawal except that the lands be opened to operation of the mineral leasing laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

B. Lavelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: November 3, 1987.

[FR Doc. 87-26474 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-08-4220-11; GP-08-022; ORE-016850 (WASH)]

Proposed Continuation of Withdrawal; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers proposes that a withdrawal for the Little Goose and Lower Granite Lock and Dam Projects continue for an additional 83 years. The lands involved would remain closed to surface entry and mining and open mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

The U.S. Army Corps of Engineers proposes that Public Land Order No. 3971 of April 4, 1966, be continued for a period of 83 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The lands involved are located approximately 20 miles north of Dayton, Washington along the Snake River and on unsurveyed islands within the river, and aggregate approximately 353.65 acre within Tps. 13 N., Rs. 38, and 40 E., and Tps. 14 N., Rs. 40, 41, 42 and 43 E., W.M., Columbia, Garfield and Whitman Counties, Washington.

The purpose of the withdrawal is to protect the Little Goose Lock Dam project and a portion of the Lower Granite Lock and Dam Project. The withdrawal segregates the lands from operation of the public land laws generally, including the mining laws but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to

determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

Dated: November 3, 1987.

[FR Doc. 87-26475 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-33-M

National Park Service

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 November 7, 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 December 2, 1987.

Carol D. Shull,

Chief of Registration, National Register.

GEORGIA

Bulloch County

Register, *Olliff, William W., Farm,* New Hope Rd.

Chattooga County

Georgia Site No. 9 CG 43

KANSAS

Marion County

Lincolnville, *Bethel School,* County Rd.

NEW JERSEY

Hudson County

Jersey City, *Harsimus Cove Historic District,* Roughly bounded by Grove Dr., Bay & First Sts., Jersey Ave., Second, & Coles Sts.

TEXAS

Travis County

Austin, *State Lunatic Asylum,* 4110 Guadalupe

VIRGINIA

Loudoun County

Leesburg, *Nichols, Edward, House,* 330 W. Market St.

[FR Doc. 87-26357 Filed 11-16-87; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-385 and 386 (Preliminary)]

Granular Polytetrafluoroethylene Resin From Italy and Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731-TA-385 and 386 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Italy and Japan of granular polytetrafluoroethylene resin (hereafter granular PTFE),[1] provided for in item 445.54 of the Tariff Schedules of the United States, that are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by December 21, 1987.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

EFFECTIVE DATES: November 6, 1987.

FOR FURTHER INFORMATION CONTACT: Jennifer Hinshaw (202-523-6620), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-523-0161.

SUPPLEMENTARY INFORMATION: .

Background: These investigations are being instituted in response to a petition filed on November 6, 1987, by E.I. Du Pont de Nemours & Co. Inc., Wilmington, DE.

Participation in the investigations: Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List: Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance wtih §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate or service.

Conference: The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on December 1, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Jennifer Hinshaw (202-523-6620) not later than November 25, 1987, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions: Any person may submit to the Commission on or before December 3, 1987, a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission

[1] Imports of PTFE fine powders and PTFE aqueous dispersions are not covered by these investigations.

must be filed with the Secretary of the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submittted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submisssions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: November 10, 1987.

[FR Doc. 87-26453 Filed 11-16-87; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Portland Cement Assn.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions damages under specified circumstances. Specifically, PCA advised that the Phoenix Cement Company became a member effective October 1, 1987.

Accordingly, at present the members of the PCA are those companies listed below:

United States

Aetna Cement Corporation
Alaska Basic Industries
Ash Grove Cement Company
Ash Grove Cement West, Inc.
Blue Circle Atlantic, Inc.
Blue Circle, Inc.
Blue Circle West, Inc.
Calaveras Cement Company
CalMat Co.
Capitol Aggregates, Inc.
Capitol Cement Corporation
Continental Cement Company
Davenport Cement Company
Dragon Products Company
Dundee Cement Company
Hawaiian Cement
Ideal Basic Industries, Inc.
Phoenix Cement Company
Rinker Materials Corporation
Independent Cement Corporation
Lafarge Corporation
Lehigh Portland Cement Company
LoneStar-Falcon
Lone Star Industries, Inc.
Medusa Cement Corporation
Missouri Portland Cement Company
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwest States Portland Cement Co.
Rochester Portland Cement Corporation
St. Marys Peerless Cement Company
St. Marys Wisconsin Inc.
The South Dakota Cement Plant
Southwestern Portland Cement Company
Tarmac-LoneStar, Inc.
Tilbury Cement Company

Canada

Canada Cement Lafarge Ltd.
Federal White Cement Ltd.
Ideal Cement Company Ltd.
Inland Cement Limited
Lake Ontario Cement Limited
North Star Cement Limited
St. Lawrence Cement Inc.
St. Marys Cement Corporation
Tilbury Cement Limited

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee:

Baker-Dolomite (DBCA)
C-E Raymond
Holderbank Consulting Ltd.
Humboldt Wedag Company
F.L. Smidth and Company
Claudius Peters, Inc.
Polysius Corp.
The Fuller Company

On January 7, 1985, PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on Feburary 5, 1985, 50 FR 5015. On March 14, 1985, August 13, 1985, January 3, 1986, February 14, 1986, May 30, 1986, July 10, 1986, December 31, 1986, February 3, 1987, April 17, 1987, June 3, 1987, July 29, 1987 and August 6, 1987, PCA filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on April 10, 1985 (50 FR 14175), September 16, 1985 (50 FR 37594), February 4, 1986 (51 FR 4440), March 12, 1986 (51 FR 8573), June 27, 1986 (51 FR 23479), August 14, 1986 (51 FR 29173), February 3, 1987 (52 FR 3356), March 4, 1987 (52 FR 6635), May 14, 1987 (52 FR 18295), July 10, 1987 (52 FR 28183), August 26, 1987 (52 FR 32185), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-26494 Filed 11-16-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Virgin Islands Standards; Notice of Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the **Federal Register** (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision. The Virgin Islands State plan was granted final approval under section 18(e) of the Act, effective April 17, 1984.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference. The authority to adopt such standards is contained in Title 3, Section 940, of the Virgin Islands Code. Health standards are adopted for application in the public sector.

In response to Federal standards changes, the State has submitted supplements, and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to 29 CFR Parts 1915, 1916 and 1917 Consolidation of Standards, Occupational Safety and Health Standards for Shipyard

Employment; Final Rule, as published in the **Federal Register** (47 FR 16984) dated April 20, 1982; Commercial Diving Standards, 29 CFR 1910.430, as published in the **Federal Register** (51 FR 33033) dated September 18, 1986; Accident Prevention Tags, 29 CFR 1910.145, as published in the **Federal Register** (51 FR 33251) dated September 19, 1986; and Hazardous Waste Operations and Emergency Response; Interim Final Rule, 29 CFR 1910.120, as published in the **Federal Register** (51 FR 45654) dated December 19, 1986.

These standards which are contained in the Virgin Islands Rules and Regulations 24 V.I.R.R. 36(b)1 and 36(b)5 were promulgated by resolution adopted by the Virgin Islands Department of Labor on June 23, 1987 pursuant to Title 24, Virgin Islands Code, Section 36(b).

2. Decision

Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and accordingly are approved.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approval plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 201 Varick Street, Room 670, New York, NY 10014; Office of the Director for Federal-State Operations, Room N3700, 200 Constitution Avenue NW., Washington, DC 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal Law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective November 17, 1987.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at New York City, New York, this twenty sixth day of October 1987.

James W. Stanley,

Acting Regional Administrator.

[FR Doc. 87-26433 Filed 11-16-87; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts; Arts in Education 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 Arts in Education Advisory Panel (Arts in Schools Basic Education Grants Section) to the National Council on the Arts will be held on December 1, 1987, from 8:30 a.m.-8:00 p.m., and on December 2, 1987, from 9:00 a.m.-4:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on December 1, 1987 from 3:40-6:30 p.m. and on December 2, from 2:00-4:00 p.m. The topics for discussion will be Five-Year Plan and policy issues.

The remaining sessions of this meeting on December 1, 1987, from 8:30 a.m.-3:20 p.m. and 6:30-8:00 p.m., and December 2, 1987, from 9:00 a.m.-12 noon are for the purpose of 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 subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained form Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

November 10, 1987.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-26415 Filed 11-16-87; 8:45 am]

BILLING CODE 7537-01-M

National Endowment for the Arts; 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 (Orchestra Section) to the National Council on the Arts will be held on November 30, 1987, from 9:00 a.m.-6:30 p.m., December 1-3, 1987, from 9:00 a.m.-7:15 p.m. and on December 4, 1987, from 9:00 a.m.-5:30 p.m. in room M-14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on December 4, 1987 from 10:30 a.m.-12:00 p.m. The topics for discussion will be guidelines and policy issues.

The remaining sessions of this meeting on November 30, 1987, from 9:00 a.m.-6:30 p.m., December 1-3, 1987, from 9:00 a.m.-7:15 p.m. and on December 4, 1987, from 9:00 a.m.-10:30 a.m. and 12:30-5:30 p.m. are for the purpose of 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 subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

November 10, 1987.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-26416 Filed 11-16-87; 8:45 am]

BILLING CODE 7537-01-M

National Endowment on The Arts; Museum 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 Museum Advisory Panel (Museum Purchase Plan Section) to the National Council on the Arts will be held on December 1, 1987, from 9:00 a.m.-5:30 p.m. in room 730 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.

November 10, 1987.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87-26417 Filed 11-16-87; 8:45 am]

BILLING CODE 7537-01-M

National Endowment for the Humanities.

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington,DC 20506:

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506:

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

(1) *Date:* December 1-2, 1987.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Higher Education—Central Disciplines, submitted to the Division of Education Programs, for projects beginning after December 1988.

(2) *Date:* December 1, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in American History I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(3) *Date:* December 1, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Sociology, Psychology, and Education, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(4) *Date:* December 2, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Modern European History and Politics, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(5) *Date:* December 2, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in British Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(6) *Date:* December 3, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Foreign Languages and Literatures; and Linguistics, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(7) *Date:* December 3, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in African, Asian, and Latin American History, and Comparative Politics, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(8) *Date:* December 4, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Philosophy I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(9) *Date:* December 4, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Music, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(10) *Date:* December 7, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Political Science, Economics, Law and Jurisprudence, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(11) *Date:* December 8, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Modern British and American Literature, submitted to the Division of Fellowship and Seminars, for projects beginning after May 1988.

(12) *Date:* December 8, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.

Program: This meeting will review Summer Stipends applications in Archaeology; Ancient Medieval; and Early Modern European History, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(13) *Date:* December 9, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Religious Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(14) *Date:* December 10, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in French and Italian Languages and Literatures; and Classics, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(15) *Date:* December 10, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Philosophy II, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(16) *Date:* December 11, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(17) *Date:* December 14, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Art History, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(18) *Date:* December 15, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in Communications, Rhetoric, Theater, and Film, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(19) *Date:* December 15, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Spanish and Latin American Languages and Literatures; Comparative Literature; Literary Theory and Criticism, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(20) *Date:* December 16, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316.
Program: This meeting will review Summer Stipends applications in Anthropology and Folklore, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

(21) *Date:* December 17, 1987.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Stipends applications in American History II, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1988.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 87-26446 Filed 11-16-87; 8:45 am]
BILLING CODE 7536-01-M

NATIONAL MEDIATION BOARD

Appointment of Members to the Performance Review Board

Notice is hereby given in accordance with 5 U.S.C. 4314 of the membership of the National Mediation Board's Performance Review Board for the position of Executive Director. The members are as follows:

Mrs. Helen M. Witt, Chairman, National Mediation Board, Washington, DC.

Mr. Howard W. Solomon, Executive Director, Federal Service Impasses Panel, Washington, DC.

Mr. John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, DC.

EFFECTIVE DATE: November 2, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Charles R. Barnes, Executive Director, 1425 K Street, NW., Washington, DC 20572, (202) 523-5950.

By direction of the National Mediation Board.

Charles R. Barnes,
Executive Director.

[FR Doc. 87-26476 Filed 11-16-87; 8:45 am]
BILLING CODE 7550-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413 and 50-414]

Duke Power Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 32 to Facility Operating License No. NPF-35, and Amendment No. 23 to Facility Operating License NPF-52, issued to Duke Power Company, et al., (the licensee), which revised the Technical Specifications for operation of the Catawba Nuclear Station, Units 1 and 2, (the facility) located in York County, South Carolina. The amendments were effective as of the date of issuance.

The amendments modified the Technical Specifications to permit operation up to full power with the Upper Head Injection Accumulator System removed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on August 27, 1987 (52 FR 32365). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility dated January 1983.

For further details with respect to the action see (1) the application for amendments dated June 12, 1987, and supplemented June 23 and August 12, 1987, (2) Amendment No. 32 to License No. NPF-35, (3) Amendment No. 23 to License No. NPF-52, and (4) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., and at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Bethesda, Maryland, this 10th day of November 1987.

For the Nuclear Regulatory Commission.

Kahtan N. Jabbour,

Project Manager, Project Directorate II-3, Division of Reactor Projects I/II.

[FR Doc. 87-26493 Filed 11-16-87; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Wednesday, December 9, 1987
Wednesday, December 16, 1987

These meetings will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehenisve report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street NW., Washington, DC 20415 (202) 632-9710.

Thomas E. Anfinson,

Chairman, Federal Prevailing Rate Advisory Committee.

November 10, 1987.

[FR Doc. 87-26432 Filed 11-16-87; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, NW., Washington, DC 20549.

Revised

Rule 204-2 [17 CFR 275.204-2]
File No. 270-215

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval proposed amendments to Rule 204-2 under the Investment Advisers Act of 1940. Rule 204-2 is the recordkeeping rule applicable to all registered investment advisers ("advisers"). There are approximately 12,000 advisers subject to the recordkeeping rule which requires approximately 224 burden hours per year per adviser.

Comments should be submitted to OMB Desk Officer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

November 5, 1987.

[FR Doc. 87-26434 Filed 11-16-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25104; File No. 4-260]

Self-Regulatory Organizations; Order Approving Amendment to Plan Filed by the American Stock Exchange for Reporting Minor Disciplinary Rule Violations

The American Stock Exchange, Inc. ("Amex") submitted, on June 9, 1987, copies of a proposed amendment to its minor rule violation plan, pursuant to section 19(d)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19d-1(c)(2) thereunder.[1] The Commission previously approved a minor rule violation plan filed by the Amex,[2] which relieves the Exchange of the prompt reporting requirements of Rule 19d-1 for violations of rules listed pursuant to the plan.[3]

The proposed amendment increases the fines that may be imposed under the Amex minor rule violation plan. Prior to the amendment, fines for violations of rules listed pursuant to the plan ranged from $50 for a first offense to $500 for a sixth offense within a rolling six-month period. Further, after the sixth offense, the respondent member or member organization could not dispose of the action pursuant to the plan, but instead was required to appear before the Exchange's Disciplinary Committee. The fine schedule will now be $100 for a first offense, $300 for a second offense, and $500 for a third offense within the six-month period. By doing away with the fourth through sixth offense categories, the schedule now mandates that a member or member organization appear

[1] *See* Securities Exchange Act Release No. 21013 (June 1, 1984) 49 FR 23838. The Commission adopted amendments to paragraph (c) of Rule 19d-1 to allow self-regulatory organizations ("SRO") to submit for Commission approval, plans for the abbreviated reporting of minor rule violation. Under these amendments, any disciplinary action taken by the SRO for violation of an SRO rule that has been designated a minor rule violation pursuant to the plan shall not be considered "final" for purposes of section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person has not sought an adjudication including a hearing, or otherwise exhausted his or her administrative remedies.

[2] *See* Securities Exchange Act Release No. 21918 (April 3, 1985) 50 FR 14068.

[3] *See* 17 CFR 240.19d-1(c)(2). By deeming unadjudicated, minor violations as not final, the Commission permits the Amex to report violations on a periodic, as opposed to immediate, basis.

before the disciplinary Committee after three offenses. Recognizing the need for flexibility, the schedule permits the assessment of a lesser fine of $50 or a maximum fine of $500 for the first offense, or a miximum $500 fine for a second offense, if the Floor Governor or Exchange Official determines that the circumstances of the violation warrant such a fine. Finally, the amendment codifies the Exchange's right to bring formal or summary charges, instead of using the minor rule violation plan, against a member or member organization for violations of rules listed under the plan.

Notice of the proposed amendment was given by the issuance of a Commission release (Securities Exchange Act Release No. 24813, August 18, 1987) and by publication in the **Federal Register** (52 FR 32223, August 26, 1987). No comments were received regarding the proposal.

The Commission finds that the proposed amendments to the Amex minor rule violation plan are consistent with the Act, specifically section 19 and the rules and regulations thereunder. The amendments increase the utility of the plan as a compliance tool while maintaining proper levels of investor protection and reporting, thereby permitting the Commission to effect its regulatory oversight of the SRO compliance process.

It is therefore ordered, pursuant to Rule 19d-1(c)(2) under the Act, that the proposed amendment be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

November 9, 1987.

[FR Doc. 87-26437 Filed 11-16-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25106; File No. SR-Amex-87-11]

Self-Regulatory Organizations; Partial Approval of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Quarterly Reporting of Minor Disciplinary Rule Violations

The American Stock Exchange, Inc. ("Amex") submitted, on June 9, 1987, copies of a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19-4 thereunder,[2] to revise the rules of the Amex relating to the Exchange's Minor Rule Infraction Fine System ("minor rule violation plan"). In particular, the proposal changes the fine schedule for rules contained within the minor rule violation plan, and clarifies the right of the Exchange to bring formal or summary charges against a member instead of bringing the action pursuant to the minor rule plan.[3]

In 1984, the Commission adopted amendments to paragraph (c) of Rule 19d-1 to allow self-regulatory organizations ("SROs") to submit, for Commission approval, plans for the abbreviated reporting of minor rule violations.[4] The Commission previously approved such a plan filed by the Amex.[5] The plan relieves the Amex of the current reporting requirements imposed under section 19(d)(1) for those violations listed under the plan. The Amex plan provides that the Exchanges may designate violations of certain rules as minor rule violations.[6] The Exchange may impose a fine, not to exceed $2,500, on any member or member organization for a violation of a delineated rule. Actions adjudicated pursuant to the plan are reported to the Commission on a quarterly basis. If the member or member organization contests the charge, the charge is referred to the Exchange's Disciplinary Committee for a hearing pursuant to Exchange rules.

The Amex proposes to amend the fine structure of its plan by raising the amounts on fines and limiting the number of repeat offenses that can be processed pursuant to the plan. Previously, members could be fined from $50 for a first offense to $500 for a sixth offense within a rolling six-month period. After a sixth violation within the period, charges had to be brought pursuant to full disciplinary proceedings. Pursuant to the present amendments, the Amex may now fine a member $100 for a first offense, $300 for a second offense, and $500 for a third offense within the six-month period. Further, a member must now appear before the Exchange Disciplinary Committee after three, rather than six, offenses within the six-month period. The amendments also clarify that the Exchange has the right to impose a lesser fine of $50 or a maximum fine of $500 for a first offense, or the maximum fine of $500 for a second offense, if the Floor Governor or Exchange Official determines that the circumstances warrant such a response. Finally, the amendment codifies the right of the Exchange to bypass the minor rule violation system and bring formal or summary charges for violations of rules listed pursuant to the plan.

Notice of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 24709, July 16, 1987) and by publication in the **Federal Register** (52 FR 27603, July 22, 1987). One comment was received regarding the Amex filing,[7] but it is not pertinent to those aspects of the filing considered for approval in this Release.

The Commission has considered the Amex proposal in light of the Act and the rules and regulations thereunder applicable to a national securities exchange. Pursuant to that review, the Commission finds that the amendments conform to sections 6(b)(6) and 6(b)(7) of the Act [8] in that they continue to

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[1] 15 U.S.C. 78s(b).

[2] 17 CFR 240.19b-4 (1986).

[3] The Amex filing also contains a proposal to eliminate any fine maximum pursuant to Amex disciplinary procedures. The Commission is considering that aspect of the filing separately, in connection with a substantially similar filing by the New York Stock Exchange (SR-NYSE-87-8). The Amex has consented to this bifurcation of the filing and has extended the period of time for Commission consideration of the fine maximum aspect of the proposal. *See* letter from J. Bruce Ferguson, Assistant Vice President, Amex, to Sharon Lawson, Branch Chief, Division of Market Regulation, SEC, dated September 2, 1987.

[4] *See* Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23838. Pursuant to paragraph (c)(1) of Rule 19d-1, an SRO is required to file promptly with the Commission notice of any "final" disciplinary action taken by the SRO. Pursuant to paragraph (c)(2) of Rule 19d-1, any disciplinary action taken by the SRO for violation of an SRO rule that has been designated a minor rule pursuant to the plan shall not be considered "final" for purposes of section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2.500, and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his or her administrative remedies. By deeming an unadjudicated, minor violation as not final, the Commission permits the SRO to report these violations on a periodic, as opposed to immediate, basis.

[5] *See* Securities Exchange Act Release No. 21918 (April 3, 1985) 50 FR 14068.

[6] The following rules are included within the Amex plan: (1) Failure by a specialist to be represented at the trading post at scheduled times to answer inquiries regarding the status of orders and to resolve equity DK notices; (2) failure by the specialist to respond to inquiries regarding unreported PER/AMOS market orders; (3) failure to submit option trade comparison data by specified deadlines; (4) failure to be present to resolve rejected options trades; and (5) failure to provide options audit trail information.

[7] *See* letter from Dennis H. Greenwald, Chairman, Federal Regulation Committee, Securities Industry Association, to Jonathan G. Katz, Secretary, SEC, dated August 5, 1987.

[8] 15 U.S.C. 78f(b)(7).

maintain a fair procedure for the disciplining of members for violations of exchange rules. In this regard, the increased fines will act as a more forceful deterrent to violations of Amex rules, yet are still low enough to warrant summary type disciplinary procedures. This is also consistent with the intent of the Commission in promulgating Rule 19d-1(c)(2) in that the amended fine structure will provide the Amex with greater flexibility and thereby make its minor rule violation plan a more effective compliance and disciplinary tool, while still conforming to the $2,500 fine maximum imposed under subparagraph (c)(2). Further, the addition of the provision allowing the Exchange to remove violations from the minor rule system and bring formal or summary charges is consistent with the investor protection interests of section 19(d) of the Act and codifies a right the Commission contemplated in promulgating Rule 19d-1(c)(2).

Based on the above, the Commission finds that the proposed amendments considered here are consistent with the requirements of the Act, and specifically sections 6 and 19 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) under the Act, that the proposed rule changes be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: November 9, 1987.

[FR Doc. 87-26436 Filed 11-16-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25107; File No. SR-NSCC-87-11]

National Securities Clearing Corp.; Proposed Rule Change Relating to an Amendment to Rules Concerning Fully-Paid-For Account; Filing and Immediate Effectiveness

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 1, 1987 NSCC filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend NSCC's Procedures by adding the Statement of Policy attached as Exhibit 1 to Addendum G of the Procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Pursuant to NSCC's rules and procedures, NSCC provides its participants the ability to anticipate deliveries of securities from NSCC's Continuous Net Settlement ("CNS") allocation in order to make deliveries, usually to customers. If securities are not, in fact, allocated, and if the participant thus would be out of compliance with the customer segregation requirements of SEC Rule 15c3-3, the participant may instruct NSCC to move its CNS long position from its General Account to a "Fully-Paid-For Account." In so doing, the Corporation charges the participant's settlement account the value of the long position and maintains the collected funds in a segregated account.

NSCC has been requested by the industry (represented by the New York Stock Exchange-sponsored Joint Industry Rule 15c3-3 Committee), the staff of the Securities and Exchange Commission and by the Depository Trust Company ("DTC") to expand the Fully-Paid-For Account concept on a temporary basis.[1] Specifically, similar to the CNS allocation situation described above, an NSCC-DTC participant may want to make a securities delivery in anticipation of borrowing stock. If the stock, in fact, is not borrowed, the participant may inadvertently be out of compliance with Rule 15c3-3.

While DTC currently is developing a "Customer Segregation" system to address this problem, NSCC understands that it may take approximately 18 months before the system is operational. In the interim, NSCC has been requested to provide a Fully-Paid-For Account service with respect to anticipated stock borrows.

In light of these requests, NSCC has adopted a Statement of Policy to its Fully-Paid-For Account procedures. The procedures contained in the Statement would allow an NSCC-DTC member to instruct NSCC to charge the member's settlement account for 130% of the value of securities the member anticipated borrowing, but, in fact, did not receive. NSCC will segregate these funds pursuant to the restrictions imposed on other funds collected with respect to the Fully-Paid-For Account.[2]

While NSCC understands that SEC and DTC will require that this account be updated on a weekly basis, NSCC will provide the ability to update it daily; in the event an account is not updated on a given day, the account will be maintained at its then-current level. NSCC will offer this service until DTC's Customer Segregation system is operational.

The proposed rule change will facilitate the ability of members to make deliveries of securities while protecting customer securities. NSCC believes that the proposal will promote the prompt and accurate clearance and settlement of securities, will assure the safeguarding and control of securities and funds which are in the custody and control of NSCC, and will foster cooperation and coordination with other person engaged in the clearance and settlement of securities transactions. Thus, the proposal is consistent with the requirements of the Securities Exchange Act of 1934, as amended ("Act"), and the rules and regulation thereunder applicable to NSCC.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

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[1] See Letter dated September 8, 1987, from Michael Macchiaroli, Assistant Director, Division of Market Regulation, SEC, to Michael Minikes, Co-Chairman, NYSE-Sponsored Joint Industry 15c3-3 Committee.

[2] See Letter dated May 10, 1984, from Michael Macchiaroli, Assistant Director, Division of Market Regulation, SEC, to Robert J. Woldow, Senior Vice President and General Counsel, NSCC.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments on the proposed rule change have been solicited or received. NSCC will notify the Securities and Exchange Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filings will not be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File No. SR-NSCC-87-11 and should be submitted by December 8, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: November 9, 1987.

Exhibit 1—Statement of Policy

Pursuant to the Fully-Paid-For Account Procedures, the Corporation currently permits participants making deliveries via DTC's PDQ System, in effect, to anticipate deliveries of securities through NSCC's CNS allocation. If securities the participant anticipates receiving in fact are not received, the participant can instruct the Corporation to move all or part of the CNS long valued position from the CNS General Account A to the Fully-Paid-For Account E to maintain compliance with SEC Rule 15c3-3. In so doing, the Corporation charges the participant the value of that position and maintains the collected funds in a segregated account.

A similar situation arises when participants make deliveries at DTC in anticipation of receiving borrowed stock. If the borrowed stock in fact is not received, it could result in a participant inadvertently being out of compliance with Rule 15c3-3. The Corporation understands that DTC is developing a "Customer Segregation" system to assist participants in controlling their DTC positions to prevent this occurrence. While DTC is developing this system, however, the Corporation has been requested by the Securities and Exchange Commission ("SEC"), the New York Stock Exchange sponsored Joint Industry Rule 15c3-3 Committee, and DTC to offer an interim procedure to provide a facility to collateralize deficits created by the failure to receive borrowed securities. The SEC has agreed to permit participants to rely on the expected receipt of borrowed securities to process DTC deliveries if they properly collateralize any resulting deficits at NSCC.

In light of these requests, the Corporation has adopted the following temporary extension of its Fully-Paid-For Account Procedures until DTC implements its Customer Segregation System:

- Each day, by the time specified by the Corporation, a participant may instruct the Corporation to charge its settlement account by a specified sum. This sum shall be 130% of the value of the securities the firm anticipated, but did not receive, from a stock borrow.
- The Corporation shall so charge the participant's settlement account and will establish a Stock Loan Fully-Paid-For (SLFPF) Account for the participant.
- Each day the participant may report a new amount to the Corporation with respect to the SLFPF account; we understand, however, that at this time the SEC will require only that the SLFPF Account be updated weekly. Upon receipt of such new amount the Corporation will debit and credit the participant's settlement account and SLFPF account to establish the new position. In the event that the participant does not provide new instructions, the Corporation will maintain the SLFPF account at the then-current level.

In establishing a position in the SLFPF account, it is the responsibility of each participant to calculate the appropriate dollar value that should be on deposit in the account and to provide appropriate instructions to the Corporation. The Corporation will not have the ability or the responsibility to verify the amount on deposit and will not process instructions that do not provide the dollar value.

[FR Doc. 87-26435 Filed 11-16-87; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ending November 6, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 45261

Parties: Members of International Air Transport Association
Date Filed: November 2, 1987
Subject: Composite Currency Resolutions
Proposed Effective Date: February 1, 1988

Docket No. 45262

Parties: Members of International Air Transport Association
Date Filed: November 2, 1987
Subject: Cargo Rates Board
Proposed Effective Date: November 1, 1987

Docket No. 45263

Parties: Members of International Air Transport Association
Date Filed: November 2, 1987
Subject: Iceland Airport Tax
Proposed Effective Date: November 5, 1987

Docket No. 45264

Parties: Members of International Air Transport Association
Date Filed: November 3, 1987
Subject: Passenger Service Conference
Proposed Effective Date: April 1, 1987

Docket No. 45272

Parties: Members of International Air Transport Association

Date Filed: November 5, 1987
Subject: Canada Add-On Fares
Proposed Effective Date: April 1, 1988

Docket No. 45273

Parties: Members of International Air Transport Association
Date Filed: November 6, 1987
Subject: Rate Levels from Lebanon
Proposed Effective Date: November 2, 1987

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 87-26442 Filed 11-16-87; 8:45 am]
BILLING CODE 4910-62-M

Application for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed During the Week Ended November 6, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et.seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 45268

Dated Filed: November 5, 1987.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 3, 1987.
Description: Application of Executive Aviation Services (Nigeria) Limited, pursuant to section 402 of the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit authorizing it to engage in charter foreign air transportation of property and mail between Chicago, Illinois; Miami, Florida; and New York, New York and Lagos, Kano and Port Harcourt, Nigeria, via certain optional intermediate points, with all flights to the U.S. originating or terminating in Nigeria.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 87-26441 Filed 11-16-87; 8:45 am]
BILLING CODE 4910-62-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 150—Minimum System Performance Standards for Vertical Separation Above Flight Level 290; 17th Meeting

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 150 on Minimum System Performance Standards for Vertical Separation above Flight Level 290 to be held on December 7-9, 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 the 16th meeting minutes; (3) review and discuss EUROCAE Working Group #30 activities; (4) working group reports; (5) FAA Technical Center data analysis review; (6) resolution of MSPS issues; (7) implementation issues; (8) update of related activities; (9) review of draft MSPS; (10) review program schedule; (11) task assignments; (12) other business; (13) 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 statements 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 at Washington, DC, on November 5, 1987.

Herbert P. Goldstein,
Designated Officer.
[FR Doc. 87-26422 Filed 11-16-87; 8:45 am]
BILLING CODE 4910-13-M

Airborne Passive Thunderstorm Detection Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comment.

SUMMARY: The proposed TSO-C110a prescribes the minimum performance standard that Airborne Passive Thunderstorm Detection Systems must meet in order to be identified with the TSO marking "TSO-C110a.".

DATE: Comments must identify the TSO file number and be received on or before February 12, 1987.

ADDRESS: Send all comments on the draft technical standard order to: Federal Aviation Administration, Technical Analysis Branch, AWS-120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO-C110a, 800 Independence Avenue SW., Washington, DC 20591;
or deliver comments to: Room 335, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS-120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-9546.

Comments received on the proposed TSO may be examined, before and after the comment closing date, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

Proposed TSO-C110a will include revised Marking and Data Requirements for airborne passive thunderstorm detection systems. Also, the proposed TSO incorporates Radio Technical Commission for Aeronautics (RTCA) Document No. DO-191, dated May 1986, for the minimum performance standard, RTCA Document No. DO-178A dated March 1985, for the software requirement test procedures, and RTCA Document No. DO-160B, for the environmental standards.

How to Obtain Copies

A copy of the proposed TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C110a references Radio Technical Commission for Aeronautics (RTCA)

Document No. DO-191, dated May 1986, for the minimum performance, standard, RTCA Document No. DO-178A, dated March 1985, for the software requirement test procedures, and RTCA Document No. DO-160B for the environmental standards. RTCA Document Nos. DO-191, DO-178A, and DO-160B may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005.

Issued in Washington, DC, on October 28, 1987.

John K. McGrath,

Acting Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 87-26423 Filed 11-16-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: November 12, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557-0081
Form Number: FFIEC 031-034
Type of Review: Revision
Title: Reports of Condition and Income (Interagency Call Report)

Description: Reports are filed pursuant to 12 U.S.C. 161 and 164. Data are used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data are also used for research, program planning, and OCC publications.

Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 707,500 hours

Clearance Officer: Eric Thompson (202) 447-1632, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.

OMB Reviewer: Milo Sunderfauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 26464 Filed 11-16-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: November 10, 1987.

The Department of the 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: 1545-1002
Form Number: 8621
Type of Review: Resubmission
Title: Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund

Description: Form 8621 is used by shareholders of foreign investment companies. Shareholders of passive investment companies use Form 8621 to report distributions from the fund, and a deferred tax amount when an excess distribution is made. Shareholders of qualified electing funds are taxed on current income from the fund. The IRS uses Form 8621 to verify that shareholders have included the correct amount of income from these entities.

Respondents: Individuals or households, Businesses
Estimated Burden: 9,173 hours
OMB Number: 1545-0140
Form Number: 2210/2210 F
Type of Review: Resubmission
Title: Underpayment of Estimated Tax by Individuals (2210) and Underpayment of Estimated Tax by Farmers and Fishermen (2210 F)

Description: This form is used by taxpayers to determine whether they are subject to the penalty and to compute the penalty if it applies. The Service uses this information to determine whether the taxpayer is subject to the penalty and also to verify the penalty amount.

Respondents: Individuals or households, Businesses
Estimated Burden: 701,424 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.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-26465 Filed 11-16-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: November 10, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-
Form Number: 8693
Type of Review: New
Title: Low-Income Housing Credit Disposition Bond

Description: This form is needed per IRC section 42(j)(6) to post bond and waive the recapture requirement under section 42(j) in the case of disposition of a building on which the low-income housing credit was claimed. Internal Revenue regulations § 301.7101-1 requires that the posting of a bond must be done on the appropriate form as determined by the Internal Revenue Service.

Respondents: Individuals or households, Businesses, Small businesses
Estimated Burden: 4,909 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management

and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-26466 Filed 11-16-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980. Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-

Form Number: None

Type of Review: New

Title: Opinion Survey of Taxpayers Contacting IRS Taxpayer Service

Description: The data collected will be used to determine if the IRS meets the taxpayer's need in providing assistance on tax related matters, to plan for short and long range assistance programs, and to assess the impact of taxpayer assistance on voluntary compliance. The sample will be selected from taxpayers who have requested assistance from IRS.

Respondents: Individuals or households

Estimated Burden: 3,600 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-26467 Filed 11-16-87; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: November 10, 1987.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0256

Form Number: 941c and 941c PR

Type of Review: Extension

Title: Statement to Correct Information

Description: This form is used by employers to correct previously reported FICA or income tax data. It may be used to support a credit or adjustment claimed on a current return for an error in a prior return period. The information is used to reconcile wages and taxes previously reported or used to support a claim for refund credit or adjustment of FICA or income tax.

Respondents: Individuals or households, State or local governments, Farms, Businesses, Federal agencies, Nonprofit institutions, Small businesses

Estimated Burden: 685,665 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87-26468 Filed 11-16-87; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Agency Form Letter Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The department of staff office issuing the form letter, (2) the title of the form letter, (3) the agency form letter number, if applicable, (4) a description of the need and its use, (5) how often the form letter must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form letter, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form letter and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

Dates: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: November 10, 1987.

By direction of the Administrator.

Frank E. Lalley,

Director, Office of Information Management and Statistics.

Extension

1. Department of Veterans Benefits.
2. Request to Mortgage Company for Amount of Unpaid Mortgage.
3. VA Form Letter 29-712.
4. This information is used to request the amount of the unpaid mortage from the lending institution with whom the veteran carries his/her mortage. The information on the form is required by law.
5. On occasion.
6. Businesses or other for-profit.
7. 450 responses.
8. 75 hours.
9. Not applicable.

[FR Doc. 87-26463 Filed 11-16-87; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 221
Tuesday, November 17, 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).

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on November 18, 1987, from 10:00 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: David A. Hill, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703-883-4003).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

1. Summary Prior Approvals;
2. Final Amendments to Borrower Rights Regulations, 12 CFR Part 614;
[1] 3. Certification Under § 4.28(J) of the Farm Credit Act of 1971, as amended;
[1] 4. Examination and Enforcement Matters; and
[1] 5. Legislative Update.

Dated: November 12, 1987.

David A. Hill,

Secretary, Farm Credit Administration Board.

[FR Doc. 87-26491 Filed 11-12-87; 4:49 pm]

BILLING CODE 6705-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Tuesday, November 10, 1987, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the Corporation's assistance agreement with an insured bank.

Rescission of an Order approving the application of Delaware Trust Company, Wilmington, Delaware, for consent to merge with Interim Delaware Trust Company.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 12, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87-26567 Filed 11-13-87; 2:33 pm]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 42759, November 6, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Thursday, November 12, 1987.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Preliminary consideration of testimony on banking issues. (This item was originally announced for a closed meeting on November 12, 1987.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: November 12, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-26484 Filed 11-12-87; 4:13 pm]

BILLING CODE 6210-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of November 16, 23, 30, and December 7, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of November 16

Thursday, November 19

2:30 p.m.
Briefing on EEO Program (Public Meeting)
4:00 p.m.
Affirmation/Disucssion and Vote (Public Meeting)
a. Response to Pending Motions Before the Commission in the Seabrook Proceeding (Tentative)

Week of November 23—Tentative

Wednesday, November 25

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Palo Verde-3 (Public Meeting) (Tentative)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of November 30—Tentative

Monday, November 30

2:00 p.m.
Briefing by Combustion Engineering on New Standardized Plants (Public Meeting)

Tuesday, December 1

10:00 a.m.
Briefing on Status of Implementation of Fitness for Duty Program (Public Meeting)
2:00 p.m.
Briefing on New Westinghouse Standardized Plants (Public Meeting)

Wednesday, December 2

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of December 7—Tentative

Thursday, December 10

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note.—Affirmation sessions are initially scheduled and announced to the public on a

[1] Session closed to the public—exempt pursuant to 5 U.S.C. 552(c) (4), (8) and (9).

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.

November 12, 1987.

[FR Doc. 87–26584 Filed 11–13–87; 3:49 pm]

BILLING CODE 7590–01–M

POSTAL SERVICE

By telephone vote on November 9, 1987, a majority of the Board members voted to close to public observation a meeting of the Board scheduled for December 7, 1987. The meeting will be held at U.S. Postal Service headquarters, 475 L'Enfant Plaza, SW., Washington, DC. The meeting will concern consideration of two major capital investment projects.

The meeting is expected to be attended by the following persons: Governors Griesemer, McConnell, Nevin, Pace, Peters, Ryan and Setrakian; Postmaster General Tisch; Deputy Postmaster General Coughlin; Secretary for the Board Harris; and General Counsel Cox.

The Board of Governors has determined that, pursuant to section 552(c)(9)(B) of Title 5, United States Code, and § 7.3(i) of Title 39, Code of Federal Regulations, the discussion of these matters is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)], because it is likely to disclose information, the premature disclosure of which would likely frustrate implementation of proposed procurement actions.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation, pursuant to section 552b(c)(9)(B) of Title 5, United States Code, and § 7.3(i) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 87–26499 Filed 11–13–87; 11:30 am]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [52 FR 42499 November 5, 1987].

STATUS: Open/closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Monday, November 2, 1987.

CHANGE IN THE MEETING: Deletion/ additional items.

An open meeting scheduled for Tuesday, November 10, 1987, at 10:00 a.m., to consider the following item has been cancelled.

Consideration of an application filed by David Lerner Associates, Inc., Spirit of America Management Corp, and David Lerner for an order of the Commission under Section 9(c) of the Investment Company Act of 1940 permanently exempting them from the provisions of Section 9(a) of the Act to allow them to serve or act in certain capacities for Spirit of America Government Fund, Inc., an open-end, diversified, management investment company. For further information, please contact Victor R. Siclari, at (202) 272–2190.

The following additional items were considered at a closed meeting scheduled for Tuesday, November 10, 1987, at 10:00 a.m.:

Regulatory matter regarding financial institution.

Litigation matter.

Commissioner Cox, as duty officer, determined that Commission business required the above changes.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Alden Adkins at (202) 272–2014.

Jonathan G. Katz,

Secretary.

November 12, 1987.

[FR Doc. 87–26541 Filed 11–13–87; 11:56 am]

BILLING CODE 8010–01–M

UNITED STATES INSTITUTE OF PEACE

TIME AND DATES: 9:00 am–5:00 pm, Thursday, November 19, 1987.

PLACE: National Trust for Historic Preservation, 1785 Massachusetts Avenue, NW., Washington, DC 20036.

STATUS: Open.

PURPOSE AND AGENDA: The fifth colloquium of the intellectual mapping project focusing on the limits and possibilities of negotiation and diplomacy in securing and maintaining international peace. Invited participants include Arthur Hartman (former U.S. Ambassador to the USSR), I. William Zartman (Professor, Johns Hopkins School of Advanced International Studies), David Newsom (Director, Georgetown University's Institute for the Study of Diplomacy and former Under Secretary of State for Political Affairs), Roger Fisher (Professor, Harvard University and Director of the Harvard Negotiation Project), Daniel Druckman (National Academy of Sciences), Professor P. Terrence Hopmann (Brown University) and Arthur W. Hummel, Jr. (former U.S. Ambassador to China).

CONTACT: Richard N. Smith (202) 789–5700.

Dated: November 12, 1987.

Samuel W. Lewis,

President, United States Institute of Peace.

[FR Doc. 87–26575 Filed 11–13–87; 2:43 pm]

BILLING CODE 3155–01–M

Corrections

Federal Register
Vol. 52, No. 221
Tuesday, November 17, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-60011; FRL-3286-8]

Chlordane and Heptachlor Termiticides; Cancellation Order

Correction

In notice document 87-25383 beginning on page 42145 in the issue of Tuesday, November 3, 1987, make the following corrections:

1. On page 42146, in the first column, in the second paragraph e., in the first line, "Post-construction" should read "Pre-construction".

2. On the same page, in the second column, in the fourth complete paragraph, in the fourth line from the bottom, "EAP" should read "EPA".

3. On the same page, in the third column, in the first complete paragraph, in the third line, "chlordane" was misspelled.

4. On page 42149, in the second column, in the second complete paragraph, the date line should read, "Dated: October 28, 1987.".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 442

[Docket No. 87N-0317]

Antibiotic Drugs; Cefuroxime Axetil Tablets

Correction

In rule document 87-25584 beginning on page 42431 in the issue of Thursday, November 5, 1987, make the following corrections:

PART 436—[CORRECTED]

1. On page 42432, in the first column, in the fifth line "§ 1436.215" should read "§ 436.215".

PART 442—[CORRECTED]

2. On the same page, in the second column, in the heading for § 442.19, "axetil" was misspelled.

BILLING CODE 1505-01-D

federal register

Tuesday
November 17, 1987

Part II

Department of Health and Human Services

Health Resources and Services Administration

List of Designated Primary Care Health Manpower Shortage Areas (HMSAs); List of Withdrawals From Primary Care HMSA Designation; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

List of Designated Primary Care Health Manpower Shortage Areas (HMSAs); List of Withdrawals From Primary Care HMSA Designation

SUMMARY: This notice provides two lists. The first is a list of all areas, population groups or facilities designated as primary care health manpower shortage areas (HMSAs) as of August 31, 1987. Second is a list of previously-designated primary care HMSAs that have been found to no longer meet the HMSA criteria and are therefore being withdrawn from the HMSA list. HMSAs are designated or withdrawn by the Secretary of HHS under the authority of section 332 of the Public Health Service Act.

FOR FURTHER INFORMATION CONTACT: Richard C. Lee, Chief, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8–57, 5600 Fishers Lane, Rockville, Maryland 20857 (301–443–6932).

SUPPLEMENTARY INFORMATION:

1. Background

Section 332 of the Public Health Service Act provides that the Secretary of Health and Human Services shall designate health manpower shortage areas based on criteria established by regulation. Health manpower shortage areas (HMSAs) are defined in section 332 to include (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health manpower. Section 332 further requires that the Secretary publish a list of the designated geographic areas, population groups and facilities. The list of areas is to be reviewed at least annually and revised as necessary. The Health Resources and Services Administration's Bureau of Health Professions has been assigned the responsibility for designating these areas.

Public or nonprofit entities in (or with a demonstrated interest in) these areas are eligible to apply for assignment of National Health Service Corps (NHSC) personnel to provide health services in, or to, the areas. These areas are also eligible obligated service areas for certain Public Health Service scholarship, loan repayment and nurse practitioner traineeship programs, and entities located in the areas are eligible to apply for (or receive preference for) certain Public Health Service grant programs.

2. Development of the Designation and Withdrawal Lists

Criteria for designating HMSAs were first published by the Department of Health, Education, and Welfare as Interim-Final regulations (42 CFR Part 5) in the **Federal Register** of January 10, 1978. Final regulations, revised as warranted by public comments received, were published in the **Federal Register** on November 17, 1980. Criteria are defined for each of seven health manpower types (primary care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary manpower). However, most currently-funded Public Health Service programs involve primary medical care, dental or psychiatric HMSAs.

The first lists of HMSAs developed under these criteria by the Bureau of Health Professions, with the review and recommendations of the Health Systems Agencies (HSAs), State Health Planning and Development Agencies (SHPDAs) and Governors, were published in 1978. A different list was included for each of the seven manpower types mentioned above. Since then, updated lists have been published approximately annually to reflect those changes which occur as a result of the shortage area designation process. Individual requests for designation or withdrawal of particular areas, population groups or facilities as HMSAs are continuously received and reviewed by the Bureau of Health Professions. The review process includes routine submission of such requests to the appropriate HSAs, where active, and to SHPDAs, Governors and other interested organizations or individuals for their comments and recommendations. Requests regarding primary medical care or psychiatric manpower are also provided to the appropirate State medical society for comment, while requests regarding dental manpower are provided to the appropriate State dental society for comment.

Annually, the Bureau of Health Professions provides data listings to all SHPDAs, HSAs, State medical societies and others showing the latest data contained in the HMSA data base for each county and designated HMSA within their State, requests their review and update of this data, and seeks their recommendations regarding possible additions to, continuations or revisions of, and/or withdrawals from the HMSA list.

The Bureau of Health Professions reviews each HMSA designation or withdrawal request, together with any recommendations received on individual requests or on the annual review data listings, and determines whether or not each area, population group or facility involved meets the HMSA criteria for the type of manpower involved. The results of these reviews are provided by letter to the agency or individual requesting action or providing data; copies are sent to the other commenting agencies as well as to other interested organizations and individuals. These letters constitute the official notice of designation as a HMSA, rejection of recommendations for such a designation, or revision of a designation, and/or constitute advance notice of pending withdrawals from the list. Designations (or revisions of designations) are effective as of the date of the letter making (or revising) the designation; withdrawals are effective when published in the **Federal Register.**

This notice contains two lists relevant to primary care HMSA designation. The first list below ("List of Designated Primary Care HMSAs") includes all those areas, population groups and facilities which were designated as primary care HMSAs by the Bureau of Health Professions as of August 31, 1987. This list incorporates our most recent annual review of designated HMSAs, which emphasized those designated or most recently updated in 1983, and supersedes the primary care HMSA list which appeared in the **Federal Register** on September 19, 1986.

The second list below ("List of Withdrawals from Primary Care HMSA Designation") includes those areas, population groups and facilities which had previously been designated as primary care HMSAs but were found, between July 1, 1986 and August 31, 1987, to no longer meet the HMSA criteria and therefore were indicated as scheduled for withdrawal from the HMSA list in letters from the Bureau of Health Professions. (This list does not include any former HMSAs already listed in previous **Federal Register** lists of withdrawals.)

Some service area definitions have been modified in such a way that portions of some areas have effectively been withdrawn. The list of withdrawals below does not include such technical withdrawals, but rather consists of those whole counties, service areas, population groups, and facilities that have been completely withdrawn. However, the list of designated HMSAs below includes the current definitions for each designated service area, excluding any portions withdrawn.

3. Format of Lists

a. List of Designated Primary Care HMSAs

The list of primary care HMSAs is arranged by State. Within each State, the list is first presented by county. If only a portion (or portions) of a county has been designated, or if the county is part of a larger designated servicearea, or if a population group residing in the county or a facility located in the county has been designated, the name of the service area, population group, or facility involved is listed under the county name.

Following the county listing, a list of any designated service areas is presented identifying their component parts in terms of counties, towns, townships, census tracts (CTs), minor civil divisions (MCDs), census county divisions (CCDs), enumeration districts (EDs), magisterial districts, or other definable geographic divisions recognized by the Bureau of the Census. Following the service area listing, a list of any designated population groups is presented identifying each such group and the geographic area wherein it resides. Following the population group listing, a list by name and location of any separately designated facilities (including prisons, correctional institutions, health centers, or hospitals) is presented.

In addition to the specific listings included in this notice, all Indian tribes which meet the definition of such tribes referenced in section 4(d) of Public Law 94–437, the Indian Health Care Improvement Act of 1976, are automatically designated as population groups with primary medical care and dental manpower shortages. Such Indian tribes are automatically considered assigned to degree-of-shortage group 4 (unless otherwise indicated in this listing based on specific data provided for this purpose).

In the specific listings below, beside the name of each designated area, population group or facility its calculated "degree-of-shortage" group is indicated, corresponding to the criteria for these groupings contained in the regulations. (Group 1 represents areas with the highest calculated degree of shortage, Group 2 with next highest degree of shortage, etc.) These groups have been defined (in terms of population-to-physician ratios and the presence or absence of other indicators of high need) for use by the NHSC in determining relative priorities for placement of NHSC personnel. However, these groupings represent only part of the process for making NHSC placement decisions; which includes other factors and considerations relating to need, demand, and relative attractiveness of the various designated HMSAs. These other factors and considerations are taken into account by the Bureau of Health Care Delivery and Assistance (BHCDA) in determining which HMSAs are listed eacy year on the smaller HMSA Placement Opportunity List (HPOL) of vacancies in HMSAs approved for new NHSC placements.

b. List of Withdrawals from Primary Care HMSA Designation

The list of withdrawals from primary care HMSA designation is also arranged by State. Within each State, whole counties being withdrawn are presented first. Following the county listing, a list of those service areas, population groups, and facilities being withdrawn is presented, identifying their component parts in terms of counties and subparts of counties.

4. Future Updates of List of Designated HMSAs

The list of primary care HMSAs below consists of all those which were designated as of August 31, 1987. It should be noted that additional HMSAs may have been designated by letter since August 31, 1987, and the appropriate agencies and individuals notified of these actions by letter. Although official, these actions are not included in the list below, because they had not yet been added to the computerized HMSA data base at the time this list was generated.

Any designated HMSA listed below is subject to possible future withdrawal from designation if new information is received and confirmed by the Bureau of Health Professions which indicates that the situation in the area involved has changed or that erroneous or incomplete data were used in making the original designation. Interested parties will be notified by mail of any such pending withdrawal, which will become effective only upon publication in a future **Federal Register** listing of withdrawals (or upon publication of a future **Federal Register** listing of primary care HMSAs which does not include the area).

For further information on the HMSA designations and withdrawals listed below, or to request additional designations or withdrawals or reinstatement of a withdrawn HMSA, please contact Richard C. Lee, Chief, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, at the address listed above. All requests for designations or withdrawals should be based on the criteria in the regulations as published on November 17, 1980.

Dated: October 1, 1987.

David N. Sundwall,

Administrator, Assistant Surgeon General.

PRIMARY CARE HMSAs

PRIMARY CARE: Alabama

County name	Degree of shortage group
Autauga	01
Baldwin:	
Service Area: Bay Minette	03
Barbour:	
Service Area: Clayton	01
Bibb	01
Blount	02
Butler	04
Chambers	
Service Area: La Fayette	01
Chilton	03
Clarke:	
Service Area: Coffeeville	01
Service Area: Grove Hill/Fulton	04
Clay	03
Cleburne	03
Colbert:	
Service Area: Cherokee	01
Conecuh	01
Coosa	01
Crenshaw	01
Dale	02
De Kalb	04
Elmore	03
Etowah:	
Population Group: Pov. Pop.—Gadsden	01
Fayette	04
Geneva	03
Greene	01
Hale	02
Henry	02
Houston:	
Service Area: Gordon	01
Jackson	04
Jefferson:	
Population Group: Pov. Pop.—Central Birmingham	03
Lamar	03
Lauderdale	
Service Area: Waterloo	01
Service Area: West Limestone	03
Lawrence	03
Limestone:	
Service Area: West Limestone	03
Lowndes	01
Macon	03
Madison	
Population Group: Pov. Pop.—Madison Co	04
Marion	04
Mobile:	
Service Area: Bayou La Batre	02
Population Group: Pov. Pop.—E. Mobile	01
Facility: Univ. S. Ala. Childrens MC	01
Montgomery:	
Population Group: Medi. Ind. Pop.—Montgomery Co	03
Morgan:	
Population Group: Pov. Pop.—Morgan Co	03
Perry	04
Randolph	04
Russell:	
Service Area: Cottonton/Hurtsboro	01
St Clair	02
Shelby	03
Sumter:	
Service Area: Black Belt Community	01
Talladega	04
Tallapoosa:	
Service Area: Camp Hill	01

PRIMARY CARE: Alabama—Continued

County name	Degree of shortage group
Tuscaloosa:	
Service Area: West Tuscaloosa	01
Washington	01
Wilcox	01
Winston	02

PRIMARY CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Bay Minette	03
County—Baldwin	
Parts: Bay Minette Div.	
Bayou La Batre	02
County—Mobile	
Parts:	
C.T. 66-67 (Parts)	
C.T. 72-73 (Parts)	
Black Belt Community	01
County—Sumter	
Parts:	
Gainsville Div.	
Livingston Div. (Epps Twn)	
Panola/Geiger Div.	
Camp Hill	01
County—Tallapoosa	
Parts:	
Camp Hill	
Dadeville	
Tallassee	
Cherokee	01
County—Colbert	
Parts: Cherokee CCD	
Clayton	01
County—Barbour	
Parts:	
Clayton	
Clio	
Louisville	
Coffeeville	01
County—Clarke	
Parts: Coffeeville	
Cottonton/Hurtsboro	01
County—Russell	
Parts:	
Cottonton-Seale	
Hurtsboro	
Gordon	01
County—Houston	
Parts: Gordon	
Grove Hill/Fulton	04
County—Clarke	
Parts:	
Fulton CCD	
Grove Hill CCD	
La Fayette	01
County—Chambers	
Parts:	
Five Points	
Lafayette Div.	
Milltown	
Waterloo	01
County—Lauderdale	
Parts: Waterloo CCD	
West Limestone	03
County—Lauderdale	
Parts: C.T. 117-118	
County—Limestone	
Parts: C.T. 202-203	
West Tuscaloosa	01
County—Tuscaloosa	
Parts: C.T. 116-119	

PRIMARY CARE: Alabama

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—E. Mobile	01
County—Mobile	
Parts:	
C.T. 1-3	
C.T. 4.01-4.02	
C.T. 5-6	
C.T. 7.01-7.02	
C.T. 8	
C.T. 10.01-10.02	
C.T. 11	
C.T. 12.01	
C.T. 13.01-13.02	
C.T. 14	
C.T. 15.01-15.02	
C.T. 23.01-23.02	
C.T. 26	
C.T. 38.01	
C.T. 39.01-39.02	
C.T. 40-50	
Med. Ind. Pop.—Montgomery, Co.	03
County—Montgomery	
Pov. Pop.—Central Birmingham	03
County—Jefferson	
Parts:	
C.T. 5-9	
C.T. 15-17	
C.T. 24-25	
C.T. 26.01-26.02	
C.T. 27	
C.T. 28.01-28.02	
C.T. 29	
C.T. 30.02	
C.T. 41-42	
C.T. 44-46	
C.T. 51.01	
C.T. 55	
Pov. Pop.—Madison Co	04
County—Madison	
Pov. Pop.—Morgan Co	03
County—Morgan	
Pov. Pop. of Gadsden	01
County—Etowah	
Parts: C.T. 1-17	

PRIMARY CARE: Alabama

Facility Listing

Facility name	Degree of shortage group
Univ. S. Ala. Children's MC	01
County—Mobile	

PRIMARY CARE: Alaska

Census area name	Degree of shortage group
Aleutian Island Area	02
Anchorage Borough:	
Population Group: Medicaid Elig. Pop.—Anch. City	03
Facility: Hiland Mtn/Meadow Crk Corr Ctr	02
Facility: 3rd Ave/6th Ave. Annex/Ridgeview	02
Bethel Area	01
Kenai Peninsula Borough:	
Facility: Cook Inlet Pre-Trial Fac	02
Kobuk Area	01

PRIMARY CARE: Alaska—Continued

Census area name	Degree of shortage group
Matanuska-Susitna Borough:	
Facility: Palmer Corr. Ctr	02
North Slope Borough	01
Prince of Wales-Outer Ket	03
Southeast Fairbanks	02
Wade Hampton Area	01
Wrangell-Petersburg Area:	
Service Area: Kake	01
Yukon-Koyukuk	01

PRIMARY CARE: Alaska

Service Area Listing

Service area name	Degree of shortage group
Kake	01
Census Area—Wrangell-Petersburg Area:	
Parts: Kupreanof Is. (NW Pt.)	

PRIMARY CARE: Alaska

Population Group Listing

Population group	Degree of shortage group
Medicaid Elig. Pop.—Anch. City	03
Census Area—Anchorage Boro.	

PRIMARY CARE: Alaska

Facility Listing

Facility name	Degree of shortage group
Cook Inlet Pre-Trial Fac	02
Census Area—Kenai Peninsula Boro.	
Hiland Mtn/Meadow Crk. Corr. Ctr.	02
Census Area—Anchorage Boro.	
Palmer Corr. Ctr.	02
Census Area—Matanuska-Susitna Boro.	
3rd Ave/6th Ave Annex/Ridgeview	02
Census Area—Anchorage Boro.	

PRIMARY CARE: Arizona

County name	Degree of shortage group
Apache:	
Service Area: Ganado/Rough Rock	01
Service Area: Kayenta	01
Service Area: Puerco Valley	01
Service Area: St. Johns	01
Service Area: Tsaile	01
Population Group: White Mountain Indian Res	01
Cochise:	
Service Area: Benson	04
Service Area: Bisbee	04
Service Area: Bowie	01
Service Area: Douglas	03
Service Area: Elfreida	01
Service Area: Tombstone City	01
Coconino:	
Population Group: Hopi Indian Res	01
Maricopa:	
Population Group: Gila River Indian Community	01

PRIMARY CARE: Arizona—Continued

County name	Degree of shortage group
Population Group: Med. Ind. Pop.—Guadalupe	01
Population Group: Med. Ind. Pop.—Central/South Phoenix	01
Population Group: Pov. Migr. Pop.—El Mirage	01
Facility: Maricopa Co. Jails	02
Mohave:	
Service Area: Dolan Springs	01
Navajo:	
Service Area: Ganado/Rough Rock	01
Service Area: Heber/Overgaard	01
Service Area: Kayenta	01
Population Group: Hopi Indian Res	01
Population Group: White Mountain Indian Res	01
Pima:	
Service Area: Arivaca	01
Service Area: Catalina-Oracle Junction	02
Service Area: Marana	01
Service Area: Sahaurita-Continental	01
Population Group: Med. Ind. Pop.—South Tucson	02
Pinal:	
Service Area: Catalina-Oracle Junction	02
Service Area: San Pedro Valley	02
Service Area: Superior	01
Population Group: Gila River Indian Community	01
Population Group: Med. Ind. Pop.—Cent/West Pinal	02
Santa Cruz	04
Yavapai	
Service Area: Seligman	02
Yuma:	
Service Area: Northern Yuma Co	02
Service Area: Wellton	02
Population Group: Pov. Pop.—Somerton	01

PRIMARY CARE: Arizona

Service Area Listing

Service Area name	Degree of shortage group
Arivaca	01
County—Pima	
Parts: E.D. 257-262 (C.T. 43.05)	
Benson	04
County—Cochise	
Parts: Benson CCD	
Bisbee	04
County—Cochise	
Parts: Bisbee CCD	
Bowie	01
County—Cochise	
Parts: Bowie CCD	
Catalina-Oracle Junction	02
County—Pima	
Parts: Catalina CDP	
County—Pinal	
Parts: Oracle Junction	
Dolan Springs	01
County—Mohave	
Parts:	
E.D. 23 (Kingman North CCD) (N. Part)	
E.D. 24-25 (Kingman North CCD)	
E.D. 33-35 (Kingman North CCD)	
E.D. 37 (Kingman North CCD)	
Douglas	03
County—Cochise	
Parts:	
E.D. 86 (Douglas CCD)	
E.D. 90-93 (Douglas CCD)	
Elfreida	01
County—Cochise	
Parts:	
E.D. 87-89 (Elfreida CCD)	
Ganado/Rough Rock	01
County—Apache	
Parts: Chinle CCD (W. Pt.)	
Ft. Defiance CCD (W. Pt.)	
County—Navajo	
Parts:	
Indian Wells CCD (E. Pt.)	
Pinon CCD (S.E. Pt.)	
Heber/Overgaard	01

PRIMARY CARE: Arizona—Continued

Service Area Listing

Service Area name	Degree of shortage group
County—Navajo	
Parts:	
E.D. 418-423 (Snowflake CCD)	
Kayenta	01
County—Apache	
Parts:	
Dennehotso CCD	
County—Navajo	
Parts:	
Western CCD	
Marana	01
County—Pima	
Parts:	
C.T. 44.05 (N. Part)	
Northern Yuma CO	02
County—Yuma	
Parts:	
Parker CCD	
Puerco Valley	01
County—Apache	
Parts:	
Ft. Defiance CCD (S. Part)	
Puerco CCD (E.D. 552, 553, 557)	
Sahaurita-Continental	01
County—Pima	
Parts:	
E.D. 238-243 (C.T. 4102)	
San Pedro Valley	02
County—Pinal	
Parts:	
E.D. 76-82 (San Manuel Div.)	
E.D. 86-88 (San Manuel Div.)	
E.D. 90 (San Manuel Div.)	
Seligman	02
County—Yavapai	
Parts:	
Ashfork CCD	
St. Johns	01
County—Apache	
Parts:	
St. Johns CCD	
Superior	01
County—Pinal	
Parts:	
E.D. 1-6 (North Pinal CCD)	
Tombstone City Area	01
County—Cochise	
Parts:	
E.D. 72-73 (Tombstone CCD)	
E.D. 76 (Tombstone CCD)	
Tombstone City	
Tsaile	01
County—Apache	
Parts:	
Chinle CCD (N.E. Part)	
Sweetwater CCD (S.W. Part)	
Wellton	02
County—Yuma	
Parts:	
E.D. 228-229 (Wellton CCD)	
E.D. 239-240 (Wellton CCD)	
Gila River Indian Community	01
County—Maricopa	
County—Pinal	
Hopi Indian Res	01
County—Coconino	
Parts:	
Hopi CCD	
County—Navajo	
Parts:	
Hopi CCD	
Med. Ind. Pop.—Cent/West Pinal	02
County—Pinal	
Parts:	
Casa Grande CCD	
Coolidge CCD	
Eloy CCD	
Maricopa/Stanfield CCD	
Sacaton CCD	
Med. Ind. Pop.—Guadalupe	01
County—Maricopa	
Parts:	
C.T. 3200.02	
Med. Ind. Pop.—South Tucson	02

PRIMARY CARE: Arizona—Continued

Service Area Listing

Service Area name	Degree of shortage group
County—Pima	
Parts:	
C.T. 1-5	
C.T. 6-12	
C.T. 13.01-13.02	
C.T. 14	
C.T. 20-24	
C.T. 25.01-25.02	
C.T. 37.01-37.03	
C.T. 38-39	
C.T. 41.03-41.04	
C.T. 43.01	
Med. Ind. Pop.—Central/South Phoenix	01
County—Maricopa	
Parts:	
C.T. 1129-1133	
C.T. 1138-1161	
C.T. 1163-1165	
C.T. 1166.02	
Pov. Pop.—Somerton Area	01
County—Yuma	
Parts:	
C.T. 114-116	
Pov. Migr. Pop.—El Mirage	01
County—Maricopa	
Parts:	
C.T. 405.01	
C.T. 608-609	
C.T. 610.01	
White Mountain Indian Res	01
County—Apache	
County—Navajo	

PRIMARY CARE: Arizona

Facility Listing

Facility name	Degree of shortage group
Maricopa Co. Jails	02
County—Maricopa	

PRIMARY CARE: Arkansas

County name	Degree of shortage group
Arkansas:	
Service Area: Arkansas County	01
Ashley:	
Service Area: Portland-Wilmot	02
Boone:	
Service Area: Lead Hill	01
Bradley:	
Service Area: Hermitage	01
Calhoun	03
Clay	02
Cleburne	03
Cleveland	04
Conway	04
Crawford	03
Crittenden:	
Service Area: Parkin	01
Cross:	
Service Area: Parkin	01
Dallas:	
Service Area: Sparkman	01
Faulkner:	
Service Area: Vilonia	01
Franklin	03
Fulton:	
Service Area: Horseshoe Bend	01
Service Area: Mammoth Springs	02
Grant	03
Izard	03
Service Area: Horseshoe Bend	01
Jefferson:	
Service Area: Altheimer	01
Service Area: North Pine Bluff	02
Service Area: Redfield	01

PRIMARY CARE: Arkansas—Continued

County name	Degree of shortage group
Facility: Tucker/Tucker Maximum Prison	02
Lafayette	02
Lawrence	04
Lee	04
Lincoln:	
Service Area: Starr	02
Facility: Cummins Prison	02
Marion:	
Service Area: Lead Hill	01
Mississippi:	
Population Group: Med. Ind. Pop.—Mississippi Co	02
Monroe:	
Service Area: Clarendon	02
Montgomery	03
Nevada:	
Service Area: Rosston	01
Newton	01
Ouachita:	
Service Area: Horseshoe Bend	01
Service Area: Stephens	01
Perry	02
Phillips:	
Service Area: Elaine	01
Poinsett	04
Polk:	
Service Area: Wickes	02
Pope:	
Service Area: Atkins/Hector	02
Prairie	01
Pulaski:	
Service Area: College Station	01
Facility: Wrightsville Prison	02
Scott	04
Searcy	02
Sebastian:	
Service Area: Diamond	03
Sevier:	
Service Area: Wickes	02
Sharp	03
Union:	
Service Area: Strong	01
Van Buren	04
Washington:	
Service Area: West Washington	02
Woodruff:	
Service Area: Cotton Plant	01
Yell:	
Service Area: Southern Yell	03

PRIMARY CARE: Arkansas

Service Area Listing

Service area name	Degree of shortage group
Altheimer	01
County—Jefferson:	
Parts:	
C.T. 1	
C.T. 7	
Arkansas County	01
Parts:	
Arkansas Twp.	
Barton Twp.	
Bayou Meto Twp.	
Brewer Twp.	
Chester Twp.	
Crockett Twp.	
Garland Twp.	
Keaton Twp.	
La Grue Twp.	
Point De Luce Twp.	
Prairie Twp.	
Stanley Twp.	
Atkins/Hector	02

PRIMARY CARE: Arkansas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Pope:	
Parts:	
Burnett Twp.	
Center Twp.	
Convenience Twp.	
Griffin Twp.	
Gum Logg Twp.	
Jackson Twp.	
Liberty Twp.	
Moreland Twp.	
Phoenix Twp.	
Smyrna Twp.	
Valley Twp.	
Wilson Twp.	
Clarendon	02
County—Monroe:	
Parts:	
Cache Twp.	
Cypress Ridge Twp.	
Hindman Twp.	
Pine Ridge Twp.	
Roc Roe Twp.	
College Station	01
County—Pulaski:	
Parts:	
C.T. 2	
C.T. 4-5	
C.T. 40.01	
C.T. 40.03-40.05	
Cotton Plant	01
County—Woodruff:	
Parts:	
Cache Twp.	
Caney Twp.	
Cotton Plant Twp.	
Franks Twp.	
Freeman Twp.	
Garden Twp.	
Point Twp.	
Diamond	03
County—Sebastian:	
Parts:	
Diamond Twp.	
Hartford Twp.	
Jim Fork Twp.	
Mississippi Twp.	
Sugarloaf Twp.	
Elaine	01
County—Phillips:	
Parts:	
Jamesbush Twp.	
Lake Twp.	
Mooney Twp.	
Searcy Twp.	
Tappan Twp.	
Hermitage	01
County—Bradley:	
Parts:	
Eagle Twp.	
Marion Twp.	
Palestine Twp.	
Quachita Twp.	
River Twp.	
Sumpter Twp.	
Washington Twp.	
Horseshoe Bend	01
County—Fulton:	
Parts:	
Union Twp.	
County Izard:	
Parts:	
Baker Twp.	
Franklin Twp.	
Jefferson Twp.	
New Hope Twp.	
Violet Hill Twp.	
County—Ouachita:	
Parts:	
Liberty Twp.	
Lead Hill	01

PRIMARY CARE: Arkansas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Boone	
Parts:	
Sugarloaf Twp.	
County—Marion	
Parts:	
Crockett Twp.	
Franklin Twp.	
Keesee Twp.	
Sugarloaf Twp.	
Mammoth Springs	02
County—Fulton:	
Parts:	
Afton Twp.	
Mammoth Springs Twp.	
Myatt Twp.	
Wilson Twp. (Eastern ½)	
North Pine Bluff	02
County—Jefferson:	
Parts:	
C.T. 5.01-5.02	
C.T. 6.00	
C.T. 6.99	
C.T. 9.00-12.00	
Parkin	01
County—Crittenden:	
Parts:	
Tyronza Twp.	
County—Cross:	
Parts:	
Tyronza Twp.	
Portland-Wilmot	02
County—Ashley:	
Parts:	
Banner Twp.	
Bayou Twp.	
Beachcreek Twp.	
Bearhouse Twp.	
De Bastrop Twp.	
Montrose Twp.	
Portland Twp.	
Union Twp.	
Willmot Twp.	
Redfied	01
County—Jefferson:	
Parts:	
C. T. 2	
C. T. 3.01-3.03	
C. T. 4	
Rosston	01
County—Nevada:	
Parts:	
Alabama Twp.	
Caney Twp.	
Jackson Twp.	
Leake Twp.	
Parker Twp.	
Taylor Twp.	
Southern Yell	03
County Yell:	
Parts:	
Bluffton Twp.	
Briggsville Twp.	
Compton Twp.	
Crawford Twp.	
Danville Twp.	
Dutch Creek Twp.	
Ferguson Twp.	
Gilkey Twp.	
Gravely Hill Twp.	
Herring Twp.	
Ions Creek Twp.	
Lamar Twp.	
Mason Twp.	
Praire Twp.	
Reed Keathly Twp.	
Richland Twp.	
Riley Twp.	
Rover Twp.	
Ward Twp.	
Waveland Twp.	
Sparkman	01

PRIMARY CARE: Arkansas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Dallas:	
Parts:	
Bunn Twp.	
Chester Twp.	
Holly Springs Twp.	
Manchester Twp.	
Nix Twp.	
Owen Twp.	
Princeton Twp.	
Smith Twp.	
Willow Twp.	
Starr	02
County—Lincoln:	
Parts:	
Barholomew Twp.	
Cane Creek Twp.	
Choctaw Twp.	
Kimbrough	
Lone Pine Twp.	
Mill Creek Twp.	
Owen Twp.	
Smith Twp.	
Spring Twp.	
Stephens	01
County-Ouachita:	
Parts:	
Bragg	
Bridge Creek	
Jefferson	
Lafayette	
Marion	
Smackover	
Strong	01
County—Union:	
Parts:	
Harrison Twp.	
Lapile Twp.	
Vilonia	01
County—Faulkner:	
Parts:	
Bristol Twp.	
Cypress Twp.	
Eagle Twp.	
Harve Twp.	
Newton Twp.	
Palarm Twp.	
West Washington	02
County—Washington	
Parts:	
Boston Twp.	
Cane Hill Twp.	
Cove Creek Twp.	
Dutch Mills Twp.	
Illinois Twp.	
Mars Hill Twp.	
Morrow Twp.	
Prairie Grove Twp.	
Price Twp.	
Rheas Hill Twp.	
Starr Hill Twp.	
Valley Twp.	
Vineyard Twp.	
Weddington Twp.	
Wickes	02
County—Polk:	
Parts:	
Ozark Twp.	
White Twp.	
County—Sevier:	
Parts:	
Jefferson Twp.	

PRIMARY CARE: Arkansas

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Missisippi Co.	02
County—Mississippi	

PRIMARY CARE: Arkansas

Facility Listing

Facility name	Degree of shortage group
Cummins Prison	02
County—Lincoln	
Tucker/Tucker Maximum Prison	02
County—Jefferson	
Wrightsville Prison	02
County—Pulaski	

PRIMARY CARE: California

County name	Degree of shortage group
Alameda:	
Service Area: Central Oakland	03
Service Area: South Oakland	02
Service Area: West Berkeley	01
Alpine:	
Service Area: Markleeville	01
Population Group: Washoe Indian Res	01
Butte:	
Service Area: Feather Falls	02
Contra Costa:	
Service Area: East Contra Costa	02
Del Norte:	
Population Group: Indian Pop.—Trinidad	01
El Dorado:	
Service Area: Georgetown Divide	01
Fresno:	
Service Area: Edison-Easton	02
Service Area: Firebaugh/Mendota	01
Service Area: Huron	01
Service Area: Riverdale/Caruthers	02
Service Area: San Joaquin-Tranquility	01
Service Area: Sierra	03
Glenn:	
Service Area: Orland	03
Humboldt:	
Service Area: Trinidad	01
Population Group: Indian Pop.—Trinidad	01
Imperial:	
Service Area: Calexico	01
Service Area: Calipatria/Westmorland	02
Inyo:	
Service Area: Southern Inyo	02
Kern:	
Service Area: Arvin/Lamont	02
Service Area: Buttonwillow	01
Service Area: Frazier Park	02
Service Area: Lake Isabella	02
Service Area: Southeast Kern	02
Service Area: Wasco/Shafter	02
Lassen:	
Service Area: Honey Lake	01
Service Area: North Lassen	02
Los Angeles:	
Service Area: Avalon/Goodyear/Main	01
Service Area: East Compton	03
Service Area: East LA/City Terrace/Maravilla	02
Service Area: El Monte	03
Service Area: Figueroa/Firestone/Green Meadows/Watts	03
Service Area: Florence/Huntington Park	01
Los Angeles:	
Service Area: Highland Pk/Linc. Hts/Mt Wash./El Sereno	02
Service Area: Maywood Bell	01
Service Area: Santa Catalina Island	03
Service Area: Venice	01
Service Area: West Compton	01
Facility: Martin Luther King Jr. General Hosp.	02
Mendocino:	
Service Area: Covelo	04
Service Area: Northwest Mendocino	02

PRIMARY CARE: California—Continued

County name	Degree of shortage group
Service Area: Potter Valley	02
Merced:	
Population Group: Indochinese Pop.—Atwater/Merced	02
Population Group: Migr. & Monolingual Span. Spk. Pop.—Planada—Le Grand	01
Population Group: Span. Spk. Pop.—NW Merced	01
Modoc:	
Service Area: Adin-Lookout	01
Service Area: Surprise Valley	01
Service Area: Tule Lake-Butte Valley	03
Mono:	
Service Area: North Mono	01
Monterey:	
Service Area: Soledad	02
Orange:	
Facility: Juvenile Detention Facilities	02
Plumas:	
Service Area: Greenville	04
Riverside:	
Service Area: Lower Coachella Valley	01
Population Group: Morongo Indian Pop	01
Population Group: Soboba Indian Pop	01
San Benito:	
Service Area: Hollister	03
Service Area: San Benito-Bitterwater	01
San Bernardino:	
Service Area: Arrowhead	04
Service Area: 29 Palms/Morango Valley	02
Population Group: Morongo Indian Pop	01
Population Group: San Manuel Indian Pop	01
San Diego:	
Service Area: Anza	02
Service Area: Barrio Logan	01
Service Area: Mountain Empire	01
Service Area: Palomar-Laguna	02
Service Area: Ramona	04
Service Area: San Ysidro	02
Service Area: Valley Center/Pauma Valley	01
Population Group: Indochinese Pov. Pop.—Linda Vista	02
Population Group: Span. Spk. Pop.—San Marcos	04
San Francisco:	
Service Area: Tenderloin	03
San Mateo:	
Service Area: East Palo Alto	02
Santa Barbara:	
Service Area: Cuyama Valley	01
Shasta:	
Service Area: Burney Basin	04
Service Area: Shingletown	01
Sierra:	03
Siskiyou:	
Service Area: Happy Camp	03
Service Area: Siskiyou	03
Service Area: Tule Lake-Butte Valley	03
Solano:	
Population Group: Medicaid Pop.—Vacaville	04
Sonoma:	
Service Area: Russian River	02
Tehama:	
Population Group: Medi-Cal Elig.—Tehama Co	04
Trinity:	
Service Area: Mad River	01
Tulare:	
Service Area: Springville	01
Service Area: Tipton	01
Service Area: Woodlake	04
Population Group: Span. Spk. Pop.—Porterville	03
Tuolumne:	
Service Area: Groveland	01
Service Area: Stanislaus/Yosemite	01
Ventura:	
Population Group: Migr. Monol. Span. Spk. Pop.—Ventura Co.	01

PRIMARY CARE: California

Service Area Listing

Service area name	Degree of shortage group
Adin-Lookout	01
County—Modoc:	
Parts:	
Adin-Lookout CCD	
Anza	02
County—San Diego:	
Parts:	
C.T. 210	
Arrowhead	04
County—San Bernardino:	
Parts:	
C.T. 101	
Arvin/Lamont	02
County—Kern:	
Parts:	
C.T. 62-64	
Avalon/Goodyear/Main	01
County—Los Angeles:	
Parts:	
C.T. 2281-2289	
C.T. 2291-2294	
C.T. 2311	
C.T. 2318-2319	
C.T. 2328	
C.T. 2391-2396	
Barrio Logan	01
County—San Diego:	
Parts:	
C.T. 38-41	
C.T. 45-54	
Burney Basin	04
County—Shasta:	
Parts:	
E.D. 326-327 (Central Shasta CCD)	
E.D. 329 (Central Shasta CCD)	
E.D. 332-333 (Central Shasta CCD)	
E.D. 335 (Central Shasta CCD)	
E.D. 336-337 (East Shasta CCD)	
E.D. 340-341 (East Shasta CCD)	
Buttonwillow	01
County—Kern:	
Parts:	
Buttonwillow CCD	
Calexico	01
County—Imperial:	
Parts:	
Calexico CCD	
Calipatria/Westmorland	02
County—Imperial:	
Parts:	
Calipatria/Westmorland CCD	
Central Oakland	03
County—Alameda:	
Parts:	
C.T. 4053-4063	
C.T. 4065	
C.T. 4070-4072	
Covelo	04
County—Mendocino:	
Parts:	
Covelo CCD	
Cuyama Valley	01
County—Santa Barbara:	
Parts:	
Cuyama CCD	
East Compton	03
County—Los Angeles:	
Parts:	
C.T. 5416.01-5416.02	
C.T. 5420	
C.T. 5421.01.5421.02	
C.T. 5422	
C.T. 5424.01-5424.02	
East Contra Costa	02
County—Contra Costa:	
Parts:	
East Contra Costa CCD	
East La/City Terrace/Maravilla	02
County—Los Angeles:	
Parts:	
C.T. 5303-5306	
C.T. 5308-5319	
East Palo Alto	02
County—San Mateo:	
Parts:	
C.T. 6117-6120	
Edison-Easton	02
County—Fresno:	
Parts:	
C.T. 2-3	
C.T. 7-11	
C.T. 19	
El Monte	03
County—Los Angeles:	
Parts:	
C.T. 4324	
C.T. 4327-4328	
C.T. 4331-4335	
C.T. 4337-4340	
Feather Falls	02
County—Butte:	
Parts:	
Feather Falls CCD	
Figueroa/Firestone/Green Meadows/Watts	03
County—Los Angeless:	
Parts:	
C.T. 2397-2399	
C.T. 2401-2409	
C.T. 2411-2418	
C.T. 2421-2429	
C.T. 2431	
C.T. 5349-5350	
C.T. 5351.01-5351.02	
C.T. 5352-5354	
C.T. 5404	
Firebaugh/Mendota	01
County—Fresno:	
Parts:	
Firebaugh CCD Mendota CCD	
Florence/Huntington Park	01
County—Los Angeles:	
Parts:	
C.T. 5325-5332	
C.T. 5335	
C.T. 5345	
C.T. 5347-5348	
Frazier Park	02
County—Kern:	
Parts:	
C.T. 33.02	
C.T. 60 (W. ½)	
Georgetown Divide	01
County—El Dorado:	
Parts:	
C.T. 306	
Greenville	04
County—Plumas:	
Parts:	
Greenville CCD	
Groveland	01
County—Tuolumne:	
Parts:	
Groveland CCD	
Happy Camp	03
County—Siskiyou:	
Parts:	
Happy Camp CCD	
Highland Pk/Linc. Hts/Mt Wash./El Sereno	02
County—Los Angeles:	
Parts:	
C.T. 1831-1833	
C.T. 1835-1838	
C.T. 1851-1853	
C.T. 1991-1999	
C.T. 2011-2017	
C.T. 5307	
Hollister	03
County—San Benito:	
Parts:	
Hollister CCD	
San Juan Bautista CCD	
Honey Lake	01
County—Lassen:	
Parts:	
Honey Lake CCD	
Huron	01
County—Fresno:	
Parts:	
Huron CCD	
Lake Isabella	02
County—Kern:	
Parts:	
C.T. 51.01	
C.T. 52	
Lower Coachella Valley	01
County—Riverside:	
Parts:	
C.T. 456.02	
Mad River	01
County—Trinity:	
Parts:	
Mad River CCD	
Markleeville	01
County—Alpine:	
Parts:	
Markleeville CCD	
Maywood Bell	01
County—Los Angeles:	
Parts:	
C.T. 5333-5337	
C.T. 5338.01-5338.02	
C.T. 5339-5343	
C.T. 5344.01-5344.02	
Mountain Empire	01
County—San Diego	
Parts:	
Mountain Empire CCD	
North Lassen	02
County—Lassen:	
Parts:	
Big Valley CCD	
Madeline Plains CCD	
North Mono	01
County—Mono:	
Parts:	
E.D. 21 (Mono South CCD)	
Mono North CCD	
Northwest Mendocino	02
County—Mendocino:	
Parts:	
Laytonville-Leggett	
Orland	03
County—Glenn:	
Parts:	
Orland CCD	
Palomar-Laguna	02
County—San Diego	
Parts:	
Lahuna/Pine Valley CCD	
Palomar/Julian CCD	
Potter Valley	02
County—Mendocino:	
Parts:	
E.D. 200-202 (Redwood Potter CCD)	
Ramona	04
County—San Diego:	
Parts:	
Ramona CCD	
Riverdale/Caruthers	02
County—Fresno:	
Parts:	
C.T. 75-77	
Russian River	02
County—Sonoma:	
Parts:	
C.T. 1537	
C.T. 1543 (South Portion)	
San Benito-Bitterwater	01
County—San Benito:	
Parts:	
San Benito-Bitterwater CCD	
San Joaquin-Tranquility	01
County—Fresno:	
Parts:	
San Joaquin-Tranquility CCD	
San Ysidro	02
County—San Diego:	
Parts:	
C.T. 100.01-100.7	
C.T. 101.03-101.07	
C.T. 102-105	
Santa Catalina Island	03
County—Los Angeles:	
Parts:	
C.T. 5990 (Santa Catalina Isl.)	
Shingletown	01
County—Shasta:	
Parts:	
C.T. 343-347 (Central Shasta CCD)	
Sierra	03

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fresno:	
Parts:	
Sierra CCD	
Siskiyou	03
County—Siskiyou:	
Parts:	
Etna CCD	
Ft. Jones CCD	
Soledad	02
County—Monterey:	
Parts:	
C.T. 111 (Part Soledad)	
South Oakland	02
County—Alameda:	
Parts:	
C.T. 4073–4075	
C.T. 4084–4097	
C.T. 4102–4104	
Southeast Kern	02
County—Kern:	
Parts:	
C.T. 55.02	
C.T. 56–59	
Southern Inyo	02
County—Inyo:	
Parts:	
Death Valley CCD	
Independence CCD (S ½)	
Lone Pine CCD	
Seasonal Workers	
Tourists	
Springville	01
County—Tulare:	
Parts:	
C.T. 27 (Springville)	
Stanislaus/Yosemite	01
County—Tuolumne:	
Parts:	
Stanislaus/Yosemite CCD	
Surprise Valley	01
County—Modoc:	
Parts:	
Surprise Valley CCD	
Tenderloin	03
County—San Francisco:	
Parts:	
C.T. 122–125	
Tipton	01
County—Tulare:	
Parts:	
C.T. 32	
C.T. 42–44	
Trinidad	01
County—Humboldt:	
Parts:	
N. Coastal CCD	
Tule Lake-Butte Valley	03
County—Modoc:	
Parts:	
Tule Lake CCD	
County—Siskiyou:	
Parts:	
Butte Valley CCD	
Tule Lake CCD	
Valley Center/Pauma Valley	01
County—San Diego:	
Parts:	
C.T. 191.01–191.02	
Venice	01
County—Los Angeles:	
Parts:	
C.T. 2731–2739	
Wasco/Shafter	02
County—Kern:	
Parts:	
Shafter CCD	
Wasco CCD	
West Berkely	01
County—Alameda:	
Parts:	
C.T 4220–4223	
C.T. 4230–4234	
C.T. 4240	
West Compton	01

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Los Angeles:	
Parts:	
C.T. 5411–5415	
C.T. 5425–5432	
Woodlake	04
County—Tulare:	
Parts:	
Woodlake—Three Rivers CCD	
29 Palms/Morango Valley	02
County—San Bernardino:	
Parts:	
C.T. 104.01	
C.T. 104.03–104.04	

PRIMARY CARE: California

Population Group Listing

Population group	Degree of shortage group
Indian Pop.—Trinidad	01
County—Del Norte	
County—Humboldt:	
Parts:	
Indian Pop. (Trinidad)	
Indochinese Pop.—Atwater/Merced	02
County—Merced:	
Parts:	
Atwater CCD	
Merced CCD	
Indochinese Pov. Pop.—Linda Vista	02
County—San Diego:	
Parts:	
C.T. 86	
C.T. 87.01	
C.T. 88	
C.T. 89.01	
C.T. 90	
C.T. 91.05	
Medicaid Pop.—Vacaville	04
County—Solano:	
Parts:	
Vacaville CCD	
Medi-Cal Elig.—Tehama Co	04
County—Tehama	
Migr. & Monol. Span. Sp. Pop.—Planada-LeGrand	01
County—Merced:	
Parts:	
Planada-Le Grand CCD	
Migr. Monol. Span. Sp. Pop.—Ventura Co	01
County—Ventura:	
Parts:	
Fillmore-Piru CCD	
Moorpark CCD	
Oxnard CCD	
Santa Paula CCD	
Saticoy	
Morongo Indian Pop	01
County—Riverside	
County—San Bernardino:	
Parts:	
Banning	
San Manuel Indian Pop	01
County—San Bernardino	
Soboba Indian Pop	01
County—Riverside	
Span. Sp. Pop.—NW Merced	01
County—Merced:	
Parts:	
Hilmar-Irwin CCD	
Livingston-Delhi CCD	
Span. Sp. Pop.—San Marcos	04
County—San Diego:	
Parts:	
San Marcos City	
Span. Sp. Pop.—Porterville	03
County—Tulare:	
Parts:	
C.T. 33–41	
C.T. 45	

PRIMARY CARE: California—Continued

Population Group Listing

Population group	Degree of shortage group
Washoe Indian Res.	01
County—Alpine	

PRIMARY CARE: California

Facility Listing

Facility name	Degree of shortage group
Juvenile Detention Facilities	02
County—Orange	
Martin Luther King Jr. General Hosp.	02
County—Los Angeles	

PRIMARY CARE: Colorado

County name	Degree of shortage group
Adams:	
Service Area: Bennett/Strasburg	02
Service Area: Commerce City	04
Arapahoe:	
Service Area: Bennett/Strasburg	02
Baca	01
Bent:	
Service Area: Lamar	04
Boulder:	
Population Group: Med. Ind. Pop.—Lafayette/Louisville	01
Cheyenne:	
Service Area: Kit Carson	01
Conejos	01
Costilla	01
Crowley:	
Service Area: Rocky Ford/Ordway	03
Custer	01
Dolores	01
Elbert:	
Service Area: Kiowa/Elizabeth	01
Service Area: Limon	02
El Paso:	
Service Area: Calhan-Yoder	02
Population Group: Med. Ind. Pop.—Colorado Springs	04
Gilpin	01
Hinsdale	01
Huerfano:	
Service Area: Gardner	01
Kiowa	01
Kit Carson:	
Service Area: Flagler	01
Las Animas	04
Lincoln:	
Service Area: Limon	02
Moffat:	
Service Area: Rangely	01
Montrose:	
Service Area: Nucla	03
Otero:	
Service Area: Rocky Ford/Ordway	03
Prowers:	
Service Area: Lamar	04
Pueblo:	
Service Area: Avondale/Boone	01
Population Group: Med. Ind. Pop.—Pueblo City	01
Rio Blanco:	
Service Area: Rangely	01
Routt:	
Service Area: Oak Creek/Yampa	01
Saguache	02
Sedgwick:	
Service Area: Julesburg (CO/NE)	02
Weld:	
Population Group: Migr. Seas. Frnwkrs—Weld Co	02
Yuma	02

PRIMARY CARE: Colorado

Service Area Listing

Service area name	Degree of shortage group
Avondale/Boone	01
County—Pueblo	
Parts: C.T. 32-34	
Bennett/Strasburg	02
County—Adams	
Parts: East Adams Div.	
County—Arapahoe	
Parts: East Arapahoe Div.	
Calhan-Yoder	02
County—El Paso	
Parts:	
C.T. 39.01	
C.T. 46	
Commerce City	04
County—Adams	
Parts:	
C.T. 87.03	
C.T. 87.05-87.06	
C.T. 88.01-88.02	
C.T. 89.01	
C.T. 89.52	
Flagler	01
County—Kit Carson	
Parts: Flagler Div.	
Gardner	01
County—Huerfano	
Parts: Gardner Div.	
Julesburg (CO/NE)	02
County—Sedgwick	
Kiowa/Elizabeth	01
County—Elbert	
Parts: Kiowa Div.	
Kit Carson	01
County—Cheyenne	
Parts: Kit Carson Div.	
Lamar	04
County—Bent	
Parts: McClave Div.	
County—Prowers	
Limon	02
County—Elbert	
Parts:	
Agate Div.	
Simla Div.	
County—Lincoln	
Nucla	03
County—Montrose	
Parts: Nucla Div.	
Oak Creek/Yampa	01
County—Routt	
Parts:	
Oak Creek Div.	
Yampa Div.	
Rangely	01
County—Moffat	
Parts: Artesia Div.	
County—Rio Blanco	
Parts: Rangely Div.	
Rocky Ford/Ordway	03
County—Crowley	
County—Otero	
Parts:	
Flower Div.	
Manzanola Div.	
Rocky Ford Div.	

PRIMARY CARE: Colorado

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Colorado Springs	04
County—El Paso	
Parts:	
C.T. 13.01	
C.T. 14-17	
C.T. 22-23	
C.T. 26-29	

PRIMARY CARE: Colorado—Continued

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Lafayette/Louisville	01
County—Boulder	
Parts:	
C.T. 129	
C.T. 129.01-129.02	
C.T. 130	
C.T. 131.02-131.05	
Med. Ind. Pop.—Pueblo City	01
County—Pueblo	
Parts:	
C.T. 1-2	
C.T. 4-8	
C.T. 9.02	
C.T. 10-27	
C.T. 28.01-28.02	
C.T. 29.01	
Migr. Seas. Fmwkrs.—Weld Co	02
County—Weld	

PRIMARY CARE: Connecticut

County name	Degree of shortage group
Fairfield:	
Service Area: South West Bridgeport	04
Population Group: Pov. Pop.—Central-East Bridgeport	01
Population Group: Pov. Pop.—S.W. Stamford	01
Hartford:	
Service Area: Charter Oak/Rice Hts	01
Service Area: North-Central Hartford	01
Middlesex:	
Population Group: Pov. Pop.—Middletown	04
New Haven:	
Service Area: Fair Haven	01
Population Group: Pov. Pop.—Central Waterbury	02
New London:	
Population Group: Pov. Pop.—New London	01
Windham:	
Population Group: Pov. Pop.—N.E. Windham	01

PRIMARY CARE: Connecticut

Service Area Listing

Service area name	Degree of shortage group
Charter Oak/Rice Hts	01
County—Hartford:	
Parts:	
C.T. 5046	
C.T. 5049	
Fair Haven	01
County—New Haven:	
Parts:	
C.T. 1421-1423	
C.T. 1424-1426	
North-Central Hartford	01
County—Hartford:	
Parts:	
C.T. 5008-5015	
C.T. 5017-5018	
C.T. 5035	
C.T. 5037	
South West Bridgeport	04
County—Fairfield:	
Parts: C.T. 702-710	

PRIMARY CARE: Connecticut

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—Central Waterbury	02
County—New Haven:	
Parts:	
C.T. 3501-3505	
C.T. 3508	
C.T. 3512	
C.T. 3514	
Pov. Pop.—Central-East Bridgeport	01
County—Fairfield:	
Parts:	
C.T. 713-717	
C.T. 735-742	
Pov. Pop.—Middletown	04
County—Middlesex:	
Parts:	
C.T. 5411-5422	
Pov. Pop.—N.E. Windham	01
County—Windham:	
Parts:	
Brooklyn Twn.	
Canterbury Twn.	
Eastford Twn.	
Killingly Twn.	
Plainfield Twn.	
Pomfret Twn.	
Putnam Twn.	
Sterling Twn.	
Thompson Twn.	
Woodstock Twn.	
Pov. Pop.—New London	01
County—New London:	
Parts:	
C.T. 6901	
C.T. 6903-6907	
Pov. Pop.—S.W. Stamford	01
County—Fairfield:	
Parts:	
C.T. 201	
C.T. 214-215	
C.T. 217	
C.T. 222-223	

PRIMARY CARE: Delaware

County name	Degree of shortage group
New Castle:	
Service Area: Middletown-Odessa	03
Service Area: Wilmington-Southbridge	01
Sussex:	
Service Area: Mid-Sussex (Indian River)	04

PRIMARY CARE: Delaware

Service Area Listing

Service area name	Degree of shortage group
Mid-Sussex (Indian River)	04
County—Sussex:	
Parts:	
Georgetown CCD	
Millsboro CCD	
Selbyville-Frankford CCD	
Middletown-Odessa	03

PRIMARY CARE: Delaware—Continued

Service Area Listing

Service area name	Degree of shortage group
County—New Castle:	
Parts: Middletown/Odessa CCD	
Wilmington-Southbridge	01
County—New Castle:	
Parts:	
C.T. 1	
C.T. 6.01-6.02	
C.T. 9	
C.T. 17	
C.T. 19-20	
C.T. 154-156	

PRIMARY CARE: District of Columbia

County name	Degree of shortage group
District of Columbia:	
Service area: Anacostia	01
Population Group: Span. Spk. Pop.—Adams-Morgan	01
Facility: D.C. Detention Facility	02

PRIMARY CARE: District of Columbia

Service Area Listing

Service area name	Degree of shortage group
Anacostia	01
County—Dist of Columbia	
Parts:	
C.T. 77.03	
C.T. 77.07-77.09	
C.T. 78.03-78.05	
C.T. 78.07-78.08	
C.T. 96.01-96.04	
C.T. 99.01-99.07	

PRIMARY CARE: District of Columbia

Population Group Listing

Population group	Degree of shortage group
Span. Spk. Pop.—Adams-Morgan	01
County—Dist of Columbia:	
Parts:	
C.T. 27.2	
C.T. 28.0	
C.T. 37.0-40.0	
C.T. 42.1	
C.T. 43.0	

PRIMARY CARE: District of Columbia

Facility Listing

Facility name	Degree of shortage group
D.C. Detention Facility	02
County—Dist of Columbia	

PRIMARY CARE: Florida

County name	Degree of shortage group
Baker	01
Bay:	
Population Group: Medicaid Pop.—Bay Co	04
Bradford	04
Brevard:	
Population Group: Medicaid Migr. Pop.—Brevard Co	01
Broward:	
Population Group: Pov. Migr. Pop.—West Pompano	01
Calhoun	04
Charlotte:	
Population Group: Medicaid Migr. Pop.—Charlotte Co	01
Citrus:	
Population Group: Medicaid Pop.—Citrus Co	01
Collier:	
Service Area: Everglades	01
Service Area: Immokalee	01
Columbia	04
Dade:	
Facility: Doris Ison S. Dade Comm Hlth Ctr	01
Service Area: Model Cities	01
Service Area: Southern Dade	01
Service Area: Wynwood	01
Population Group: Pov. Pop.—S. Miami Beach	04
Facility: Jackson Memorial Hosp.	01
De Soto:	
Population Group: Pov. Migr. Pop.—De Soto Co	01
Dixie	01
Duval:	
Population Group: Low Income Pop.—Duval Co	02
Escambia:	
Service Area: Northwestern Escambia	01
Franklin	
Population Group: Pov. Pop.—Franklin Co	01
Gadsden	02
Gilchrist	02
Glades:	
Service Area: Glades/Hendry	02
Hamilton	
Population Group: Medicaid Pop.—Hamilton Co	03
Hardee:	
Population Group: Medicaid Migr. Pop.—Hardee Co	01
Hendry:	
Service Area: Glades/Hendry	02
Hernando	03
Highlands:	
Population Group: Pov. Pop.—Highlands Co	01
Hillsborough:	
Service Area: East Tampa/Ybor City	01
Population Group: Pov. Migr. Pop.—Northeast Hillsborough	01
Holmes	02
Indian River:	
Population Group: Medicaid Migr. Pop.—Indian River Co	01
Jackson	03
Jefferson	02
Lafayette	02
Lake:	
Population Group: Medicaid Migr. Pop.—Lake Co	01
Lee:	
Population Group: Medicaid Migr. Pop.—Lee Co	01
Levy	04
Liberty	02
Madison	03
Manatee:	
Population Group: Medicaid Migr. Pop.—Manatee Co	01
Marion:	
Population Group: Medicaid Migr. Pop.—Marion Co	01
Martin:	
Service Area: Indiantown	02
Nassau:	
Service Area: Callahan/Hilliard	02

PRIMARY CARE: Florida—Continued

County name	Degree of shortage group
Okeechobee:	
Population Group: Pov. Migr. Pop.—Okeechobee Co	01
Orange:	
Population Group: Medicaid Migr. Pop.—Orange Co	02
Osceola	03
Palm Beach:	
Service Area: Belle Glade/Pahokee	01
Service Area: West Palm Beach	01
Pasco:	
Population Group: Medicaid Migr. Pop.—Pasco Co	04
Pinellas:	
Population Group: Pov. Pop.—St. Petersburg	01
Polk:	
Population Group: Pov. Pop.—Polk Co	01
Putnam:	
Population Group: Medicaid Pop.—Putnam Co	02
St. Johns:	
Population Group: Medicaid Migr. Pop.—St. Johns Co	01
St. Lucie:	
Population Group: Pov. Migr. Pop.—St. Lucie Co	01
Santa Rosa:	
Service Area: Northern Santa Rosa	03
Seminole:	
Population Group: Medicaid Migr. Pop.—Seminole Co	01
Sumter	01
Suwannee	02
Taylor:	
Population Group: Medicaid Pop.—Taylor Co	01
Union:	
Facility: RMC Corr. Inst	02
Volusia:	
Population Group: Medicaid Migr. Pop.—Volusia Co	01
Wakulla	03
Walton	01
Washington:	
Population Group: Medicaid Pop.—Washington Co	01

PRIMARY CARE: Florida

Service Area Listing

Service area name	Degree of shortage group
Belle Glade/Pahokee	01
County—Palm Beach:	
Parts: C.T. 80-83	
Callahan/Hilliard	02
County—Nassau:	
Parts: C.T. 504-505	
East Tampa/Ybor City	01
County—Hillsborough:	
Parts:	
C.T. 10	
C.T. 18-19	
C.T. 30-44	
C.T. 49-51	
Everglades	01
County—Collier:	
Parts: C.T. 111	
Glades/Hendry	02
County—Glades	
County—Hendry	
Immokalee	01
County—Collier:	
Parts: C.T. 112-114	
Indiantown	02
County—Martin:	
Parts: Indiantown CCD	
Model Cities	01

PRIMARY CARE: Florida—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Dade:	
Parts:	
C.T. 9.03	
C.T. 10.01-10.04	
C.T. 14	
C.T. 15.01-15.02	
C.T. 17.01-17.02	
C.T. 18.01-18.03	
C.T. 19.01-19.02	
C.T. 20.01-20.02	
C.T. 22.01-22.02	
C.T. 23	
Northern Santa Rosa	03
County—Santa Rosa:	
Parts:	
Jay (C.T. 102)	
Munson-McLellen (C.T. 101)	
Northwestern Escambia	01
County—Escambia:	
Parts:	
Century CCD	
Northwestern Escambia CCD	
Southern Dade	01
County—Dade:	
Parts:	
C.T. 103-105	
C.T. 106.02	
C.T. 107.01	
C.T. 108-114	
West Palm Beach	01
County—Palm Beach:	
Parts: C.T. 21-26	
Wynwood	01
County—Dade:	
Parts:	
C.T. 26	
C.T. 27.01-27.02	
C.T. 28	
C.T. 31	

PRIMARY CARE: Florida

Population Group Listing

Population group	Degree of shortage group
Low Income Pop. of Duval	02
County—Duval:	
Parts:	
C.T. 1-5	
C.T. 9-19	
C.T. 26-29	
C.T. 107-109	
C.T. 112-116	
C.T. 118	
C.T. 121	
Medicaid Pop.—Bay Co	04
County—Bay	
Medicaid Pop.—Putnam Co	02
County—Putnam	
Medicaid Pop.—Washington Co	01
County—Washington	
Medicaid Pop.—Citrus Co	01
County—Citrus	
Medicaid Pop.—Hamilton Co	03
County—Hamilton	
Medicaid Pop.—Taylor Co	01
County—Taylor	
Medicaid Migr. Pop.—Orange Co	02
County—Orange	
Medicaid Migr. Pop.—Indian River Co	01
County—Indian River	
Medicaid Migr. Pop.—Brevard Co	01
County—Brevard	
Medicaid Migr. Pop.—Charlotte Co	01
County—Charlotte	
Medicaid Migr. Pop.—Hardee Co	01
County—Hardee	
Medicaid Migr. Pop.—Lake Co	01
County—Lake	
Medicaid Migr. Pop.—Lee Co	01
County—Lee	
Medicaid Migr. Pop.—Manatee Co	01

PRIMARY CARE: Florida—Continued

Population Group Listing

Population group	Degree of shortage group
County—Manatee	
Medicaid Migr. Pop.—Marion Co	01
County—Marion	
Medicaid Migr. Pop.—Pasco Co	04
County—Pasco	
Medicaid Migr. Pop.—St. Johns	01
County—St. Johns	
Medicaid Migr. Pop.—Seminole Co	01
County—Seminole	
Medicaid Migr. Pop.—Volusia Co	01
County—Volusia	
Pov. Pop.—Franklin Co	01
County—Franklin	
Pov. Pop.—Highlands Co	01
County—Highlands	
Pov. Pop.—Polk Co	01
County—Polk	
Pov. Pop.—S. Miami Beach	04
County—Dade	
Parts: C.T. 42-45	
Pov. Pop.—St. Petersburg	01
County—Pinellas:	
Parts:	
C.T. 201.01	
C.T. 203.01	
C.T. 204-208	
C.T. 209.95	
C.T. 210.95	
C.T. 212-215	
C.T. 216.95	
C.T. 218.95	
C.T. 219.95	
C.T. 220	
C.T. 234-235	
Pov. Migr. Pop.—Western Pompano Beach	01
County—Broward:	
Parts:	
C.T. 103.01-103.02	
C.T. 104	
C.T. 107	
C.T. 302-306	
C.T. 307.01-307.02	
C.T. 308.01-308.02	
Pov. Migr. Pop.—Okeechobee Co	01
County—Okeechobee	
Pov. Migr. Pop.—De Soto Co	01
County—De Soto	
Pov. Migr. Pop.—Eastern Hillsborough	01
County—Hillsborough	
Parts: C.T. 121-141	
Pov. Migr. Pop.—St. Lucie	01
County—St. Lucie	

PRIMARY CARE: Florida

Facility Listing

Facility name	Degree of shortage group
Jackson Memorial Hosp.	01
County—Dade	
RMC Corr. Inst.	02
County—Union	
Doris Ison S. Dade CHC	01
County—Dade	

PRIMARY CARE: Georgia

County name	Degree of shortage group
Atkinson	01
Baker	01
Banks	01
Bartow	02
Berrien:	
Population Group: Migr. Pop.—Berrien/Cook	01
Brantley	01
Brooks	04
Bryan	01

PRIMARY CARE: Georgia—Continued

County name	Degree of shortage group
Burke	04
Charlton	01
Chatham:	
Population Group: Med. Ind. Pop.—Chatham	02
Chattooga	02
Cherokee	02
Clarke:	
Service Area: Athens NHC Target Area	01
Colquitt	04
Cook:	
Population Group: Migr. Pop.—Berrien/Cook	01
Crawford	02
Dade	02
Dawson	02
De Kalb:	
Service Area: DeKalb-Grady Clinic	01
Dodge	04
Dooly	03
Dougherty:	
Service Area: East Albany	01
Service Area: South Albany	01
Early	02
Effingham	03
Elbert	03
Fannin:	
Service Area: Blueridge/Copperhill (GA/TN)	02
Fayette:	
Service Area: Palmetto	02
Forsyth	04
Fulton:	
Service Area: Atlanta (Southside)	01
Service Area: Midwest Atlanta	01
Service Area: Northwest Atlanta	02
Service Area: Palmetto	02
Service Area: West End	02
Glascock	01
Hall:	
Population Group: Med. Ind. Pop.—Hall	02
Hancock	01
Henry	04
Irwin	02
Jasper	02
Johnson	01
Lamar	04
Lee	01
Liberty	02
Lincoln	03
Long	01
Lumpkin	04
McDuffie	04
McIntosh	02
Macon	03
Madison	02
Meriwether	03
Mitchell	03
Montgomery:	
Service Area: Montgomery/Wheeler	01
Murray	03
Oglethorpe	01
Paulding	02
Pike	01
Putnam	03
Schley	01
Stewart:	
Service Area: Stewart-Webster	01
Sumter:	
Population Group: Med. Ind. Pop.—Sumter	01
Talbot	01
Taliaferro	01
Tattnall	02
Taylor	04
Terrell	02
Tift:	
Population Group: Migr. Pop.—Tift/Turner	01
Turner:	
Population Group: Migr. Pop.—Tift/Turner	01
Twiggs	01
Union:	
Service Area: Suches	01
Walker:	
Service Area: South Walker	02
Walton	01
Warren	02
Webster:	
Service Area: Stewart-Webster	01
Wheeler:	
Service Area: Montgomery/Wheeler	01
White	02
Wilcox	01

PRIMARY CARE: Georgia—Continued

County name	Degree of shortage group
Wilkinson	02
Worth	04

PRIMARY CARE: Georgia

Service Area Listing

Service area name	Degree of shortage group
Athens NHC Target Area	01
County—Clarke:	
Parts:	
C.T. 2-3	
C.T.6	
C.T. 9	
Atlanta (Southside)	01
County—Fulton:	
Parts:	
C.T. 44	
C.T. 46.95	
C.T. 48	
C.T. 49.95	
C.T. 50	
C.T. 52-53	
C.T. 55.01-55.02	
C.T. 56-58	
C.T. 63-64	
C.T. 67	
C.T. 68.01-68.02	
C.T. 69-73	
Blueridge/Copperhill (GA/TN)	02
County—Fannin:	
Dekalb-Grady Clinic	01
County—De Kalb:	
Parts:	
C.T. 205-209	
C.T. 227	
C.T. 231.01	
C.T. 235.01-235.02	
C.T. 236-237	
C.T. 238.01-238.03	
East Albany	01
County—Dougherty:	
Parts:	
C.T. 1-2	
C.T. 101-102	
C.T. 103.01-103.02	
C.T. 107-110	
Midwest Atlanta	01
County—Fulton:	
Parts:	
C.T. 66.2	
C.T. 78.03-78.04	
C.T. 79-80	
C.T. 81.01-81.02	
C.T. 83.02	
Montgomery/Wheeler	01
County—Montgomery	
County—Wheeler	
Northwest Atlanta	02
County—Fulton:	
Parts:	
C.T. 7-8	
C.T. 82.01-82.02	
C.T. 83.01-83.02	
C.T. 84-85	
C.T. 86.01-86.02	
C.T. 87.01-87.02	
C.T. 88	
Palmetto	02
County—Fayette:	
Parts:	
C.T. 1402	
County—Fulton:	
Parts:	
C.T. 104	
C.T. 105.04-105.06	
South Albany	01
County—Dougherty:	
Parts:	
C.T. 12	
C.T. 14.01-14.02	
C.T. 15	
C.T. 106.01-106.02	
South Walker	02

PRIMARY CARE: Georgia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Walker:	
Parts:	
Kensington CCD	
Lafayette CCD	
Rock Spring CCD	
Villanow CCD	
Stewart-Webster	01
County—Stewart	
County—Webster	
Suches	01
County—Union:	
Parts:	
Suches CCD	
West End	02
County—Fulton:	
Parts:	
C.T. 22-26	
C.T. 36-41	
C.T. 42.05	
C.T. 43	
C.T. 60-62	
Med. Ind. Pop.—Hall Co.	02
County—Hall	
Med. Ind. Pop.—Sumter Co.	01
County—Sumter	
Med. Ind. Pop.—Chatham	02
County—Chatham:	
Parts:	
C.T. 1	
C.T. 3	
C.T. 6.01-6.02	
C.T. 8-13	
C.T. 15	
C.T. 17-28	
C.T. 32	
C.T. 33.01-33.02	
C.T. 36.01	
C.T. 37	
C.T. 45	
C.T. 101.01	
C.T. 105	
C.T. 106.01	
C.T. 106.03-106.05	
C.T. 107	
C.T. 108.01-108.02	
Migr. Pop.—Tift/Turner	01
County—Tift	
County—Turner	
Migr. Pop.—Berrien/Cook	01
County—Berrien	
County—Cook	

PRIMARY CARE: Hawaii

County name	Degree of shortage group
Honolulu:	
Service area: Kalihi Valley	01
Facility: Oahu Comm. Corr. Ctr.	02

PRIMARY CARE: Hawaii

Service Area Listing

Service area name	Degree of shortage group
Kalihi Valley	01
County—Honolulu	
Parts: C.T. 63-66	

PRIMARY CARE: Hawaii

Facility Listing

Facility name	Degree of shortage group
Oahu Comm. Corr. Ctr.	02
County—Honolulu	

PRIMARY CARE: Idaho

County name	Degree of shortage group
Ada:	
Facility: Idaho State Penitentiary	02
Bannock:	
Service Area: Downey/Lava Hot Springs	01
Benewah:	
Service Area: St. Maries	02
Bingham:	
Service Area: American Falls	01
Population Group: Migr. Seas. Frmwkrs.—E. Snake River Valley	01
Boise	01
Butte:	
Service Area: Arco/Mackay	02
Camas	01
Canyon:	
Service Area: Nyssa	01
Population Group: Migr. Seas. Frmwkrs.—S. Treasure Valley	01
Caribou	03
Cassia:	
Service Area: Albion/Malta	01
Service Area: Oakley	01
Population Group: Migr. Seas. Frmwkrs.—E. Magic Valley	01
Clark	01
Clearwater	04
Custer:	
Service Area: Arco/Mackay	02
Service Area: Challis	01
Service Area: Stanley	01
Elmore:	
Service Area: Glenns Ferry	01
Franklin	04
Gem:	
Population Group: Migr. Seas. Frmwkrs.—N. Treasure Valley (ID/OR)	01
Gooding:	04
Population Group: Migr. Seas. Frmwkrs.—W. Magic Valley	01
Jefferson:	
Service Area: Mud Lake	01
Population Group: Migr. Seas. Frmwkrs.—E. Snake River Valley	01
Jerome:	
Population Group: Migr. Seas. Frmwkrs.—W. Magic Valley	01
Kootenai:	
Service Area: St. Maries	02
Lewis:	02
Lincoln	01
Minidoka:	
Population Group: Migr. Seas. Frmwkrs.—E. Magic Valley	01
Oneida	01
Owyhee:	
Service Area: N.W. Owyhee	01
Population Group: Migr. Seas. Frmwkrs.—S. Treasure Valley	01
Payette:	
Service Area: New Plymouth	01
Population Group: Migr. Seas. Frmwkrs—N. Treasure Valley (ID/OR)	01

PRIMARY CARE: Idaho—Continued

County name	Degree of shortage group
Power:	
Service Area: American Falls	01
Population Group: Migr. Seas. Fmwkrs.—E. Magic Valley	01
Twin Falls:	
Service Area: Buhl	02
Population Group: Migr. Seas. Fmwkrs.—W. Magic Valley	01
Washington:	
Population Group: Migr. Seas. Fmwkrs.—N. Treasure Valley (ID/OR)	01

PRIMARY CARE: Idaho

Service Area Listing

Service area name	Degree of shortage group
Albion/Malta	01
County—Cassia:	
Parts: Albion Div.	
American Falls	01
County—Bingham:	
Parts: Aberdeen Div.	
County—Power:	
Parts: American Falls Div.	
Rockland Div.	
ARCO/Mackay	02
County—Butte	
County—Custer:	
Parts: Mackay Div.	
Buhl	02
County—Twin Falls:	
Parts: Buhl Div.	
W. Salmon Falls Div.	
Challis	01
County—Custer:	
Parts: Challis Div.	
Downey/Lava Hot Springs	01
County—Bannock:	
Parts: S. Bannock Div. (S. 3/4)	
Glenns Ferry	01
County—Elmore:	
Parts: Glenns Ferry	
Mud Lake	01
County—Jefferson:	
Parts: Hamer Div.	
N.W. Owyhee	01
County—Owyhee:	
Parts:	
Homedale Div.	
Marsing Div.	
Murphy Div.	
New Plymouth	01
County—Payette:	
Parts: New Plymouth Div.	
Nyssa	01
County—Canyon:	
Parts:	
Parma Div.	
Wilder Div.	
Oakley	01
County—Cassia:	
Parts: Oakley Div.	
St. Maries	02
County—Benewah	
County—Kootenai:	
Parts:	
Harrison Div. (E.D. 44, 46–48)	
Worley Div. (S. 1/2)	
Stanley	01
County—Custer:	
Parts: Stanley Div.	

PRIMARY CARE: Idaho

Population Group Listing

Population group	Degree of shortage group
Migr. Seas. Fmwkrs.—E. Magic Valley	01
County—Cassia	
County—Minidoka	
County—Power	
Migr. Seas. fmwkrs.—E. Snake River Valley	01
County—Bingham	
County—Jefferson	
Migr. Seas. Fmwkrs.—N. Treasure Valley (ID/OR)	01
County—Gem	
County—Payette	
County—Washington	
Migr. Seas. Fmwkrs.—S. Treasure Valley	01
County—Canyon	
County—Owyhee	
Migr. Seas. Fmwkrs.—W. Magic Valley	01
County—Gooding	
County—Jerome	
County—Twin Falls	

PRIMARY CARE: Idaho

Facility Listing

Facility name	Degree of shortage group
Idaho State Penitentiary	02
County—Ada	

PRIMARY CARE: Illinois

County name	Degree of shortage group
Alexander:	
Service area: Cairo	04
Brown	02
Calhoun:	
Service Area: Hardin	03
Carroll	04
Champaign:	
Service Area: Northend-Champaign Urbana	01
Clay	03
Cook:	
Service Area: Austin/Garfield	01
Service Area: Cabrini-Green/Near North Side	02
Service Area: Chatham (Near Southeast)	02
Service Area: Douglas	02
Service Area: E. Chicago Heights	01
Service Area: Humboldt/West Town	02
Service Area: New City/W. Englewood/Englewood	01
Service Area: Riverdale	01
Service Area: Robbins Village	02
Service Area: Roseland	01
Service Area: S. Lawndale/Lower W. Side	01
Service Area: South Chicago	01
Service Area: South Deering	01
Service Area: South Shore	04
Service Area: Southeast Chicago	01
Service Area: Uptown	01
Facility: Cook Co. Dept. of Corr. Complex	02
Facility: Fantus Clinic—Cook Co. Hosp	01
Cumberland	04
Edwards	02
Franklin	04
Gallatin	04
Greene:	
Service Area: Hardin	03
Henderson	02
Jackson:	
Service Area: Western Jackson	03

PRIMARY CARE: Illinois—Continued

County name	Degree of shortage group
Jasper	02
Jersey:	
Service Area: Hardin	03
Jo Daviess:	
Service Area: Stockton/Warren	02
Johnson	01
Kankakee:	
Service Area: Pembroke	01
Macon:	
Service Area: Decatur Inner City	02
Marion:	
Service Area: Salem	04
Mason	04
Massac	02
Mercer	02
Peoria:	
Service Area: S.E. Peoria	03
Pope	01
Pulaski:	
Service Area: Cairo	04
Rock Island:	
Population Group: Medicaid Elig. Pop.—Quad-Cities (IA/IL)	03
St. Clair:	
Service Area: E. St. Louis Health Dist	02
Scott	02
Union	02
Wayne	02
Will:	
Service Area: Eastside Joliet	04
Facility: Joliet Corr. Inst	03
Facility: Statesville Corr. Inst	03
Winnebago:	
Service Area: Rockford Inner City	01

PRIMARY CARE: Illinois

Service Area Listing

Service area name	Degree of shortage group
Austin/Garfield	01
County—Cook:	
Parts:	
C.T. 2508–2510	
C.T. 2514–2523	
C.T. 2601–2610	
C.T. 2701–2719	
C.T. 2801–2826	
C.T. 2838–2843	
C.T. 2901–2927	
Cabrini-Green/Near North Side	02
County—Cook:	
Parts:	
C.T. 803–810	
C.T. 817–819	
Cairo	04
County—Alexander	
County—Pulaski	
Chatham (Near Southeast)	02
County—Cook:	
Parts:	
C.T. 4401–4409	
C.T. 4501–4503	
C.T. 4701	
C.T. 6901–6915	
C.T. 7101–7115	
Decatur Inner City	02
County—Macon:	
Parts:	
C.T. 1	
C.T. 6–9	
Douglas	02
County—Cook:	
Parts:	
C.T. 3301–3305	
C.T. 3401–3406	
C.T. 3501–3515	
E. Chicago Heights	01

PRIMARY CARE: Illinois—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Cook:	
Parts:	
C.T. 8297 (E. Chicago Heights)	
E. St. Louis Hlth Dist	02
County—St. Clair:	
Parts:	
C.T. 5004-5006	
C.T. 5008-5014	
C.T. 5021-5023	
C.T. 5024.01	
C.T. 5024.03-5024.04	
C.T. 5025	
C.T. 5026.01-5026.03	
C.T. 5027-5030	
C.T. 5041	
C.T. 5042.01-5042.02	
Eastside Joliet	04
County—Will:	
Parts:	
C.T. 8807	
C.T. 8812-8813	
C.T. 8820-8825	
C.T. 8830-8831	
Hardin	03
County—Calhoun:	
County—Greene:	
Parts: Woodville Twp. (West ½)	
County—Jersey	
Parts:	
Quarry Twp	
Richwood Twp.	
Rosedale Twp.	
Humboldt/West Twn	02
County—Cook:	
Parts:	
C.T. 2301-2318	
C.T. 2401-2436 (West Town)	
New City/W. Englewood/Englewood	01
County—Cook:	
Parts:	
C.T. 6101-6122 (New City)	
C.T. 6701-6720 (West Englewood)	
C.T. 6801-6814 (Englewood)	
Northend-Champaign Urbana	01
County—Champaign:	
Parts:	
C.T. 2	
C.T. 7 (Blkgrps 1 & 2)	
C.T. 53 (Blkgrps 2 & 3)	
Pembroke	01
County—Kankakee:	
Parts:	
Pembroke Twp.	
St. Anne Twp. (E ½)	
Riverdale	01
County—Cook:	
Parts: C.T. 5401	
Robbins Vil	02
County—Cook:	
Parts: Robbins, Vil.	
Rockford Inner City	01
County—Winnebago:	
Parts:	
C.T. 10	
C.T. 21	
C.T. 24-29	
Roseland	01
County—Cook:	
Parts:	
C.T. 4901-4914	
S. Lawndale/Lower W. Side	01
County—Cook:	
Parts:	
C.T. 3001-3020	
C.T. 3101-3115	
S.E. Peoria	03
County—Peoria:	
Parts: C.T. 1-15	
Salem	04

PRIMARY CARE: Illinois—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Marion:	
Parts:	
Alma Twp.	
Beacham Twp.	
Foster Twp.	
Haines Twp.	
Iuka Twp.	
Kinmundy Twp.	
Omega Twp.	
Romine Twp.	
Salem Twp.	
Stevenson Twp.	
Tonti Twp.	
South Chicago	01
County—Cook:	
Parts: C.T. 4601-4610	
South Deering	01
County—Cook:	
Parts:	
C.T. 5101-5104	
C.T. 5104.99	
C.T. 5105	
South Shore	04
County—Cook:	
Parts: C.T. 4301-4314 (S. Shore)	
Southeast Chicago	01
County—Cook:	
Parts:	
C.T. 3601-3615	
C.T. 3701-3704	
C.T. 3801-3820	
C.T. 3901-3903	
C.T. 4001-4008	
Stockton/Warren	02
County—Jo Daviess:	
Parts:	
Apple River Twp.	
Berreman Twp.	
Derinda Twp.	
Nora Twp.	
Pleasant Valley Twp.	
Rush Twp.	
Stockton Twp.	
Thompson Twp.	
Wards Grove Twp.	
Warren Twp.	
Woodbine Twp.	
Uptown	01
County—Cook:	
Parts:	
C.T. 310-312	
C.T. 315-321	
Western Jackson	03
County—Jackson:	
Parts:	
Bradley Twp.	
Degognia Twp.	
Fountain Bluff Twp.	
Grand Tower Twp.	
Kinkaid Twp.	
Levan Twp.	
Murphysboro Twp.	
Ora Twp.	
Pomona Twp.	
Sand Ridge Twp.	
Somerset Twp.	
Vergennes Twp.	

PRIMARY CARE: Illinois

Population Group Listing

Population group	Degree of shortage group
Medicaid Elig. Pop.—Quad-Cities (IL/IA)	03
County—Rock Island	

PRIMARY CARE: Illinois

Facility Listing

Facility name	Degree of shortage group
Cook Co. Dept. of Corr. Complex	02
County—Cook	
Fantus Clinic-Cook Co. Hosp	01
County—Cook	
Joliet Corr. Inst	03
County—Will	
Statesville Corr. Inst	03
County—Will	

PRIMARY CARE: Indiana

County name	Degree of shortage group
Adams	03
Brown	02
Clay	03
Crawford:	
Service Area: English	04
Service Area: Fredericksburg	03
Decatur	04
Fayette	03
Franklin	01
Fulton	03
Harrison:	
Service Area: Elizabeth	01
Service Area: Fredericksburg	03
Hendricks:	
Facility: Indiana Youth/Diagnostic Ctr	01
Howard:	
Population Group: Med. Ind. Pop.—Kokomo	02
Jennings	02
Knox:	
Service Area: Bicknell	02
Lake:	
Service Area: Gary	02
La Porte:	
Facility: Indiana State Prison	02
Facility: Westville Corr. Ctr	02
Madison:	
Facility: Indiana Reformatory	03
Marion:	
Service Area: Highland-Brookside (Indianapolis)	01
Service Area: Near North Side (Indianapolis)	01
Service Area: South Central (Indianapolis)	01
Martin	02
Ohio	02
Owen	02
Perry	04
Facility: Branchville Training Ctr	02
Pike	04
Putnam:	
Facility: Indiana State Farm	03
Ripley	03
St Joseph:	
Service Area: Southwest South Bend	01
Scott	03
Spencer	02
Starke	03
Steuben	03
Switzerland	04
Vermillion:	
Service Area: Northern Vermillion	01
Warren	03
Washington:	
Service Area: Fredericksburg	03

PRIMARY CARE: Indiana

Service Area Listing

Service area name	Degree of shortage group
Bicknell	02
County—Knox:	
Parts:	
Vigo Twp.	
Washington Twp. (E. ½)	
Widner Twp.	
Elizabeth	01
County—Harrison:	
Parts:	
Boone Twp.	
Posey Twp.	
Taylor Twp.	
English	04
County—Crawford:	
Parts:	
Boone Twp.	
Jennings Twp.	
Johnson Twp.	
Ohio Twp.	
Patoka Twp.	
Sterling Twp.	
Union	
Fredericksburg	03
County—Crawford:	
Parts:	
Liberty Twp.	
Whiskey Run Twp.	
County—Harrison:	
Parts:	
Blue River Twp.	
Morgan Twp.	
County—Washington	
Parts:	
Posey Twp.	
Gary	02
County—Lake:	
Parts:	
C.T. 101-129	
Highland-Brookside (Indianapolis)	01
County—Marion:	
Parts:	
C.T. 3526-3527	
C.T. 3544-3545	
C.T. 3547-3551	
Near North Side (Indianapolis)	01
County—Marion:	
Parts:	
C.T. 3517-3522	
C.T. 3528-3532	
Northern Vermillion	01
County—Vermillion:	
Parts:	
Eugene Twp.	
Highland Twp.	
Vermillion Twp.	
South Central Indianapolis	01
County—Marion:	
Parts:	
C.T. 3556-3557	
C.T. 3559	
C.T. 3562	
C.T. 3569	
C.T. 3570-3572	
C.T. 3578-3580	
Southwest South Bend	01
County—St Joseph:	
Parts:	
C.T. 6	
C.T. 17-24	
C.T. 27	
C.T. 29-30	

PRIMARY CARE: Indiana

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Kokomo	02
County—Howard	

PRIMARY CARE: Indiana

Facility Listing

Facility name	Degree of shortage group
Branchville Training Ctr	02
County—Perry	
Indiana Reformatory	03
County—Madison	
Indiana State Farm	03
County—Putnam	
Indiana State Prison	02
County—La Porte	
Indiana Youth/Diagnostic Ctr	01
County—Hendricks	
Westville Corr. Ctr	02
County— La Porte	

PRIMARY CARE: Iowa

County name	Degree of shortage group
Allamakee:	
Service Area: Caledonia/Spring Grove (MN/IA)	03
Benton:	
Service Area: North Benton	03
Black Hawk:	
Population Group: Pov. Pop.—Black Hawk Co	04
Boone:	
Service Area: Dayton-Gowrie	02
Buchanan	04
Butler	03
Calhoun:	
Service Area: Dayton-Gowrie	02
Cedar:	
Service Area: Lowden/Lost Nation	02
Cherokee:	
Service Area: Kingsley/Anthon/Mapleton	04
Clinton:	
Service Area: Lowden/Lost Nation	02
Delaware:	
Service Area: Central City	02
Greene:	
Service Area: Dayton-Gowrie	02
Hamilton:	
Service Area: Dayton-Gowrie	02
Service Area: Hubbart/Eldora	02
Hardin:	
Service Area: Hubbart/Eldora	02
Harrison:	
Service Area: Onawa (IA/NE)	03
Service Area: Woodbine	04
Howard:	
Service Area: Cresco	02
Humboldt	03
Jackson:	
Service Area: Lowden/Lost Nation	02
Jasper:	
Service Area: Monroe	02
Jones:	
Service Area: Lowden/Lost Nation	02
Kossuth:	
Service Area: North Kossuth	01
Linn:	
Service Area: Central City	02
Louisa:	
Service Area: Columbus/Wapello	04
Lyon:	
Service Area: Rock Rapids	02
Marion:	
Service Area: Monroe	02
Mills:	
Service Area: Oakland	02
Monona:	
Service Area: Kingsley/Anthon/Mapleton	04
Service Area: Onawa (IA/NE)	03
Muscatine:	
Service Area: Columbus/Wapello	04
Plymouth:	
Service Area: Akron	04
Service Area: Kingsley/Anthon/Mapleton	04
Pottawattamie:	
Service Area: Oakland	02
Scott:	
Service Area: Lowden/Lost Nation	02
Population Group: Medicaid Pop.—Quad-Cities	03
Story:	
Service Area: Hubbart/Eldora	02

PRIMARY CARE: Iowa—Continued

County name	Degree of shortage group
Tama	02
Taylor:	
Service Area: South Taylor	01
Webster:	
Service Area: Dayton-Gowrie	02
Winneshiek:	
Service Area: Caledonia/Spring Grove (MN/IA)	03
Service Area: Cresco	02
Woodbury:	
Service Area: Kingsley/Anthon/Mapleton	04
Service Area: Onawa (IA/NE)	03

PRIMARY CARE: Iowa

Service Area Listing

Service area name	Degree of shortage group
Akron	04
County—Plymouth:	
Parts:	
Johnson Twp.	
Liberty Twp.	
Portland Twp.	
Preston Twp.	
Sioux Twp.	
Westfield Twp.	
Caledonia/Spring Grove (MN/IA)	03
County—Allamakee:	
Parts:	
Waterloo Twp.	
County—Winneshiek:	
Part: Highland Twp.	
Central City	02
County—Delaware:	
Parts:	
Adams Twp. (Ryan)	
Hazel Green Twp.	
County—Linn:	
Parts:	
Boulder Twp. (Prarieburg)	
Buffalo Twp.	
Jackson Twp. (Coggon)	
Maine Twp. (Central City)	
Spring Grove Twp.	
Columbus/Wapello	04
County—Louisa:	
Parts:	
Columbus City Twp.	
Concord Twp.	
Elm Grove Twp.	
Grandview Twp.	
Jefferson Twp.	
Marshall Twp.	
Oakland Twp.	
Port Louisa Twp.	
Union Twp.	
Wapello Twp.	
County—Muscatine:	
Parts:	
Cedar Twp.	
Orono Twp.	
Cresco	02
County—Howard:	
Parts:	
Albion Twp. (Cresco)	
Chester Twp.	
Forest City Twp.	
Howard Center Twp.	
Jamestown Twp.	
New Oregon Twp.	
Oakdale Twp.	
Paris Twp.	
Saratoga Twp.	
Vernon Springs Twp.	
County—Winneshiek:	
Parts:	
Freemont Twp.	
Orleans Twp.	
Dayton-Gowrie	02

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Boone:	
Parts:	
Dodge Twp.	
Grant Twp.	
Pilot Mound Twp.	
County—Calhoun:	
Part: Reading Twp.	
County—Greene:	
Parts:	
Dawson Twp.	
Paton Twp.	
County—Hamilton:	
Parts:	
Marion Twp.	
Webster Twp.	
County—Webster:	
Parts:	
Burnside Twp.	
Clay Twp.	
Dayton Twp.	
Gowrie Twp.	
Hardin Twp.	
Lost Grove Twp.	
Roland Twp.	
Sumner Twp.	
Webster Twp.	
Yell Twp.	
Hubbart/Eldora	02
County—Hamilton:	
Parts:	
Ellsworth Twp.	
Lincoln Twp.	
Lyon Twp.	
Scott Twp.	
County—Hardin:	
Parts:	
Concord Twp.	
Eldora Twp.	
Grant Twp.	
Pleasant Twp.	
Providence Twp.	
Sherman Twp.	
Tipton Twp.	
Union Twp. (W. ½)	
County—Story:	
Parts:	
Lincoln Twp.	
Warren Twp. (E. ½)	
Kingsley/Anthon/Mapleton	04
County—Cherokee:	
Part: Grand Meadow Twp.	
County—Monona:	
Parts:	
Cooper Twp.	
Grant Twp.	
Maple Twp.	
County—Plymouth:	
Parts:	
Elkhorn Twp.	
Garfield Twp.	
County—Woodbury:	
Parts:	
Arlington Twp.	
Banner Twp.	
Floyd Twp.	
Grange Twp.	
Grant Twp.	
Kedron Twp.	
Liston Twp.	
Little Sioux Twp.	
Miller Twp.	
Morgan Twp.	
Moville Twp.	
Oto Twp.	
Rock Twp.	
Rutland Twp.	
Union Twp.	
West Fork Twp.	

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
Willow Twp. (½ Pt.)	
Wolf Creek Twp.	
Lowden/Lost Nation	02
County—Cedar:	
Parts:	
Inland Twp.	
Massillon Twp.	
Springfield Twp.	
County—Clinton:	
Parts:	
Liberty Twp.	
Sharon Twp.	
Spring Rock Twp.	
County—Jackson:	
Part: Monmouth Twp.	
County—Jones:	
Parts:	
Oxford Twp.	
Wyoming Twp.	
County—Scott:	
Part: Liberty Twp.	
Monroe	02
County—Jasper:	
Parts:	
Fairview Twp.	
Palo Alto Twp.	
County—Marion:	
Parts:	
Red Rock Twp.	
Summit Twp.	
North Benton	03
County—Benton:	
Parts:	
Benton Twp.	
Big Grove Twp.	
Bruce Twp.	
Canton Twp.	
Cedar Twp.	
Eden Twp.	
Eldorado Twp.	
Fremont Twp. (Part)	
Harrison Twp.	
Homer Twp.	
Jackson Twp.	
Monroe Twp.	
Polk Twp.	
Shellsburg Twp.	
Taylor Twp.	
Union Twp.	
Urbana City	
Vinton Twp.	
North Kossuth:	01
County—Kossuth:	
Parts:	
Buffalo Twp.	
Burt Twp.	
Eagle Twp.	
Fenton Twp.	
German Twp.	
Grant Twp.	
Greenwood Twp.	
Harrison Twp.	
Hebron Twp.	
Ledyard Twp.	
Lincoln Twp.	
Portland Twp.	
Ramsey Twp.	
Seneca Twp.	
Springfield Twp.	
Swea Twp.	
Oakland	02
County—Mills:	
Parts:	
Anderson Twp.	
Henderson Twn.	
County—Pottawattamie:	
Parts:	
Avoca Twn.	
Belknap Twp.	

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
Carson Twn.	
Carson Twp.	
Center Twp.	
Grove Twp.	
Hancock Twn.	
James Twp.	
Knox Twp.	
Layton Twp.	
Lincoln Twp.	
Macedonia Twn.	
Mecedonia Twp.	
Oakland Twn.	
Pleasant Twp.	
Silver Creek Twp.	
Valley Twp.	
Walnut Twn	
Washington Twp.	
Waveland Twp.	
Wright Twp.	
Onawa (IA/NE)	03
County—Harrison:	
Parts:	
Jackson Twp.	
Little Sioux Twp.	
County—Monona	
Parts:	
Ashton Twp.	
Belvidere Twp.	
Center Twp.	
Fairview Twp.	
Franklin Twp.	
Jordan Twp.	
Kennebec Twp.	
Lincoln Twp.	
Onawa Twp.	
Sherman Twp.	
Sioux Twp.	
Soldier Twp.	
Spring Valley Twp.	
St. Clair Twp.	
West Fork Twp.	
Willow Twp.	
County—Woodbury:	
Parts:	
Lakeport Twp.	
Liberty Twp. (Pt)	
Sloan Twp.	
Willow Twp. (Pt)	
Rock Rapids	02
County—Lyon:	
Parts:	
Allison Twp.	
Cleveland Twp.	
Dale Twp.	
Doon Twp.	
Elgin Twp.	
Garfield Twp.	
Grant Twp.	
Larchwood Twp.	
Liberal Twp.	
Midland Twp.	
Riverside Twp.	
Rock Twp.	
Sioux Twp.	
Wheeler Twp.	
South Taylor	01
County—Taylor:	
Parts:	
Bedford Twp.	
Benton Twp.	
Clayton Twp.	
Dallas Twp.	
Gay Twp.	
Jackson Twp.	
Jefferson Twp.	
Mason Twp.	
Polk Twp.	
Ross Twp.	
Woodbine	04

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Harrison:	
Parts:	
Allen Twp.	
Bayer Twp.	
Calhoun Twp.	
Cass Twp.	
Cincinnati Twp.	
Clay Twp.	
Douglas Twp.	
Dunlap City	
Harrison Twp.	
Jefferson Twp.	
La Grange Twp.	
Lincoln Twp.	
Logan City	
Magnolia City	
Magnolia Twp.	
Missouri Valley City	
Modale City	
Mondamin City	
Morgan Twp.	
Raglan Twp.	
St. Johns Twp.	
Taylor Twp.	
Union Twp.	
Woodbine City	

PRIMARY CARE: Iowa

Population Group Listing

Population group	Degree of shortage group
Medicaid Pop.—Quad-Cities (IA/IL)	03
County-Scott	
Parts:	
Medicaid—Scott Co.	
Pov. Pop.—Black Hawk Co.	04
County—Black Hawk	
Parts:	
Pov. Pop.—Black Hawk Co.	

PRIMARY CARE: Kansas

County name	Degree of shortage group
Coffey	02
Dickinson:	
Service Area: Herington	02
Ellsworth	04
Geary	04
Gove	03
Jackson	03
Leavenworth:	
Population Group: Med. Ind. Pop.—Lancing/Leavenworth	03
Lincoln	03
Linn	03
Marion:	
Service Area: Herington	02
Marshall:	
Service Area: Southwest Nemaha	01
Morris:	
Service Area: Herington	02
Nemaha:	
Service Area: Southwest Nemaha	01
Osage	03
Rawlins	03
Wabaunsee	03
Washington	04
Woodson	02

PRIMARY CARE: Kansas

Service Area Listing

Service area name	Degree of shortage group
Herington	02
County—Dickinson:	
Parts:	
Herington City	
Hope Twp.	
Liberty Twp.	
Lyon Twp.	
Ridge Twp.	
Union Twp.	
County—Marion:	
Parts:	
Blaine Twp.	
Clear Creek Twp.	
Colfax Twp.	
Lost Spring Twp.	
County—Morris:	
Parts:	
Highland Twp.	
Overland Twp.	
Townships 4-9	
Southwest Nemaha	01
County—Marshall:	
Parts:	
Cleveland Twp.	
Lincoln Twp.	
Noble Twp.	
County—Nemaha:	
Parts:	
Center Twp.	
Harrison Twp.	
Home Twp.	
Illinois Twp.	
Neuchatel Twp.	
Red Vermillion Twp.	
Reilly Twp.	
Wetmore Twp.	

PRIMARY CARE: Kansas

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Lancing/Leavenworth	03
County—Leavenworth:	
Parts:	
Lansing City	
Leavenworth City	

PRIMARY CARE: Kentucky

County name	Degree of shortage group
Ballard	03
Bell:	
Service Area: Southeast Whitley	01
Service Area: Western Harlan	01
Bracken	04
Breathitt	03
Butler	01
Carlisle	02
Carter	01
Casey	01
Clay:	
Service Area: Manchester	01
Clinton	02
Edmonson	01
Elliott	01
Estill	03
Fayette:	
Population Group: Pov. Pop.—Lexington	04
Fleming:	
Service Area: Flemingsburg	04
Floyd:	
Service Area: Mud Creek	01
Hancock	02
Harlan:	
Service Area: Cumberland	03
Service Area: Western Harlan	01

PRIMARY CARE: Kentucky—Continued

County name	Degree of shortage group
Hart	03
Jackson	01
Jefferson:	
Service Area: West End (Louisville)	01
Knott	03
Knox	02
Laurel	03
Lee	01
Leslie	02
Letcher:	
Service Area: Western Letcher	01
Lewis:	
Service Area: Flemingsburg	04
Service Area: Vanceburg	03
Lincoln:	
Service Area: Crab Orchard	01
McLean	02
Magoffin	02
Meade	02
Menifee	01
Oldham:	
Facility: Ky. State Reformatory	03
Owen	01
Owsley	01
Pendleton	02
Perry:	
Service Area: Buckhorn	01
Service Area: Western Letcher	01
Pike:	
Service Area: Mud Creek	01
Service Area: Phelps	01
Powell	01
Robertson	01
Rockcastle	01
Spencer	01
Washington	04
Whitley:	
Service Area: Southeast Whitley	01
Wolfe	03

PRIMARY CARE: Kentucky

Service Area Listing

Service area name	Degree of shortage group
Buckhorn	01
County—Perry	
Parts: Buckhorn CCD	
Krypton CCD (E.D. 302)	
Crab Orchard	01
County—Lincoln	
Parts: Crab Orchard CCD	
Cumberland	03
County—Harlan	
Parts: Cumberland CCD	
Flemingsburg	04
County—Fleming	
County—Lewis	
Parts: Tollesboro CCD	
Manchester	01
County—Clay	
Parts:	
Big Creek CCD	
Burning Springs CCD	
Manchester CCD	
Oneida CCD	
Sibert-Hima CCD	
Mud Creek	01
County—Floyd	
Parts:	
McDowell CCD	
Mud Creek CCD	
Wheelwright-Weeksbury CCD	
County—Pike	
Parts: Long Fork CCD	
Phelps	01
County—Pike	
Parts:	
Feds Creek CCD	
Phelps CCD	
Southeast Whitley	01

PRIMARY CARE: Kentucky—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bell	
Parts: Pruden-Fonde CCD	
County—Whitley	
Parts:	
Pearl CCD	
Saxton CCD	
Siller CCD	
Vanceburg	03
County—Lewis	
Parts:	
Garrison CCD	
Laurel/Petersville Div.	
Vanceburg Div.	
West End (Louisville)	01
County—Jefferson	
Parts:	
C.T. 1-30	
C.T. 32-35	
Western Harlan	01
County—Bell	
Parts: Tejay CCD	
County—Harlan	
Parts: Alva CCD	
Western Letcher	01
County—Letcher	
Parts: Blackey CCD	
County—Perry	
Parts: Daisy CCD	

PRIMARY CARE: Kentucky

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—Lexington	04
County—Fayette:	
Parts:	
C.T. 1-5	
C.T. 8-14	
C.T. 16-19	
C.T. 38.01	

PRIMARY CARE: Kentucky

Facility Listing

Facility name	Degree of shortage group
KY. State Reformatory	03
County—Oldham	

PRIMARY CARE: Louisiana

Parish name	Degree of shortage group
Allen:	
Service Area: Kinder	01
Ascension	03
Assumption	01
Avoyelles	04
Beauregard:	
Service Area: Dequincy	02
Bienville	02
Bossier	02
Caddo:	
Population Group: Pov. Pop.—Central Shevesport	01
Facility: Louisiana State Univ Med Ctr.	01
Calcasieu:	
Service Area: Dequincy	02

PRIMARY CARE: Louisiana—Continued

Parish name	Degree of shortage group
Service Area: North Lake Charles	01
Caldwell	01
Catahoula	04
De Soto	01
East Baton Rouge:	
Service Area: Eden Park	03
East Carroll	01
East Feliciana	02
Franklin	02
Grant	01
Iberia:	
Service Area: Teche	03
Jackson	03
Jefferson:	
Service Area: Lafitte	01
Service Area: S.E. Lafourche	03
Jefferson Davis:	
Service Area: Kinder	01
Lafourche:	
Service Area: S.E. Lafourche	03
Lasalle	03
Livingston	04
Madison	02
Morehouse	04
Natchitoches	04
Orleans:	
Service Area: Desire/Florida	01
Service Area: Lower 9th Ward	01
Service Area: St. Bernard	01
Facility: New Orleans Charity Hosp	01
Quachita:	
Facility: E.A. Conway Mem Hosp	03
Plaquemines	02
Pointee Coupee	03
Rapides:	
Facility: Huey P. Long Hosp	02
Sabine:	
Service Area: Zwolle	01
St. Bernard	02
St. Charles	03
St. Helena	02
St. John The Baptist	02
St. Landry:	
Service Area: Palmetto	01
St. Martin	01
St. Mary:	
Service Area: Teche	03
St. Tammany:	
Service Area: Northeastern St. Tammany	02
Tangipahoa:	
Facility: Lallie Kemp Hosp	02
Terrebonne:	
Service Area: Dulac	02
Union:	
Service Area: West Union	01
Vernon	01
Webster	02
West Baton Rouge	02
West Carroll	02
Winn	02

PRIMARY CARE: Louisiana

Service Area Listing

Service area name	Degree of shortage group
Dequincy	02
Parish-Beauregard:	
Parts:	
Ward 1	
Ward 5-6	
Parish-Calcasieu:	
Parts: Ward 5-6	
Desire/Florida	01
Parish-Orleans:	
Parts:	
C.T. 11 (N. of Derbigny St.)	
C.T. 14.01-14.02	
C.T. 15-16 (N. of Derbigny St.)	

PRIMARY CARE: Louisiana—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 17.03	
C.T. 17.14	
Dulac	02
Parish-Terrebonne:	
Parts:	
Ward 4	
Ward 7	
Eden Park	03
Parish-East Baton Rouge:	
Parts:	
C.T. 8-10	
C.T. 12-13	
Kinder	01
County-Allen:	
Parts: Ward 1-4	
Parish-Jefferson Davis:	
Parts: Ward 4-5	
Lafitte	01
Parish-Jefferson:	
Parts: C.T. 277-279	
Lower 9th Ward	01
Parish-Orleans:	
Parts:	
C.T. 7.01-7.02	
C.T. 8	
C.T. 9.01-9.04	
North Lake Charles	01
Parish-Calcasieu:	
Parts:	
C.T. 2-4	
C.T. 14-15	
Northeastern St Tammany	02
Parish-St Tammany:	
Parts:	
C.T. 401	
C.T. 407	
Palmetto	01
Parish-St Landry:	
Parts: Ward 4	
S.E. Lafourche	03
Parish-Jefferson:	
Parts: Ward 11	
Parish-Lafourche:	
Parts: S.E. Ward 10	
St Bernard	01
Parish-Orleans:	
Parts: C.T. 33.05-33.06	
Teche	03
Parish-Iberia:	
Parts:	
Ward 2	
Ward 3	
Parish-St Mary:	
Parts:	
Ward 1-5	
Ward 7-8	
Ward 10	
West Union	01
Parish-Union:	
Parts:	
Ward 3-4	
Ward 9	
Zwolle	01
Parish-Sabine:	
Parts:	
Ward 5-6	
Ward 8	

PRIMARY CARE: Louisiana

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—Central Shevesport	01

PRIMARY CARE: Louisiana—Continued

Population Group Listing

Population group	Degree of shortage group
Parish-Caddo:	
Parts:	
C.T. 201-204	
C.T. 206-213	
C.T. 218-220	

PRIMARY CARE: Louisiana

Facility Listing

Facility name	Degree of shortage group
E.A. Conway Mem Hosp	03
Parish-Ouachita	
Huey P. Long Hosp	02
Parish-Rapides	
Lallie Kemp Hosp	02
Parish-Tangipahoa	
Louisiana State Univ Med Ctr	01
Parish-Caddo	
New Orleans Charity Hosp	01
Parish-Orleans	

PRIMARY CARE: Maine

County name	Degree of shortage group
Androscoggin	
Service Area: Jay	04
Aroostook:	
Service Area: Ashland	02
Service Area: Danforth	02
Service Area: Eagle Lake	01
Service Area: Island Falls	04
Service Area: Mars Hill	02
Service Area: St. Francis	01
Service Area: Van Buren	02
Cumberland:	
Service Area: Casco Bay Islands	02
Franklin:	
Service Area: Jay	04
Service Area: Rangeley	01
Hancock:	
Service Area: Bucksport	02
Kennebec:	
Service Area: Jay	04
Service Area: Richmond	01
Knox:	
Service Area: Penobscot Bay	01
Lincoln:	
Service Area: Richmond	01
Oxford:	
Service Area: Bethel	01
Service Area: Jay	04
Service Area: Rangeley	01
Penobscot:	
Service Area: Corinth	01
Service Area: Danforth	02
Service Area: Dexter	02
Service Area: Howland	03
Service Area: Island Falls	04
Piscataquis:	
Service Area: Bingham	02
Service Area: Milo	03
Sagadahoc:	
Service Area: Richmond	01
Somerset:	
Service Area: Bingham	02
Service Area: Dexter	02
Service Area: Jackman	01
Waldo:	
Service Area: Bucksport Msa	02
Washington:	
Service Area: Danforth	02
Service Area: Eastport	02
Service Area: Jonesport	01
Service Area: Lubec	01
Service Area: Milbridge	03
Service Area: Vanceboro	01

PRIMARY CARE: MAINE

Service Area Listing

Service area name	Degree of shortage group
Ashland	02
County—Aroostook:	
Parts:	
Ashland Twn,	
Garfield Plt.	
Masardis Twn.	
Nashville Plt.	
Oxbow Plt.	
Portage Lake Twn.	
Bethel	01
County—Oxford:	
Parts:	
Bethel Twn.	
Gilead Twn.	
Greenwood	
Newry Twn.	
Oxford Unorg.	
Upton Twn.	
Woodstock Twn.	
Bingham	02
County—Piscataquis:	
Parts: Kingsbury Plt.	
County—Somerset:	
Part:	
Bingham Twn.	
Brighton Plt.	
Caratunk Plt.	
Moscow Twn	
Pleasant Ridge Plt.	
Solon Twn.	
The Forks Plt.	
Somerset Unorg.	
West Forks Plt.	
Bucksport	02
County—Hancock:	
Parts:	
Bucksport Twn.	
Orland Twn.	
Verona Twn.	
County—Waldo:	
Parts:	
Frankfort Twn.	
Prospect Twn.	
Casco Basy Island	02
County—Comberland:	
Parts:	
Cliff Is.	
Cushing Is.	
Great Chebeague Is.	
Great Diamond Is.	
Little Chebeague Is.	
Little Diamond Is.	
Long Is.	
Peak's Is.	
Corinth	01
County—Penobscot:	
Parts:	
Bradford Twn.	
Charleston Twn.	
Corinth Twn.	
Exeter Twn.	
Hudson Twn.	
Danforth	02
County—Aroostook:	
Parts:	
Bancroft Twn.	
Orient Twn.	
Weston Twn.	
County—Penobscot:	
Parts:	
Drew Plt.	
Kingman Unorg.	
Prentiss Plt.	
County—Washington:	
Parts:	
Danforth Twn.	
Whitney Unorg.	
Dexter	02
County—Penobscot:	
Parts:	
Corinna Twn.	
Dexter Twn.	
Garland Twn.	
County—Somerset:	
Parts:	
Cambridge Twn.	
Eagle Lake	01

PRIMARY CARE: MAINE—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Aroostook:	
Parts:	
Eagle Lake Twn	
Wallagrass Plt.	
Winterville Plt.	
Eastport	02
County—Washington:	
Parts:	
Eastport City	
Pembroke Twn.	
Perry Twn.	
Pleasant Point Ind. Res.	
Howland	03
County—Penobscot:	
Parts:	
Burlington Twn.	
Edinburg Twn.	
Enfield Twn.	
Grand Falls Plt.	
Howland Twn.	
Lagrange Twn.	
Lowell Twn.	
Maxfield Twn.	
Passadumkeag Twn.	
Seboeis Plt.	
Island Falls	04
County—Aroostook:	
Parts:	
Benedicta Twn.	
Crystal Twn.	
Dyer Brook Twn.	
Hersey Twn.	
Is. Falls Twn.	
Moro Plt.	
S. Aroostook Unorg.	
Sherman Twn.	
County—Penobscot:	
Parts:	
Mt. Chase twn.	
N. Penobscot Unorg.	
Patten Twn.	
Stacyville Twn.	
Jackman	01
County—Somerset:	
Parts:	
Dennistown Plt.	
Jackman Twn.	
Moose River Twn.	
Jay	04
County—Androscoggin:	
Parts:	
Livermore Falls Twn.	
Livermore Twn.	
County—Franklin:	
Parts:	
Jay Twn.	
County—Kennebec:	
Parts:	
Fayette Twn.	
County—Oxford:	
Parts:	
Canton Twn.	
Hartford Twn.	
Summer Twn.	
Jonesport	01
County—Washington:	
Parts:	
Addison Twn.	
Beals Twn.	
Centerville Twn.	
Columbia Falls Twn.	
Jonesboro Twn.	
Jonesport Twn.	
Lubec	01
County—Washington:	
Parts:	
Dennysville Twn.	
Edmunds Unorg.	
Lubec Twn.	
Plantation #14	
Trescott Unorg.	
Whiting Twn.	
Mars Hill	02

PRIMARY CARE: MAINE—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Aroostook:	
Parts:	
Blaine Twn.	
Bridgewater Twn.	
E. Plt	
Mars Hill	
Westfield	
Milbridge	03
County—Washington:	
Parts:	
Beddington Twn.	
Cherryfield Twn.	
Columbia Twn.	
Deblois Twn.	
Harrington Twn.	
Milbridge Twn.	
Steuben Twn.	
Milo	03
County—Piscataguis:	
Parts:	
Atkinson Twn.	
Barnard Plt.	
Brownville Twn.	
Lakeview Plt.	
Medford Twn.	
Milo Twn.	
Sebec Twn.	
Piscataquis Unorg.	
Penobscot Bay	01
County—Knox:	
Parts:	
Matinicus Is.	
Vinalhaven Is.	
Rangeley	01
County—Franklin:	
Parts:	
Coplin Plt.	
Dallas Plt.	
Eustis Twn.	
Madrid Twn.	
N. Franklin Unorg.	
Rangeley Plt.	
Rangeley Twn.	
Sandy River Plt.	
County—Oxford:	
Parts:	
Lincoln Plt.	
Magalloway Plt.	
N. Oxford Unorg.	
Richmond	01
County—Kennebec:	
Parts:	
Litchfield Twn.	
County—Lincoln:	
Parts:	
Dresden Twn.	
County—Sagadahoc:	
Parts:	
Bowdoinham Twn.	
Richmond Twn.	
St. Francis	01
County—Aroostook:	
Parts:	
Allagash Twn.	
St. Francis Plt.	
St. John Plt.	
Van Buren	02
County—Aroostook:	
Parts:	
Grand Isle Twn.	
Hamlin Twn.	
Van Buren Twn.	
Vanceboro	01
County—Washington:	
Parts:	
Codyville Plt.	
Grand Lake Stream Plt.	
Indian Twp. Ind. Res.	
N. Washington Unorg.	
Talmadge Twn.	

PRIMARY CARE: MAINE—Continued

Service Area Listing

Service area name	Degree of shortage group
Topsfield Twn.	
Vanceboro Twn.	
Waite Twn.	

PRIMARY CARE: Maryland

County name	Degree of shortage group
Allegany:	
Service Area: Hancock (MD/PA/W. VA)	02
Anne Arundel:	
Service Area: Owensville	02
Baltimore City:	
Service Area: North Central Baltimore	01
Service Area: O'Donnell Heights	01
Service Area: Orleans Square	02
Service Area: West Baltimore	01
Facility: Mercy Hospital	01
Caroline	02
Cecil:	
Service Area: Cecil/Kent	02
Charles	03
Dorchester:	
Service Area: Northeast Dorchester County	02
Kent:	
Service Area: Cecil/Kent	02
Queen Annes	02
Somerset	02
Washington:	
Service Area: Hancock (MD/PA/W. VA)	02
Worcester:	
Service Area: Snow Hill/Pokomoke	04

PRIMARY CARE: Maryland

Service Area Listing

Service area name	Degree of shortage group
Cecil/Kent	02
County—Cecil:	
Parts:	
Dist. 1, Cecilton	
County-Kent:	
Parts:	
Dist. 1, Massey	
Hancock (MD/PA/W. VA)	02
County—Allegany:	
Parts:	
Dist. 1, Orleans	
County-Washington:	
Part:	
Dist. 15, Indian Spring	
Dist. 4, Clearspring	
Dist. 5, Hancock	
North Central Baltimore	01
County—Baltimore City:	
Parts:	
C.T. 805	
C.T. 901-909	
C.T. 1204	
Northeast Dorchester	02
County—Dorchester:	
Parts:	
Dist. 1-3	
Dist. 12	
Dist. 15	
O'Donnell Heights	01
County—Baltimore City:	
Parts:	
C.T. 2606.01-2606.02	
Orleans Square	02
County—Baltimore City:	
Parts:	
C.T. 103	
C.T. 105	

PRIMARY CARE: Maryland—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 201-202	
C.T. 602-603	
C.T. 702-704	
C.T. 802	
C.T. 803.01	
C.T. 804	
C.T. 806-808	
Owensville	02
County—Anne Arundel:	
Parts:	
C.T. 7012-7014	
C.T. 7070	
C.T. 7080	
Snow Hill/Pokomoke	04
County—Worcester	
Parts:	
Dist. 1-2	
Dist. 7-8	
West Baltimore	01
County—Baltimore City	
Parts:	
C.T. 1801-1803	
C.T. 1901-1903	
C.T. 2001-2005	

PRIMARY CARE: Maryland

Facility Listing

Facility name	Degree of shortage group
Mercy Hospital	01
County-Baltimore City:	

PRIMARY CARE: Massachusetts

County Listing

County name	Degree of shortage group
Barnstable:	
Service Area: Provincetown	03
Bristol:	
Service Area: Fall River	01
Service Area: New Bedford	01
Service Area: Taunton	02
Essex:	
Service Area: Lynn	02
Service Area: North Lawrence	03
Service Area: Peabody	02
Middlesex:	
Service Area: East Cambridge	01
Service Area: Lowell	04
Population Group: Portuguese Pop.—Hudson	01
Population Group: Portuguese Pop.—Somerville	01
Norfolk:	
Service Area: Quincy	02
Service Area: So. Blackstone Valley	03
Facility: Norfolk—Walpole Corr. Inst	03
Plymouth:	
Service Area: Hull	02
Suffolk:	
Service Area: Dorchester	02
Service Area: Jamaica Plain	03
Service Area: North End Boston	03
Service Area: Roxbury	02
Service Area: S. Dorchester	03
Service Area: South Boston	02
Population Group: Chinese Pop.—Brighton/Allison	01
Population Group: Chinese Pop.—South End Boston	02
Population Group: Pop.—Brighton/Allston	04

PRIMARY CARE: Massachusetts—Continued

County Listing

County name	Degree of shortage group
Worcester:	
Service Area: So. Blackstone Valley	03

PRIMARY CARE: Massachusetts

Service Area Listing

Service area name	Degree of shortage group
Dorchester	02
County—Suffolk:	
Parts:	
C.T. 901-924	
East Cambridge	01
County—Middlesex:	
Parts:	
C.T. 3521-3522	
C.T. 3524	
C.T. 3527	
C.T. 3530-3531	
C.T. 3535	
C.T. 3539	
Fall River	01
County—Bristol:	
Parts:	
C.T. 6408-6411	
C.T. 6413-6414	
C.T. 6420	
Hull	02
County—Plymouth:	
Parts: Hull Twn.	
Jamaica Plain	03
County—Suffolk:	
Parts:	
C.T. 1202-1207	
Lowell	04
County—Middlesex:	
Parts:	
C.T. 3101	
C.T. 3104	
C.T. 3107-3112	
C.T. 3118-3124	
Lynn	02
County—Essex:	
Parts:	
C.T. 2061-2063	
C.T. 2068-2070	
C.T. 2072	
New Bedford	01
County—Bristol:	
Parts:	
C.T. 6507-6509	
C.T. 6511-6513	
C.T. 6517-6519	
C.T. 6526-6527	
North End Boston	03
County—Suffolk:	
Parts:	
C.T. 301-302	
C.T. 304-305	
North Lawrence	03
County—Essex:	
Parts:	
C.T. 2501	
C.T. 2503-2507	
C.T. 2509-2514	
Peabody	02
County—Essex:	
Parts:	
C.T. 2106-2109	
Provincetown	03
County—Barnstable:	
Parts: Provincetown	
Quincy	02
County—Norfolk:	
Parts:	
C.T. 4178	
Roxbury	02
County—Suffolk:	
Parts:	
C.T. 801-821	

PRIMARY CARE: Massachusetts—Continued

Service Area Listing

Service area name	Degree of shortage group
S. Dorchester	03
County—Suffolk:	
Parts:	
C.T. 1001-1005	
C.T. 1006.01-1006.02	
C.T. 1007-1009	
C.T. 1010.01-1010.02	
C.T. 1011.01-1011.02	
So. Blackstone Valley	03
County—Norfolk:	
Parts: Bellingham Twn.	
County—Worcester:	
Parts:	
Blackstone Twn.	
Douglas Twn.	
Mendon Twn.	
Millville Twn.	
Northbridge Twn.	
Sutton Twn.	
Uxbridge Twn.	
South Boston	02
County—Suffolk:	
Parts:	
C.T. 605-611	
C.T. 613	
Taunton	02
County—Bristol:	
Parts:	
Berkley Twn.	
Dighton Twn.	
Raynham Twn.	
Rehoboth Twn.	
Taunton City.	

PRIMARY CARE: Massachusetts

Population Group Listing

Population group name	Degree of shortage group
Chinese Pop.—Brighton/Allston	01
County—Suffolk:	
Parts:	
C.T. 1-8	
Chinese Pop.—South End Boston	02
County—Suffolk:	
Parts:	
C.T. 701-712	
Portuguese Pop.—Hudson	01
County—Middlesex	
Parts: Hudson	
Portuguese Pop.—Somerville	01
County—Middlesex:	
Parts: Somerville	
Pov. Pop.—Brighton/Allston	04
County—Suffolk:	
Parts:	
C.T. 1	
C.T. 2.01-2.02	
C.T. 3-5	
C.T. 6.01-6.02	
C.T. 7.01-7.02	
C.T. 8	

PRIMARY CARE: Massachusetts

Facility Listing

Facility name	Degree of shortage group
Norfolk—Walpole Corr. Inst.	03
County—Norfolk:	
Parts:	

PRIMARY CARE: Massachusetts—Continued

Facility Listing

Facility name	Degree of shortage group
Norfolk Corr. Inst.	
Walpole Corr. Inst.	

PRIMARY CARE: Michigan

County Listing

County name	Degree of shortage group
Alcona	02
Alger	02
Allegan:	
Service Area: Allegan	03
Service Area: South Haven/Bangor	04
Alpena	04
Antrim:	
Service Area: East Jordan	02
Service Area: Mancelona	02
Arenac:	
Service Area: Sterling/Standish	03
Baraga:	
Service Area: L'Anse	01
Bay:	
Service Area: Sterling/Standish	03
Cass:	
Service Area: Dowagiac	03
Service Area: Three Rivers	04
Charlevoix:	
Service Area: East Jordan	02
Chippewa:	
Service Area: De Tour	02
Service Area: Kinross/Rudyard	01
Clare:	
Service Area: Harrison	03
Service Area: Marion	01
Dickinson:	
Service Area: Iron River/Crystal Falls	04
Genesee:	
Service Area: North Central Flint	01
Service Area: Otter Lake	03
Gladwin:	
Service Area: Sterling/Standish	03
Gogebic:	
Service Area: Ewen	01
Service Area: Ironwood/Hurley	03
Hillsdale	03
Houghton:	
Service Area: L'Anse	01
Huron:	
Service Area: Port Austin	02
Iron:	
Service Area: Iron River/Crystal Falls	04
Jackson:	
Facility: State Prison of South Michigan	02
Kalkaska:	
Service Area: Mancelona	02
Kent:	
Service Area: Northern Kent	02
Kent:	
Population Group: Med. Ind. Pop.—Grand Rapids	01
Keweenaw	01
Lake:	
Service Area: Lake/Newaygo	02
Lapeer:	
Service Area: Brown City	03
Service Area: Marlette-Kingston	02
Service Area: Otter Lake	03
Mackinac	02
Manistee:	
Service Area: Kaleva	02
Marquette:	
Service Area: Gwinn	01
Service Area: Iron River/Crystal Falls	04
Facility: Marquette Branch Prison	02
Menominee:	
Service Area: Northern Menominee	02
Missaukee:	
Service Area: Houghton Lake	01
Service Area: Marion	01

PRIMARY CARE: Michigan—Continued

County Listing

County name	Degree of shortage group
Monroe:	
Service Area: Carlton	02
Population Group: Medicaid Elig. Pop.—South Monroe	01
Montmorency	04
Muskegon:	
Service Area: Northern Kent	02
Newaygo:	
Service Area: Lake/Newaygo	02
Ogemaw:	
Service Area: Rose City/Lupton	01
Ontonagon:	
Service Area: Ewen	01
Osceola:	
Service Area: Marion	01
Ottawa:	
Service Area: Northern Kent	02
Roscommon:	
Service Area: Houghton Lake	01
Saginaw:	
Service Area: East Side Saginaw	02
St Joseph:	
Service Area: Three Rivers	04
Sanilac:	
Service Area: Brown City	03
Service Area: Lexington-Croswell	04
Service Area: Marlette-Kingston	02
Shiawassee:	
Service Area: Perry/Morrice	02
Tuscola:	
Service Area: Marlette-Kingston	02
Service Area: Otter Lake	03
Van Buren:	
Service Area: Dowagiac	03
Service Area: South Haven/Bangor	04
Wayne:	
Service Area: Airport	01
Service Area: Brooks (W Detroit)	01
Service Area: Chene (S. Central Detroit)	01
Service Area: Eastside Detroit	03
Service Area: Nolan/State Fair (N Detroit)	04
Service Area: Tireman/Chadsey (SW Detroit)	02
Service Area: Wyoming Ave/Mackenzie (W Detroit)	01

PRIMARY CARE: Michigan

Service Area Listing

Service area name	Degree of shortage group
Airport	01
County—Wayne:	
Parts:	
C.T. 5045-5048	
C.T. 5101	
C.T. 5107-5109	
Allegan	03
County—Allegan:	
Parts:	
Allegan City	
Allegan Twp.	
Cheshire Twp.	
Clyde Twp.	
Hopkins Twp.	
Lee Twp.	
Martin Twp.	
Monterey Twp.	
Trowbridge Twp.	
Valley Twp.	
Watson Twp.	
Wayland City	
Wayland Twp.	
Brooks (W Detroit)	01
County—Wayne:	
Parts:	

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 5353-5354	
C.T. 5451-5454	
Brown City	03
County—Lapeer:	
Parts: Burnside	
County—Sanilac:	
Parts:	
Brown City	
Elk Twp.	
Flynn Twp.	
Maple Valley Twp.	
Speaker Twp.	
Carlton	02
County—Monroe:	
Parts:	
C.T. 303-304 (Ash Twp.)	
C.T. 305 (Exeter Twp.)	
C.T. 306 (London Twp.)	
Chene (S. Central Detroit)	01
County—Wayne:	
Parts:	
C.T. 5110-5111	
C.T. 5177-5179	
C.T. 5182-5188	
De Tour	02
County—Chippewa:	
Parts:	
De Tour Twp.	
De Tour Vil.	
Drummond Twp.	
Raber Twp.	
Dowagiac	03
County—Cass:	
Parts:	
Dowagiac City	
Lagrange Twp.	
Marcellus Twp.	
Newberg Twp.	
Penn Twp.	
Pokhagen Twp.	
Silver Creek Twp.	
Volinia Twp.	
Wayne Twp.	
County—Van Buren:	
Parts:	
Decatur Twp.	
Hamilton Twp.	
Keeler Twp.	
Porter Twp.	
East Jordan	02
County—Antrim:	
Parts:	
Echo Twp.	
Jordan Twp. (N 1/2)	
County—Charlevoix:	
Parts:	
Banks Twp.	
East Jordan City	
South Arm Twp.	
Wilson Twp. (S 1/2)	
East Side Saginaw	02
County—Saginaw:	
Parts:	
C.T. 1-11	
C.T. 110	
Eastside Detroit	03
County—Wayne:	
Parts:	
C.T. 5121-5156	
Ewen	01
County—Gogebic:	
Parts:	
Marenisco Twp.	
Watersmeet Twp.	
County—Ontonagon:	
Parts:	
Bergland Twp.	
Haight Twp.	
Interior Twp.	
Matchwood Twp.	
McMillan Twp.	
Rockland Twp.	
Stannard Twp.	
Gwinn	01

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Marquette:	
Parts:	
Ewing	
Forsyth Twp.	
Turin Twp.	
Wells Twp.	
Harrison	03
County—Clare:	
Parts:	
Arthur Twp.	
City of Harrison	
Franklin Twp.	
Freeman Twp.	
Frost Twp.	
Greenwood Twp.	
Hamilton Twp.	
Hatton Twp.	
Hayes Twp.	
Lincoln Twp.	
Summerfield Twp.	
Houghton Lake	01
County—Missaukee:	
Parts:	
Butterfield Twp.	
Enterprise Twp.	
Holland Twp.	
County—Roscommon:	
Parts:	
Denton Twp.	
Lake Twp.	
Markey Twp.	
Roscommon Twp.	
Iron River/Crystal Falls	04
County—Dickinson:	
Parts:	
Sagola Twp.	
County—Iron	
County—Marquette:	
Parts: Republic Div.	
Ironwood/Hurley	03
County—Gogebic:	
Parts:	
Bessemer City	
Bessemer Twp.	
Erwin Twp.	
Ironwood City	
Ironwood Twp.	
Wakefield City	
Wakefield Twp.	
Kaleva	02
County—Manistee:	
Parts:	
Dickson Twp.	
Maple Grove Twp.	
Marilla Twp.	
Norman Twp.	
Springdale Twp.	
Kinross/Rudyard	01
County—Chippewa:	
Parts:	
Bay Mills Twp.	
Chippewa	
Hulbert Twp.	
Kinross Twp.	
Rudyard Twp.	
Superior Twp.	
Trout Lake Twp.	
Whitefish Twp.	
L'Anse	01
County—Baraga	
County—Houghton:	
Parts: Laird Twp.	
Lake/Newaygo	02
County—Lake:	
Parts:	
Chase Twp.	
Cherry Valley Twp.	
Dover Twp.	
Eden Twp.	
Elk Twp.	

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
Ellsworth Twp.	
Lake Twp.	
Newkirk Twp.	
Peacock	
Pinora Twp.	
Pleasant Plains Twp.	
Sauble Twp.	
Sweetwater Twp.	
Webber Twp.	
Yates Twp.	
County—Newaygo:	
Parts:	
Beaver Twp.	
Home Twp.	
Lilly Twp.	
Merrill Twp.	
Monroe Twp.	
Troy Twp.	
Lexington—Croswell	04
County—Sanilac:	
Parts:	
Buel	
Croswell City	
Fremont Twp.	
Lexington	
Worth Twp.	
Mancelona	02
County—Antrim:	
Parts:	
Chestonia Twp.	
Custer Twp.	
Helena Twp.	
Jordan Twp. (S 1/2)	
Kearney Twp.	
Mancelona Twp.	
Star Twp.	
County—Kalkaska:	
Parts:	
Blue Lake Twp.	
Cold Springs Twp.	
Rapid River Twp.	
Marion	01
County—Clare:	
Parts:	
Redding Twp.	
Winterfield Twp.	
County—Missaukee:	
Parts:	
Clam Union Twp.	
Riverside Twp.	
County—Osceola:	
Parts:	
Hartwick Twp.	
Highland Twp.	
Marion Twp.	
Middle Branch Twp.	
Marlette-Kingston	02
County—Lapeer:	
Parts: Burlington Twp. (N. 1/2)	
County—Sanilac:	
Parts:	
La Motte Twp.	
Marlette Twp.	
County—Tuscola:	
Parts:	
Dayton Twp.	
Freemont Twp. (E 1/2)	
Kingston Twp.	
Koylton Twp.	
Nolan/State Fair (N Detroit)	04
County—Wayne:	
Parts:	
C.T. 5071-5080	
North Central Flint	01
County—Genesee:	
Parts:	
C.T. 4-7	
C.T. 19-26	
Northern Kent	02

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Kent:	
Parts:	
Algoma Twp. (N 1/2)	
Cedar Springs City	
Nelson Twp.	
Solon Twp.	
Sparta Twp.	
Tyrone Twp.	
County—Muskegon:	
Parts: Casnovia Twp.	
County—Ottawa:	
Parts:	
Chester Twp.	
Northern Menominee	02
County—Menominee:	
Parts:	
Cedarville Twp.	
Daggett Twp.	
Faithorn Twp.	
Gourley Twp.	
Harris Twp.	
Holmes Twp.	
Lake Twp.	
Meyer Twp.	
Nadeau Twp.	
Spalding Twp.	
Stevenson City	
Stevenson Twp.	
Otter Lake	03
County—Genesee:	
Parts:	
Forest Twp.	
County—Lapeer:	
Parts:	
Deerfield Twp.	
Marathon Twp.	
Rich Twp.	
County—Tuscola:	
Parts:	
Arbela Twp.	
Millington Twp.	
Watertown Twp.	
Perry/Morrice	02
County—Shiawassee:	
Parts:	
Antrim Twp.	
Burns Twp.	
Perry City	
Perry Twp.	
Port Austin	02
County—Huron:	
Parts:	
Dwight Twp.	
Gore Twp.	
Hume Twp.	
Huron Twp.	
Lake Twp.	
Port Austin Twp.	
Pte. au Barques Twp.	
Rose City/Lupton	01
County—Ogemaw:	
Parts:	
Cumming Twp.	
Goodar Twp.	
Hill Twp.	
Rose City	
Rose Twp.	
South Haven/Bangor	04
County—Allegan:	
Parts:	
Casco Twp.	
Ganges Twp.	
County—Van Buren:	
Parts:	
Arlington Twp.	
Bangor City	
Bangor Twp.	
Columbia Twp.	
Covert Twp.	
Geneva Twp.	
Lawrence Twp.	

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
South Haven City	
South Haven Twp.	
Sterling/Standish	03
County—Arenac	
County—Bay:	
Parts:	
Gibson Twp.	
County—Gladwin:	
Parts:	
Bentley Twp.	
Bourret Twp.	
Grim Twp.	
Three Rivers	04
County—Cass:	
Parts:	
Porter Twp.	
County—St Joseph:	
Parts:	
Constantine Twp.	
Fabius Twp.	
Florence Twp.	
Flowerfield Twp.	
Leonidas Twp.	
Lockport Twp.	
Mendon Twp.	
Nottawa Twp.	
Park Twp.	
Three Rivers City	
Tireman-Chadsey (SW Detroit)	02
County—Wayne:	
Parts:	
C.T. 5251-5260	
C.T. 5262-5264	
C.T. 5335-5337	
C.T. 5345-5346	
C.T. 5665-5666	
Wyoming Ave/Mackenzie (W Detroit)	01
County—Wayne:	
Parts:	
C.T. 5342-5343	
C.T. 5352	
C.T. 5364	
C.T. 5366-5367	
C.T. 5370-5374	

PRIMARY CARE: Michigan

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Grand Rapids	01
County—Kent:	
Parts:	
Grand Rapids City	
Medicaid Elig. Pop.—South Monroe	01
County—Monroe:	
Parts:	
Bedford Twp.	
Erie Twp.	
Ida Twp.	
La Salle Twp.	
Summerfield Twp.	
Whiteford Twp.	

PRIMARY CARE: Michigan

Facility Listing

Facility name	Degree of shortage group
Marquette Branch Prison	02
County—Marquette	

PRIMARY CARE: Michigan—Continued

Facility Listing

Facility name	Degree of shortage group
State Prison of South Michigan	02
County—Jackson	

PRIMARY CARE: Minnesota

County name	Degree of shortage group
Aitkin:	
Service Area: Floodwood	02
Service Area: Mille Lacs	04
Service Area: Sandstone/Hinckley	02
Beltrami:	
Service Area: Baudette	04
Big Stone:	
Service Area: Ortonville (MN/SD)	04
Cass	04
Clay:	
Service Area: Barnesville	02
Cook:	
Service Area: Silver Bay	02
Crow Wing:	
Service Area: Mille Lacs	04
Grant	04
Hennepin:	
Service Area: Near North-Minneapolis	03
Population Group: Am. Indian—Minneapolis	01
Houston:	
Service Area: Caledonia/Spring Grove (MN/IA)	03
Itasca:	
Service Area: Floodwood	02
Kanabec:	
Service Area: Mille Lacs	04
Service Area: Sandstone/Hinckley	02
Kandiyohi:	
Service Area: Paynesville	04
Koochiching:	
Service Area: Baudette	04
Service Area: Littlefork/Big Falls	04
Lac Qui Parle:	
Service Area: Canby	04
Service Area: Ortonville (MN/SD)	04
Lake:	
Service Area: Ely-Babbitt	04
Service Area: Silver Bay	02
Lake of the Woods	
Service Area: Baudette	04
Service Area: Warroad	03
Lincoln:	
Service Area: Canby	04
Mahnomen	01
Marshall:	
Service Area: Warren	04
Meeker:	
Service Area: Paynesville	04
Mille Lacs:	
Service Area: Mille Lacs	04
Morrison:	
Service Area: Mille Lacs	04
Murray:	04
Pine:	
Service Area: Sandstone/Hinckley	02
Polk:	
Service Area: Warren	04
Ramsey:	
Service Area: Summit/Dale (St. Paul)	01
Red Lake	03
Roseau:	
Service Area: Roseau	04
Service Area: Warroad	03
St Louis:	
Service Area: Cook/Orr	04
Service Area: Ely/Babbitt	04
Service Area: Floodwood	02
Stearns:	
Service Area: Paynesville	04
Wabasha:	
Service Area: Plainview	01
Wilkin:	
Service Area: Barnesville	02
Winona:	
Service Area: Plainview	01
Yellow Medicine:	
Service Area: Canby	04

PRIMARY CARE: Minnesota

Service Area Listing

Service area name	Degree of shortage group
Barnesville	02
County—Clay:	
Parts:	
Alliance Twp.	
Barnesville City	
Barnesville Twp.	
Comstock City	
Elkton Twp.	
Holy Cross Twp.	
Humboldt Twp.	
Parke Twp.	
Skree Twp.	
Tansem Twp.	
County—Wilkin:	
Parts:	
Atherton Twp.	
Deerhorn Twp.	
Manston Twp.	
Mitchell Twp.	
Prairie View Twp.	
Rothsay City	
Tanberg Twp.	
Wolverton Twp.	
Baudette	04
County—Beltrami:	
Parts:	
Shotley Brook Unorg.	
Shotley Twp.	
Upper Red Lake Unorg. (N ½)	
Washkish Twp.	
County—Koochiching:	
Parts:	
Northwest Koochiching Unorg. (W ½)	
County—Lake of the Woods:	
Parts:	
Baudette City	
Beltrami Forest unorg. (E ⅔)	
Rainy River unorg. (E ¾)	
Williams City	
Caledonia/Spring Grove (MN/IA)	03
County—Houston	
Parts:	
Black Hammer Twp.	
Caledonia City	
Caledonia Twp.	
Crooked Creek Twp.	
Eitzen Vil.	
Jefferson Twp.	
Mayville Twp.	
Spring Grove City	
Spring Grove Twp.	
Wilmington Twp.	
Winnebago Twp.	
Canby	04
County—Lac Qui Parle:	
Parts:	
Freeland Twp.	
Manfred Twp.	
County—Lincoln:	
Parts:	
Alta Vista Twp.	
Hansonville Twp.	
Marble Twp.	
County—Yellow Medicine:	
Parts:	
Burton Twp.	
Canby City	
Florida Twp.	
Fortier Twp.	
Hammer Twp.	
Norman Twp.	
Omro Twp.	
Oshkosh Twp.	
Porter City	
St. Leo City.	
Wergeland Twp.	
Cook/Orr	04
County—St Louis:	
Parts:	
Alango Twp.	

PRIMARY CARE: Minnesota—Continued

Service Area Listing

Service area name	Degree of shortage group
Angora Twp.	
Beatty Twp.	
Cook City	
Field Twp.	
Gheen	
Lake Vermillian Unorg.	
Leiding Twp.	
Linden Grove Twp.	
Morcom Twp.	
N.E. St Louis Unorg. (W ½)	
N.W. St Louis unorg.	
Nett Lake Unorg.	
Orr City	
Owens Twp.	
Portage Twp.	
Sturgeon Twp.	
Willow Valley Twp.	
Ely-Babbitt	04
County—Lake:	
Parts:	
Fall Lake Twp.	
Unorg. Terr. (West Lake)	
County—St Louis:	
Parts:	
Babbitt City	
Bassett Twp.	
Breitung Twp.	
Ely City	
Embarrass Twp.	
Kugler Twp.	
Morse Twp.	
Pike Twp.	
Sandy Twp.	
Tower City	
Unorg. Terr. (Birch Lake)	
Unorg. Terr. (NE St Louis)	
Vermilion Lake Twp.	
Waasa Twp.	
Winton Twp.	
Floodwood	02
County—Aitkin:	
Parts:	
Ball Bluff Twp.	
Balsam Twp.	
Cornish Twp.	
Turner Twp.	
Unorg. Terr. (NE Aitkin)	
County—Itasca:	
Parts:	
Wawina Twp.	
County—St Louis:	
Parts:	
Arrowhead Twp.	
Cedar Valley Twp.	
Cotton Twp.	
Fine Lakes Twp.	
Floodwood City	
Floodwood Twp.	
Halden Twp.	
Kelsey Twp.	
Meadowlands City	
Meadowlands Twp.	
Ness Twp.	
Northland Twp.	
Payne Twp.	
Praire View Twp.	
Tiovola Twp.	
Unorg. Terr. (Pot Shot Lake)	
Van Buren Twp.	
Littlefork/Big Falls	04
County—Koochiching:	
Parts:	
Big Falls City	
Littlefork City	
Unorg. Nett Lake	
Unorg. S. Koochiching	
Mille Lacs	04

PRIMARY CARE: Minnesota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Aitkin:	
Parts:	
Hazelton Twp.	
Idum Twp.	
Jewett Twp.	
Lakeside Twp.	
Malmo Twp.	
McGrath City	
Seavy Twp.	
Wealthwood Twp.	
Williams Twp.	
County—Crow Wing:	
Parts:	
Garrison City	
Garrison Twp.	
Roosevelt Twp.	
County—Kanabec:	
Parts:	
Ford	
Hay Brook Twp.	
Hillman Twp.	
County—Mille Lacs:	
Parts:	
Bradbury Twp.	
Dailey Twp.	
East Side Twp.	
Isle City	
Isle Harbor Twp.	
Kathio Twp.	
Lewis Twp.	
Mudgett Twp.	
Onamia City	
Onamia Twp.	
South Harbor Twp.	
Wahkon Twp.	
County—Morrison:	
Parts:	
Hillman City	
Leigh Twp.	
Mount Morris Twp.	
Richardson Twp.	
Near North—Minneapolis	03
County—Hennepin:	
Parts:	
C.T. 13–16	
C.T. 20–23	
C.T. 27–29	
C.T. 32–35	
C.T. 41–42	
Ortonville (MN/SD)	04
County—Big Stone:	
Parts:	
Akron Twp.	
Big Stone Twp.	
Correll City	
Odessa City	
Odessa Twp.	
Ortonville City	
Ortonville Twp.	
Otrey Twp.	
Prier Twp. (S½)	
County—Lac Qui Parle:	
Parts:	
Aqussiz Twp.	
Yellow Bank Twp.	
Paynesville	04
County—Kandiyohi:	
Parts:	
Irving Twp.	
Regal City	
Roseville Twp.	
County—Meeker:	
Parts:	
Eden Valley City	
Forest Prairie Twp.	
Manannah Twp.	
Union Grove Twp.	
Watkins City	
County—Stearns:	
Parts:	
Eden Lake Twp.	
Farming Twp.	
Lake Henry City	
Lake Henry Twp.	
Luxemburg Twp.	
Munson Twp.	
Paynesville City	
Paynesville Twp.	
Richmond City	
Roscoe City	
St Martin City	
St Martin Twp.	
Zion Twp.	
Plainview	01
County—Wabasha:	
Parts:	
Elgin City	
Elgin Twp.	
Highland Twp.	
Millville Twp.	
Oakwood Twp.	
Plainview City	
Plainview Twp.	
Watopa Twp.	
County—Winona:	
Parts:	
Whitewater Twp.	
Roseau	04
County—Roseau:	
Parts:	
Blooming Valley Twp.	
Deiter Twp.	
Grimstad Twp.	
Jadis Twp.	
Malung Twp.	
Mickinock Twp.	
Moose Twp.	
N. Roseau Unorg.	
N.W. Roseau Unorg.	
Nereson Twp.	
Pohlitz Twp.	
Roseau City	
Ross Twp.	
S.E. Roseau Unorg.	
Soler Twp.	
Spruce Twp.	
Stafford Twp.	
Stokes Twp.	
Sandstone/Hinckley	02
County—Aitkin:	
Parts:	
Wagner Twp.	
County—Kanabec:	
Parts:	
Kroschel Twp.	
Pomroy Twp.	
County—Pine:	
Parts:	
Arlone Twp.	
Arna Twp.	
Askov City	
Barry Twp.	
Bremen Twp.	
Bruno Twp.	
Clover	
Danforth Twp.	
Dell Grove Twp.	
Finlayson City	
Finlayson Twp.	
Fleming Twp.	
Hinckley City	
Hinckley Twp.	
Kettle River Twp.	
New Dorsey Twp.	
Norman Twp.	
Ogema Twp.	
Park Twp.	
Partridge Twp.	
Pine Lake Twp.	
Sandstone City	
Sandstone Twp.	
Wilma City	
Silver Bay	02
County—Cook:	
Parts:	
Schroeder Twp.	
Tofte Twp.	
County—Lake:	
Parts:	
Beaver Bay City	
Beaver Bay Twp. (Part)	
Crystal Bay Twp.	
Silver Bay City	
Silver Creek Twp.	
Summit/Dale (St Paul)	01
County—Ramsey:	
Parts:	
C.T. 326–327	
C.T. 335–340	
C.T. 354–355	
Warren	04
County—Marshall:	
Parts:	
Alma Twp.	
Alvarado City	
Argyle City	
Big Woods Twp.	
Bloomer Twp.	
Boxville	
Comstock Twp.	
Foldahl Twp.	
McCrea Twp.	
Middle River Twp.	
Oak Park Twp.	
Oslo City	
Parker Twp.	
Sinnott Twp.	
Stephen Twp.	
Tamarac Twp.	
Vega Twp.	
Wanger Twp.	
Warren City	
Warrenton Twp.	
County—Polk:	
Parts:	
Angus Twp.	
Bristlet Twp.	
Farley Twp.	
Warroad	03
County—Lake of the Woods:	
Parts:	
Beltrami Forest Unorg. (W½)	
Northwest Angle Unorg.	
Rainy River Unorg. (W¼)	
County—Roseau:	
Parts:	
Beaver Twp.	
Cedarbend Twp.	
Enstrom Twp.	

PRIMARY CARE: Minnesota—Continued

Service Area Listing

Service area name	Degree of shortage group
Falun Twp.	
Lake Twp.	
Laona Twp.	
Moranville Twp.	
Reine Twp.	
Roosevelt City	
Southeast Roseau Unorg.	
Warroad City	

PRIMARY CARE: Minnesota

Population Group Listing

Population group	Degree of shortage group
Am. Indian—Minneapolis	01
County—Hennepin:	

PRIMARY CARE: Mississippi

County Listing

County name	Degree of shortage group
Alcorn:	
Population Group: Pov. Pop.—Alcorn Co	02
Amite	01
Benton	01
Calhoun	03
Carroll	01
Claiborne	01
Clay	03
Covington	04
George	03
Greene	04
Grenada:	
Service Area: Grenada/Yalobusha	04
Hancock	04
Harrison:	
Population Group: Med. Ind. Pop.—Harrison Co	01
Hinds:	
Service Area: Jackson Inner-City	01
Service Area: South West Rural Hinds	01
Holmes	03
Humphreys	03
Itawamba	02
Jackson:	
Service Area: Wade-Hurley	02
Jasper	03
Jefferson	04
Jefferson Davis	02
Jones:	
Population Group: Pov. Pop.—Jones Co	01
Kemper	02
Lafayette	04
Lamar	02
Lauderdale:	
Population Group: Pov. Pop.—Lauderdale Co	04
Lawrence	03
Leake	04
Leflore	04
Madison	04
Marion	03
Marshall	01
Neshoba	01
Noxubee	04
Panola	
Population Group: Med. Ind. Pop.—Panola Co	01
Perry	04
Pontotoc	03
Quitman	03
Scott	03
Smith	02
Stone	03
Sunflower	04
Facility: Mississippi State Penitentiary	02

PRIMARY CARE: Mississippi—Continued

County Listing

County name	Degree of shortage group
Tallahatchie	01
Tunica	02
Warren:	
Population Group: Pov. Pop.—Warren Co	02
Webster	04
Yalobusha:	
Service Area: Grenada/Yalobusha	04
Yazoo	03

PRIMARY CARE: Mississippi

Service Area Listing

Service area name	Degree of shortage group
Grenada/Yalobusha	04
County—Grenada	
County—Yalobusha	
Jackson Inner-City	01
County—Hinds:	
Parts:	
C.T. 5-12	
C.T. 16-21	
C.T. 24-32	
C.T. 102.01	
C.T. 102.03	
C.T. 103.01	
South West Rural Hinds	01
County—Hinds:	
Parts:	
C.T. 105-107	
C.T. 112-113	
Wade-Hurley	02
County—Jackson:	
Parts: C.T. 401-402	

PRIMARY CARE: Mississippi

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.— Panola Co	01
County—Panola	
Med. Ind. Pop.—Harrison Co	01
County—Harrison	
Pov. Pop.—Alcorn Co	02
County—Alcorn	
Pov. Pop.—Jones Co	01
County—Jones	
Pov. Pop.—Lauderdale Co	04
County—Lauderdale	
Pov. Pop.—Warren Co	02
County—Warren	

PRIMARY CARE: Mississippi

Facility Listing

Facility name	Degree of shortage group
Mississippi State Penitentiary	02
County—Sunflower	

PRIMARY CARE: Missouri

County name	Degree of shortage group
Andrew	03

PRIMARY CARE: Missouri—Continued

County name	Degree of shortage group
Benton:	
Service Area: Lincoln	02
Bollinger	01
Caldwell	02
Callaway	03
Facility: Renz Corr. Ctr	02
Carter	01
Christian	02
Clark	02
Cole:	
Facility: Algoa Corr. Ctr	02
Facility: Central Missouri Corr. Ctr	02
Facility: Missouri State Penitentiary	02
Cooper:	
Service Area: Southern Cooper	01
Crawford	03
Dade	04
Dallas	02
Daviess	03
De Kalb	02
Dent	04
Douglas	01
Franklin:	
Facility: Missouri Eastern Corr. Ctr	02
Gasconade:	
Service Area: Southern Gasconade	02
Hickory	01
Holt	02
Howard	03
Jackson:	
Service Area: Richard Cabot	02
Population Group: Pov. Pop.—Central K.C	01
Jefferson:	
Service Area: Hillsboro	02
Johnson	04
Knox	04
Laclede	03
Lewis	02
McDonald	04
Maries	02
Mercer	01
Miller	03
Mississippi:	
Service Area: East Prairie	03
Monroe	03
Montgomery	03
New Madrid	01
Nodaway	04
Oregon	04
Osage	02
Ozark	01
Pemiscot	04
Pulaski	02
Putnam	01
Randolph:	
Facility: Missouri Training Ctr. for Men	02
Reynolds	01
Ripley	02
St. Clair	04
St. Louis:	
Population Group: Pov. Pop.—Kinlock/Berkeley	01
Population Group: Pov. Pop.—West St. Louis	01
St. Louis City:	
Service Area: East Central St. Louis	02
Service Area: Grace Hill/Cochran	01
Service Area: Southeast St. Louis	02
Population Group: Pov. Pop.—North St. Louis	02
Population Group: Pov. Pop.—West St. Louis	01
Population Group: Pov. Pop.—Yeatman/Union-Sarah	01
Shannon	01
Shelby	02
Stone	02
Texas	02
Warren	03
Washington	01
Wayne	03
Webster	03
Worth	04

PRIMARY CARE: Missouri

Service Area Listing

Service area name	Degree of shortage group
East Central St. Louis	02
County—St. Louis City:	
Parts:	
C.T. 1161–1165	
C.T. 1171–1174	
C.T. 1181	
C.T. 1221–1222	
C.T. 1224	
C.T. 1231–1235	
C.T. 1241–1246	
C.T. 1255–1256	
East Prairie	03
County—Mississippi:	
Parts:	
James Bayou Twp.	
Mississippi Twp.	
St. James Twp. (E. Prairie)	
Wolfe Island Twp.	
Grace Hill/Cochran	01
County—St. Louis City:	
Parts:	
C.T. 1097	
C.T. 1202–1203	
C.T. 1213–1214	
C.T. 1257	
C.T. 1266–1267	
Hillsboro	02
County—Jefferson:	
Parts:	
Big River Twp.	
Central Twp.	
Plattin Twp.	
Valle Twp.	
Lincoln	02
County—Benton:	
Parts:	
Cole Twp.	
White Twp.	
Williams Twp.	
Richard Cabot	02
County—Jackson:	
C.T. 1–4	
C.T. 6–20	
C.T. 22–27	
C.T. 28.01–28.02	
C.T. 29–34	
C.T. 35.01–35.02	
C.T. 36.01–36.02	
C.T. 37–45	
C.T. 59.01	
Southeast St. Louis	02
County—St. Louis City:	
Parts:	
C.T. 1011–1015	
C.T. 1018	
C.T. 1153–1157	
Southern Cooper	01
County—Cooper:	
Parts:	
Clark Fork Twp.	
Clear Creek Twp.	
Kelley Twp.	
Lebanon Twp.	
N. Moniteau Twp.	
Otterville Twp.	
Palestine Twp.	
Pilot Grove Twp.	
Prairie Home Twp.	
South Moniteau Twp.	
Southern Gasconade	02
County—Gasconade:	
Parts:	
Boeuf Twp.	
Boulware Twp.	
Bourbois Twp.	
Brush Creek Twp.	
Canaan Twp.	

PRIMARY CARE: Missouri—Continued

Service Area Listing

Service area name	Degree of shortage group
Clay Twp.	
Third Creek Twp.	

PRIMARY CARE: Missouri

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—Kinlock/Berkeley	01
County—St. Louis:	
Parts: C.T. 2127–2129	
Pov. Pop.—North St. Louis	02
County-St. Louis City:	
Parts:	
C.T. 1061–1067	
C.T. 1071–1075	
C.T. 2139–2140	
Pov. Pop.—West St. Louis	01
County—St. Louis:	
Parts: C.T. 2159–2164	
County—St. Louis City:	
Parts:	
C.T. 1051–1055	
C.T. 1121	
Pov. Pop.—Yeatman/Union-Sarah	01
County—St. Louis City:	
Parts:	
C.T. 1101–1105	
C.T. 1111–1115	
C.T. 1122–1124	
C.T. 1184	
C.T. 1186	
C.T. 1191–1193	
C.T. 1201	
C.T. 1211–1212	
Pov. Pop.—Central K.C	01
County—Jackson:	
Parts:	
C.T. 49–55	
C.T. 56.01–56.02	
C.T. 57	
C.T. 58.01–58.02	
C.T. 59.02	
C.T. 60–67	
C.T. 74–81	
C.T. 83	
C.T. 87–97	
C.T. 104.01	

PRIMARY CARE: Missouri

Facility Listing

Facility name	Degree of shortage group
Algoa Corr. Ctr	02
County—Cole	
Central Missouri Corr. Ctr	02
County—Cole	
Missouri Eastern Corr. Ctr	02
County—Franklin	
Missouri State Penitentiary	02
County—Cole	
Missouri Training Ctr. for Men	02
County—Randolph	
Renz Corr. Ctr	02
County—Callaway	

PRIMARY CARE: Montana

County name	Degree of shortage group
Big Horn	01
Blaine	03
Carter	01
Chouteau:	
Service Area: Fort Benton	03
Daniels	03
Deer Lodge:	
Facility: Montana State Prison	03
Gallatin:	
Service Area: Ennis/W. Yellowstone	02
Garfield	01
Glacier	01
Hill:	
Service Area: Chester	02
Jefferson:	
Service Area: Boulder	01
Judith Basin	01
Lewis and Clark:	
Service Area: Lincoln	01
Liberty:	
Service Area: Chester	02
Madison:	
Service Area: Ennis/W. Yellowstone	02
Service Area: Sheridan/Twin Bridges	02
Meagher	01
Musselshell	03
Park:	
Service Area: Gardiner-Mammoth Hot Springs (MT/WY)	01
Petroleum	01
Phillips	02
Powder River	02
Powell:	
Service Area: Deer Lodge	02
Service Area: Lincoln	01
Prairie	01
Roosevelt:	
Service Area: Poplar/Wolf Point	01
Rosebud:	
Service Area: Forsyth-Colstrip	01
Sweet Grass	01
Toole:	
Service Area: Chester	02
Service Area: Shelby	02
Treasure:	
Service Area: Forsyth-Colstrip	01
Valley	04
Wibaux	01

PRIMARY CARE: Montana

Service Area Listing

Service area name	Degree of shortage group
Boulder	01
County—Jefferson:	
Parts: Boulder Div.	
Chester	02
County—Hill:	
Parts:	
Gildford Div.	
Rudyard Div.	
County—Liberty:	
County—Toole:	
Parts: South Toole Div. (E 173)	
Deer Lodge	02
County—Powell:	
Parts:	
Avon Elliston Div.	
Deer Lodge Div.	
Ennis/W. Yellowstone	02

PRIMARY CARE: Montana—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Gallatin:	
Parts: West Yellowstone Div.	
County—Madison:	
Parts:	
Harrison Div.	
Madison Valley Div.	
Virginia City Div.	
Forsyth-Colstrip	01
County—Rosebud	
County—Treasure	
Fort Benton	03
County—Chouteau:	
Parts:	
Fort Benton Div.	
Geraldine Div.	
Gardener-Mammoth Hot Springs (MT/WY)	01
County—Park:	
Parts: Gardiner-Cooke Div.	
Lincoln	01
County—Lewis and Clark	
Parts: Lincoln Div.	
County—Powell:	
Parts: Helmville Div.	
Poplar/Wolf Point	01
County—Roosevelt:	
Parts: Ft. Peck Res. Div.	
Shelby	02
County—Toole:	
Parts:	
S. Toole Div. (W 2/3)	
Shelby City	
Sunburst Div.	
Sheridan/Twin Bridges	02
County—Madison	
Parts:	
Sheridan Div.	
Twin Bridges Div.	

PRIMARY CARE: Montana

Facility Listing

Facility name	Degree of shortage group
Montana State Prison	03
County—Deer Lodge	

PRIMARY CARE: Nebraska

County Listing

County name	Degree of shortage group
Boone:	
Service Area: Albion	01
Boyd	04
Brown:	
Service Area: North Central	03
Burt:	
Service Area: Onawa (IA/NE)	03
Butler	04
Cass	04
Cedar:	
Service Area: Cedar-Dixon	02
Chase	03
Cherry:	
Service Area: Mulen	01
Service Area: Valentine	02
Clay	03
Custer:	
Service Area: Arnold	04
Dawes:	
Service Area: Crawford	04
Deuel:	
Service Area: Julesburg (CO/NE)	02

PRIMARY CARE: Nebraska—Continued

County Listing

County name	Degree of shortage group
Dixon:	
Service Area: Cedar/Dixon	02
Franklin:	
Service Area: Franklin	04
Frontier	04
Grant:	
Service Area: Mullen	01
Greeley:	
Service Area: Albion	01
Service Area: Howard/St. Paul	03
Hayes:	
Service Area: Hayes-Hitchcock	01
Hitchcock:	
Service Area: Hayes-Hitchcock	01
Hooker:	
Service Area: Mullen	01
Howard:	
Service Area: Howard/St. Paul	03
Johnson	02
Keya Paha:	
Service Area: North Central	03
Kimball	02
Lancaster:	
Facility: Lancaster Dept. of Corr.	03
Lincoln:	
Service Area: Arnold	04
Logan:	
Service Area: Arnold	04
Platte:	
Service Area: Albion	01
Rock:	
Service Area: North Central	03
Saunders	02
Sherman	02
Sioux:	
Service Area: Crawford	04
Stanton	01
Thayer	02
Thomas:	
Service Area: Mullen	01
Thurston:	
Population Group Area: Winnebago Indian Pop	04

PRIMARY CARE: Nebraska

Service Area Listing

Service area name	Degree of shortage group
Albion	01
County—Boone	
County—Greeley:	
Parts:	
Spalding Pre. 1	
Spalding Pre. 2	
County—Platte:	
Parts:	
St. Bernard Twp.	
Walker Twp.	
Arnold	04
County—Custer:	
Parts:	
Arnold Twp.	
Cliff Twp.	
Delight Twp.	
Elim Twp.	
Grant Twp.	
Hayes Twp.	
Triumph Twp.	
Wayne Twp.	
County—Lincoln:	
Parts:	
Antelope Pre.	
Garfield Pre.	
County—Logan:	
Parts:	
Gandy Pre.	

PRIMARY CARE: Nebraska—Continued

Service Area Listing

Service area name	Degree of shortage group
Logan Pre.	
Cedar-Dixon	02
County—Cedar	
County—Dixon	
Crawford	04
County—Dawes:	
Parts:	
Leonard Pre.	
North Crawford Pre.	
South Crawford Pre.	
Whitney Pre.	
County—Sioux:	
Parts:	
Bowen Pre.	
Hat Creek Pre.	
Warbonnet Pre.	
Whistle Creek Pre.	
Franklin	04
County—Franklin:	
Parts:	
Antelope Twp.	
Bloomington Twp.	
Franklin City	
Grant Twp.	
Macon Twp.	
Marion Twp.	
N. Franklin. Twp.	
Salem Twp.	
Washington Twp.	
Hayes-Hitchcock	01
County—Hayes	
County—Hitchcock	
Howard/St. Paul	03
County—Greeley:	
Parts:	
Greeley Pre.	
Scotia 1 Pre.	
Wolbach Pre.	
County—Howard	
Julesburg (CO/NE)	02
County—Deuel	
Mullen	01
County—Cherry:	
Parts:	
Calf Creek Pre.	
Goose Creek Pre.	
King Pre.	
Lackey Pre.	
Loup Pre.	
Mother Lake Pre.	
Wells Pre.	
County—Grant	
County—Hooker	
County—Thomas	
North Central	03
County—Brown	
County—Keya Paha	
County—Rock	
Onawa (IA/NE)	03
County—Burt:	
Parts:	
Decatur Twp.	
Quinnebaugh Twp.	
Riverside Twp.	
Silver Creek Twp.	
Valentine	02
County—Cherry:	
Parts:	
Barley Pre.	
Cleveland Pre.	
Cody Pre.	
Crookston Pre.	
Gillaspie Pre.	
Kennedy Pre.	
Kilgore Pre	
Merriman Pre.	
Nenzel Pre.	
Russell Pre.	

PRIMARY CARE: Nebraska—Continued

Service Area Listing

Service area name	Degree of shortage group
Valentine City	
Valentine Pre.	
Wood Lake Pre.	

PRIMARY CARE: Nebraska

Population Group Listing

Population group	Degree of shortage group
Winnebago Indian Pop.	04
County—Thurston	

PRIMARY CARE: Nebraska

Facility Listing

Facility name	Degree of shortage group
Lancaster Dept. of Corr.	3
County—Lancaster:	
Parts:	
Diagnostic & Evaluation Ctr.	
Lincoln Corr. Ctr.	
Nebraska State Penitentiary	

PRIMARY CARE: Nevada

County name	Degree of shortage group
Clark:	
Service Area: Blue Diamond	01
Service Area: Cent./N. Cent. Las Vegas	01
Service Area: Indian Springs	01
Service Area: Jean-Goodspring	01
Service Area: Moapa Valley	01
Service Area: Searchlight/Davis Dam	01
Service Area: Virgin Valley	01
Facility: Nev. St. Corr. Fac. (South)	02
Douglas: Elko:	
Population Group: Washoe Indian Res	01
Elko:	
Service Area: Wendover (UT/NV)	01
Esmeralda	01
Humboldt	03
Lander	01
Lincoln	01
Lyon:	
Service Area: Fernley/Silver Springs/Longshot	02
Mineral	02
Nye:	
Service Area: Beatty	01
Service Area: Pahrump	01
Service Area: Tonopah	01
Carson City (Indep):	
Population Group: Washoe Indian Res	01
Facility: Nev. St. Corr. Fac. (North)	01
Storey	01
Washoe:	
Service Area: Gerlach	01
Service Area: Wadsworth	01
White Pine:	
Service Area: Wendover (UT/NV)	01

PRIMARY CARE: Nevada

Service Area Listing

Service area name	Degree of shortage group
Beatty	01
County—Nye:	
Parts:	
Beatty Twp.	
Blue Diamond	01
County—Clark:	
Parts:	
C.T. 58 (Central)	
Cent./N. Cent. Las Vegas	01
County—Clark:	
Parts:	
C.T. 3.01-3.02	
C.T. 7	
C.T. 9	
C.T. 11	
C.T. 35-38	
C.T. 46	
Fernley/Silver Springs/Longshot	02
County—Lyon:	
Parts:	
Canal Div.	
Dayton Div. (N. Pt.)	
Gerlach	01
County—Washoe:	
Parts:	
Gerlach Twp. (C.T. 34)	
Indian Springs	01
County—Clark:	
Parts:	
C.T. 58 (North)	
C.T. 59 (Southwest)	
Jean-Goodspring	01
County—Clark:	
Parts:	
Goodsprings Div.	
Moapa Valley	01
County—Clark:	
Parts:	
C.T. 56 (Cent./W. Cent.)	
Pahrump	01
County—Nye:	
Parts:	
Pahrump Twp.	
Searchlight/Davis Dam	01
County—Clark:	
Parts:	
Searchlight Div.	
Tonopah	01
County—Nye:	
Parts:	
Tonopah Twp.	
Virgin Valley	01
County—Clark:	
Parts:	
C.T. 56 (North)	
Wadsworth	01
County—Washoe:	
Parts:	
Wadsworth Twp. (C.T. 31)	
Wendover (UT/NV)	01
County—Elko:	
Parts:	
East Line Twp.	
Tecoma Twp.	
County—White Pine:	
Parts: Ely Twp. (E. Pt.)	

PRIMARY CARE: Nevada

Population Group Listing

Population group	Degree of shortage group
Washoe Indian Res	01
County—Douglas	
County—Carson City (Indep.)	

PRIMARY CARE: Nevada

Facility Listing

Facility name	Degree of shortage group
Nev. St. Corr. Fac. (South)	02
County—Clark:	
Parts:	
S. Desert Corr. Ctr.	
S. Nev. Corr. Ctr.	
Nev. St. Corr. Fac. (North)	01
County—Carson City (Indep):	
Parts:	
N. Nev. Med. Security Prison	
Nev. Max. Security Prison	
Nev. Women's Corr. Ctr.	

PRIMARY CARE: New Hampshire

County name	Degree of shortage group
Coos:	
Service Area: Upper Connecticut Valley	04
Grafton:	
Service Area: Baker River Valley	01
Hillsboro:	
Service Area: Hillsborough	02
Service Area: Witton/Milford	03
Merrimack:	
Service Area: Hillsborough	02
Rockingham:	
Service Area: North West Rockingham County	02
Sullivan:	
Service Area: Hillsborough	02

PRIMARY CARE: New Hampshire

Service Area Listing

Service area name	Degree of shortage group
Baker River Valley	01
County—Grafton:	
Parts:	
Rumney Twn.	
Warren Twn.	
Wentworth Twn.	
Hillsborough	02
County—Hillsboro:	
Parts:	
Deering Twn.	
Hillsborough Twn.	
Weare Twn. (Western Part)	
Windsor Twn.	
County—Merrimack:	
Parts:	
Henniker Twn.	
County—Sullivan:	
Parts:	
Washington Twn.	
North West Rockingham County	02
County—Rockingham	
Parts:	
Deerfield	
Epping	
Fremont	
Nottingham Twn.	
Raymond	
Upper Connecticut Valley	04

PRIMARY CARE: New Hampshire—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Coos:	
Parts:	
Atkinson-Gilman Academy Grant	
Clarksville	
Colebrook Twn.	
Columbia Twn.	
Dixs Grant	
Dixville Twn.	
Errol Twn.	
Millsfield	
Odell Twn.	
Pittsburg Twn.	
Second College Grant	
Stewartown Twn.	
Stratford Twn.	
Wentsworth Location	
Witton/Milford	03
County—Hillsboro:	
Parts:	
Amherst Twn. (W. ½)	
Lyndeborough Twn.	
Milford Twn.	
Mt. Vernon Twn.	
Wilton Twn.	

PRIMARY CARE: New Jersey

County name	Degree of shortage group
Atlantic	
Service Area: SA-Lantic	04
Population Group: Pov. Pop.—Atlantic City	03
Camden	
Service Area: Camden City	04
Cumberland	
Service Area: Bridgeton	04
Facility: Leesburg State Prison	02
Essex	
Service Area: Central Newark	04
Service Area: North Newark	03
Service Area: South Newark	01
Hudson	
Population Group: Medicaid Pop.—Jersey City	01
Mercer	
Population Group: Medicaid Pop.—Trenton	01
Passaic	
Service Area: Northside Peterson	01
Sussex	
Service Area: South Sussex	04

PRIMARY CARE: New Jersey

Service Area Listing

Service area name	Degree of shortage group
Bridgeton	
County—Cumberland:	
Parts: Bridgeton City	
Camden City	04
County—Camden	
Parts:	
C.T. 6001-6020	
Central Newark	04
County—Essex:	
Parts:	
C.T. 13-14	
C.T. 18	
C.T. 26-32	
C.T. 34-35	
C.T. 37-40	
C.T. 55-60	
C.T. 62-68	
C.T. 80-83	
North Newark	03

PRIMARY CARE: New Jersey—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Essex:	
Parts:	
C.T. 1-11	
C.T. 15-17	
C.T. 84-97	
Northside—Peterson	01
County—Passaic:	
Parts:	
C.T. 1803-1807	
SALantic	04
County—Atlantic:	
Parts:	
Buena Boro.	
Buena Vista Twp.	
Egg Harabor City	
Folsom Boro.	
Hamilton Twp.	
Hammonton Twn.	
Mulica Twp.	
Weymouth Twp.	
South Newark	01
County—Essex:	
Parts:	
C.T. 41-47	
C.T. 48.01-48.02	
C.T. 49-54	
South Sussex	04
County—Sussex:	
Parts:	
Andover Boro.	
Branchville Boro.	
Byram Twp.	
Frankford Twp.	
Franklin Boro.	
Fredon Twp.	
Green Twp.	
Hamburg Boro.	
Hampton Twp.	
Hardyston Twp.	
Hopatcong Boro.	
Lafayette Twp.	
Newton Twn.	
Ogdensburg Boro.	
Sparta Twp.	
Stanhope Boro.	
Stillwater Twp.	
Sussex Boro.	
Vernon Twp.	
Wantage Twp.	

PRIMARY CARE: New Jersey

Population Group Listing

Population group	Degree of shortage group
Medicaid Pop.—Jersey City	01
County—Hudson:	
Parts:	
Jersey City	
Medicaid Pop.—Trenton	01
County—Mercer:	
Parts:	
Trenton	
Pov. Pop.—Atlantic City	03
County—Atlantic:	
Parts:	
Atlantic City	

PRIMARY CARE: New Jersey

Facility Listing

Facility name	Degree of shortage group
Leesburg State Prison County—Cumberland	02

PRIMARY CARE: New Mexico

County name	Degree of shortage group
Bernalillo:	
Service Area: Southwest Valley	01
Catron	01
Chaves:	
Service Area: Cloudcroft	01
Service Area: Dexter—Hagerman	01
Cibola	02
Curry	03
Dona Ana:	
Service Area: Hatch	01
Service Area: Southern Dona Ana	01
Grant:	
Service Area: Cliff-Gila	01
Guadalupe:	
Service Area: Pecos	01
Harding:	
Service Area: North Harding/Wagon Mound	01
Service Area: Quay	04
Hidalgo	02
Lincoln:	
Service Area: Torrance/Claunch/Corona	01
Luna	02
McKinley:	
Service Area: Cuba	02
Service Area: Northern Gallup	01
Service Area: Thoreau	01
Population Group: Indian Pop.—Navajo	01
Mora:	
Service Area: Mora Division	03
Service Area: North Harding/Wagon Mound	01
Otero:	
Service Area: Cloudcroft	01
Quay:	
Service Area: Quay	04
Rio Arriba:	
Service Area: South Rio Arriba-Taos	01
Service Area: Tierra Amarilla	01
Roosevelt	02
Sandoval:	
Service Area: Cuba	02
Service Area: Southern Sandoval	01
San Juan:	
Service Area: Cuba	02
Population Group: Navajo Res	01
San Miguel:	
Service Area: Pecos	01
Service Area: Quay	04
Santa Fe:	
Service Area: Santa Fe/La Familia	01
Facility: N.M. State Pen. Cerillos	03
Socorro:	
Service Area: Magdalena	01
Service Area: Torrance/Claunch/Corona	01
Taos:	
Service Area: Questo/Arroyo Hondo	02
Service Area: South Rio Arriba/Taos	01
Service Area: Tierra Amarilla	01
Torrance:	
Service Area: Torrance/Claunch-Corona	01
Valencia:	
Service Area: Los Lunas	02

PRIMARY CARE: New Mexico

Service Area Listing

Service area name	Degree of shortage group
Cliff-Gila	01
County—Grant:	
Parts:	
E.D. 801 (Pinos Altos)	
E.D. 803 (Tyrone)	
E.D. 805-806 (Tyrone)	
Cloudcroft	
County—Chaves:	01
Parts: S.W. Chaves CCD (West Portion)	
County—Otero:	
Parts:	
E.D. 715 (SE Otero CCD)	
E.D. 717-719 (SE Otero CCD)	
E.D. 720 (SE Otero CCD)	
E.D. 722-723 (SE Otero CCD)	
Cuba	02

PRIMARY CARE: New Mexico—Continued

Service Area Listing

Service area name	Degree of shortage group
County—McKinley:	
Parts:	
E.D. 1179A-D (Crownpoint CCD)	
E.D. 1180A-C (Crownpoint CCD)	
E.D. 1188 (Crownpoint CCD)	
E.D. 1204B (Crownpoint CCD)	
County—Sandoval:	
Parts: Cuba CCD	
County—San Juan:	
Parts:	
E.D. 881B (Simpson-Chaco CCD)	
E.D. 906B (Simpson-Chaco CCD)	
E.D. 907A (Simpson-Chaco CCD)	
E.D. 908A (Simpson-Chaco CCD)	
E.D. 909A-D (Simpson-Chaco CCD)	
E.D. 910A-C (Simpson-Chaco CCD)	
Dexter—Hagerman	01
County—Chaves:	
Parts:	
Dexter CCD	
Hagerman CCD	
Hatch	01
County—Dona Ana	
Parts:	
Hatch CCD	
N Dona-Ana Hill CCD	
Los Lunas	02
County—Valencia:	
Parts: Los Lunas CCD	
Magdalena	01
County—Socorro:	
Parts: Magdalena CCD	
Mora Div	03
County—Mora:	
Parts: Mora CCD	
North Harding/Wagon Mound	01
County—Harding:	
Parts: North Harding CCD	
County—Mora:	
Parts: Wagon Mound CCD	
Northern Gallup	01
County—McKinley:	
Parts: E.D. 99.03-99.05 (Gallup CCD)	
Pecos	01
County—Guadalupe:	
Parts: Dilia CCD	
County—San Miguel	
Parts:	
Pecos CCD	
Villanueva CCD	
Quay	04
County—Harding:	
Parts: South Harding CCD	
County—Quay:	
County—San Miguel:	
Parts: Conchos CCD	
Questo-Arroyd Hondo	02
County—Taos:	
Parts:	
Arroyo Hondo CCD	
Questo CCD	
Santa Fe/LA Familia	01
County—Santa Fe:	
Parts:	
C.T. 3	
C.T. 7-9	
C.T. 12	
South Rio Arriba/TAOS	01
County—Rio Arriba:	
Parts:	
Dixon CCD	
South Rio Arribo CCD	
County—Taos:	
Parts: Penasco CCD	
Southern Dona Ana	01
County—Dona Ana	
Parts:	
E.D. 76-77 (Anthony CCD)	
E.D. 79-81 (South Dona Ana CCD)	
E.D. 84 (La Union) (South Dona Ana CCD)	
Southern Sandoval	01
County—Sandoval:	
Parts:	
Bernalillo CCD (Part)	
Jemez CCD	
Santa Domingo CCD	
Southwest Valley	01

PRIMARY CARE: New Mexico—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bernalillo	
Parts:	
C.T. 23	
C.T. 24.01-24.02	
C.T. 40	
C.T. 43	
C.T. 44.01-44.02	
C.T. 45.01-45.02	
C.T. 46.01-46.02	
Thoreau	01
County—McKinley	
Parts: Thoreau CDP	
Tierra Amarilla	01
County—Rio Arriba:	
Parts:	
Coyote CCD	
Jicarilla CCD	
Rio Chama CCD	
Tierra Amarilla CCD	
Vallecitos CCD	
Western Rio Arriba CCD	
County—Taos:	
Parts: Tres Piedras CCD	
Torrance/Claunch/Corona	01
County—Lincoln:	
Parts: Corona CCD	
County—Socorro:	
Parts: Claunch CCD	
County—Torrence	

PRIMARY CARE: New Mexico

Population Group Listing

Population group	Degree of shortage group
Navajo Res	01
County-McKinley:	
Parts: Indian Pop. (Navajo)	
County—San Juan	

PRIMARY CARE: New Mexico

Facility Listing

Facility name	Degree of shortage group
N.M. State Pen. Cerillos	03
County—Santa Fe	

PRIMARY CARE: New York

County name	Degree of shortage group
Albany:	
Service Area: Northeast Albany City	01
Service Area: Southeast Albany City	03
Allegany:	
Service Area: Arcade	02
Service Area: Letchworth	02
Bronx:	
Service Area: East Bronx	04
Service Area: Morris Heights	02
Service Area: Soundview Area	01
Broome:	
Service Area: Deposit Area	02
Cattaraugus:	
Service Area: Arcade	02
Service Area: Randolph-Ellicottville	03
Population Group: Seneca Nation—Allegany Reservation	02
Cayuga:	
Service Area: Cato	01
Service Area: Groton-Moravia	03

PRIMARY CARE: New York—Continued

County name	Degree of shortage group
Chautauqua:	
Service Area: Westfield	02
Chenango:	
Service Area: Cortland/Chenango	01
Service Area: Greene	02
Service Area: Hamilton/Sherburne	03
Clinton:	
Service Area: Dannemora	02
Columbia:	
Service Area: Southeast Columbia	02
Cortland:	
Service Area: Cortland/Chenango	01
Delaware:	
Service Area: Deposit Area	02
Erie:	
Service Area: Black Rock/Riverside (Buffalo)	02
Population Group: Pov. Pop.—Lower West Side	03
Population Group: Pov. Pop.—P.S. 84 Area	01
Population Group: Pov. Pop.—Ellicott Neighborhood	03
Essex:	
Service Area: Central Adirondack	02
Service Area: E. Cent. Essex	04
Service Area: Essex-Warren	03
Franklin:	
Service Area: Tupper Lake	01
Greene:	
Service Area: Cairo	03
Service Area: Western Greene Co	02
Hamilton:	
Service Area: Central Adirondack	02
Service Area: South Hamilton	02
Service Area: Webb	02
Herkimer:	
Service Area: Webb	02
Jefferson:	
Service Area: Alexandria Bay	02
Service Area: Gouverneur	02
Kings:	
Service Area: Bedford/Stuyvesant	04
Service Area: Brownsville	04
Service Area: Coney Is./Brighton Beach/W. Brighton	02
Lewis:	
Service Area: Boonville	04
Service Area: Camden	02
Livingston:	
Service Area: Letchworth	02
Service Area: N. Livingston	02
Madison:	
Service Area: Cortland/Chenango	01
Service Area: Hamilton/Sherburne	03
Monroe:	
Service Area: Jordan (Rochester)	04
Service Area: Westside (Rochester)	02
Montgomery:	
Service Area: Western Montgomery Co	02
New York:	
Service Area: East Harlem	04
Service Area: Upper West Side	04
Service Area: Washington Heights—Inwood	04
Service Area: West Central Harlem	04
Population Group: Chelsea Outreach Trgt. Pop	01
Facility: Bellevue Hosp. Center	03
Facility: Gouverneur Diag. & Treatment Ctr	03
Oneida:	
Service Area: Boonville	04
Service Area: Camden	02
Service Area: Hamilton/Sherburne	032
Onondaga:	
Service Area: Southern Onondaga Co	02
Population Group: Pov. Pop.—Syracuse	04
Ontario:	
Service Area: Naples/South Bristol	04
Orange:	
Population Group: Med. Ind. Migr. Pop.—NE. Orange	01
Population Group: Med. Ind. Migr. Pop.—SW. Orange	04
Orleans:	
Service Area: Oak Orchard	02
Oswego:	
Service Area: Pulaski	04
Otsego:	
Service Area: Cherry Valley	01
Service Area: Southeast Otsego	01
Service Area: Southwest Otsego	02
Service Area: Western Otsego	01

PRIMARY CARE: New York—Continued

County name	Degree of shortage group
Queens:	
Service Area: Central South Jamaica	01
Service Area: Rockaway Section of Queens	02
Rockland:	
Service Area: North Rockland	04
St. Lawrence:	
Service Area: Alexandria Bay	02
Service Area: Gouverneur	02
Service Area: Massena	04
Service Area: Starlake	02
Service Area: Tupper Lake	01
Saratoga:	
Service Area: Corinth/Luzerne	03
Schenectady:	
Population Group: Pov. Pop.—Hamilton Hill/Mt. Pleasant	01
Schoharie:	
Service Area: Cherry Valley	01
Service Area: Southern Schoharie	02
Schuyler:	
Seneca:	
Service Area: South Seneca	02
Steuben:	
Service Area: Elkland (Ny/Pa)	02
Sullivan:	
Service Area: Cochecton	04
Tompkins:	
Service Area: Groton-Moravia	03
Warren:	
Service Area: Corinth/Luzerne	03
Service Area: Essex-Warren	03
Wayne:	
Service Area: Sodus	03
Westchester:	
Service Area: Peekskill	03
Population Group: Med. Ind.—Mt. Vernon	04
Wyoming:	
Service Area: Arcade	02
Service Area: Letchworth	02
Facility: Attica Corr. Fac	02
Yates	04

PRIMARY CARE: New York

Service Area Listing

Service area name	Degree of shortage group
Alexandria Bay	02
County—Jefferson:	
Parts:	
Alexandria Twn.	
Cape Vincent Twn.	
Clayton Twn.	
Lyme Twn.	
Orleans Twn.	
Philadelphia Twn.	
Theresa Twn.	
County—St Lawrence:	
Parts:	
Hammond Twn.	
Arcade	02
County—Allegany:	
Parts:	
Centerville Twn.	
Rushford Twn.	
County—Cattaraugus:	
Parts:	
Farmersville Twn.	
Franklinville Twn.	
Freedom Twn.	
Machias Twn.	
Yorkshire Twn.	
County—Wyoming:	
Parts:	
Arcade Twn.	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
Eagle Twn.	
Java Twn.	
Orangeville Twn.	
Sheldon Twn.	
Wethersfield Twn.	
Bedford/Stuyvesant	04
County—Kings:	
Parts:	
C.T.201	
C.T.227	
C.T.229	
C.T.231	
C.T.233	
C.T.235	
C.T.237	
C.T.239	
C.T.241	
C.T.243	
C.T.245	
C.T.247	
C.T.249	
C.T.251	
C.T.253	
C.T.255	
C.T.257	
C.T.259.01-259.02	
C.T. 261	
C.T. 263	
C.T. 265	
C.T. 267	
C.T. 269	
C.T. 271.01-271.02	
C.T. 273	
C.T. 275	
C.T. 277	
C.T. 279	
C.T. 281	
C.T. 283	
C.T. 285.01-285.02	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 295	
C.T. 297	
C.T. 299	
C.T. 301	
C.T. 303	
C.T. 307	
C.T. 309	
C.T. 311	
C.T. 365.01-365.02	
C.T. 367	
C.T. 369	
C.T. 371	
C.T. 373	
C.T. 375	
C.T. 377	
C.T. 379	
C.T. 381	
C.T. 383	
C.T. 385	
C.T. 387	
Black Rock/Riverside (Buffalo)	02
County—Erie:	
Parts:	
C.T. 55-59	
Boonville	04
County—Lewis:	
Parts:	
Lewis Twn.	
Leyden Twn.	
Lyonsdale Twn.	
West Turin Twn.	
County—Oneida:	
Parts:	
Ava Twn.	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
Boonville Twn.	
Forestport Twn.	
Brownsville	04
County—Kings:	
Parts:	
C.T. 347	
C.T. 349	
C.T. 357	
C.T. 359	
C.T. 361	
C.T. 363	
C.T. 882	
C.T. 884	
C.T. 886	
C.T. 888	
C.T. 890	
C.T. 892	
C.T. 894	
C.T. 896	
C.T. 898	
C.T. 900	
C.T. 902	
C.T. 904	
C.T. 906	
C.T. 908	
C.T. 910	
C.T. 912	
C.T. 914	
C.T. 916	
C.T. 918	
C.T. 920	
C.T. 1134	
C.T. 1136	
C.T. 1138	
Cairo	03
County—Greene:	
Parts:	
Cairo Twn.	
Durham Twn.	
Greenville Twn.	
Camden	02
County—Lewis:	
Parts:	
Osceola Twn.	
County—Oneida:	
Parts:	
Annsville Twn.	
Camden Twn.	
Florence Twn.	
Vienna Twn.	
Cato	01
County—Cayuga:	
Parts:	
Cato Twn.	
Conquest Twn.	
Ira Twn.	
Victory Twn.	
Central Adirondack	02
County—Essex:	
Parts:	
Newcomb Twn.	
County—Hamilton:	
Parts:	
Indian Lake Twn.	
Long Lake Twn.	
Central South Jamaica	01
County—Queens:	
Parts:	
C.T. 152	
C.T. 154	
C.T. 190	
C.T. 196	
C.T. 198	
C.T. 202	
C.T. 204	
C.T. 206	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 208	
C.T. 212	
C.T. 236	
C.T. 238	
C.T. 240	
C.T. 244	
C.T. 246	
C.T. 248	
C.T. 250	
C.T. 252	
C.T. 258	
C.T. 260	
C.T. 262	
C.T. 266	
C.T. 270	
C.T. 272	
C.T. 274	
C.T. 276	
C.T. 278	
C.T. 280	
C.T. 284	
C.T. 288	
C.T. 410	
C.T. 414	
C.T. 440	
C.T. 446.01-446.02	
C.T. 460	
Cherry Valley	01
County—Otsego:	
Parts:	
Cherry Valley Twn.	
Roseboom Twn.	
Springfield Twn.	
County—Schoharie:	
Parts:	
Sharon Twn.	
Cochecton	04
County—Sullivan:	
Parts:	
Cochecton Twn.	
Delaware Twn.	
Fremont Twn.	
Highland Twn.	
Tusten Twn.	
Coney Isl/Brighton Beach/W. Brighton	02
County—Kings:	
Parts:	
C.T. 326	
C.T. 328	
C.T. 330	
C.T. 336	
C.T. 340	
C.T. 342	
C.T. 348.01-348.02	
C.T. 350	
C.T. 352	
C.T. 360.01-360.02	
C.T. 362	
C.T. 364	
Corinth/Luzerne	03
County—Saratoga:	
Parts:	
Corinth Twn.	
Day Twn.	
Edinburg Twn.	
Hadley Twn.	
County—Warren:	
Parts:	
Lake Luzerne Twn.	
Stony Creek Twn.	
Cortland/Chenango	01
County—Chenango:	
Parts:	
Lincklaen Twn.	
Pitcher Twn.	
County—Cortland:	
Parts:	
Cincinnatus Twn.	
Cuyler Twn.	
Freetown Twn.	
Lapeer Twn.	
Marathon Twn.	
Taylor Twn.	
Willet Twn.	
County—Madison:	
Parts:	
De Ruyter Twn.	
Dannemora	02

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clinton:	
Dannemora Twn.	
Saranac Twn.	
Deposit Area	02
County—Broome:	
Parts:	
Colesville Twn.	
Sanford Twn.	
Windsor Twn.	
County—Delaware:	
Parts:	
Deposit Twn.	
Tompkins Twn.	
E. Cent. Essex	04
County—Essex:	
Parts:	
Elizabeth Twn.	
Essex Twn.	
Keene Twn.	
Lewis Twn.	
Moriah Twn.	
North Hudson Twn.	
Westport Twn.	
Willsboro Twn.	
East Bronx	04
County—Bronx:	
Parts:	
C.T. 44	
C.T. 48	
C.T. 50	
C.T. 52	
C.T. 54	
C.T. 56	
C.T. 62	
C.T. 64	
C.T. 66	
C.T. 68	
C.T. 70	
C.T. 214	
East Harlem	04
County—New York:	
Parts:	
C.T. 156.01-156.02	
C.T. 158.02	
C.T. 162	
C.T. 164	
C.T. 166	
C.T. 168	
C.T. 170	
C.T. 172.01-172.02	
C.T. 174.01-174.02	
C.T. 178	
C.T. 180	
C.T. 182	
C.T. 184	
C.T. 188	
C.T. 192	
C.T. 194	
C.T. 196	
C.T. 198	
C.T. 202	
C.T. 204	
C.T. 206	
C.T. 210	
Elkland (NY/Pa)	02
County—Steuben:	
Parts:	
Tuscarora Twn.	
Woodhill Twn.	
Essex-Warren	03
County—Essex:	
Parts:	
Minerva Twn.	
County—Warren:	
Parts:	
Chester Twn.	
Horicon Twn.	
Johnsburg Twn.	
Thurman Twn.	
Warrensburg Twn.	
Gouverneur	02

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Jefferson:	
Parts:	
Antwerp Twn.	
County—St. Lawrence:	
Parts:	
DeKalb Twn.	
Depeyster Twn. (S. ½)	
Edwards Twn.	
Fowler Twn.	
Gouverneur Twn.	
Hermon Twn.	
Macomb Twn. (S. ½)	
Rossie Twn.	
Greene	02
County—Chenango:	
Parts:	
German Twn.	
Greene Twn.	
McDonough Twn.	
Smithville Twn.	
Groton-Moravia	03
County—Cayuga:	
Parts:	
Locke Twn.	
Moravia Twn.	
Sempronius Twn.	
Summerhill Twn.	
County—Tompkins:	
Parts:	
Groton Twn.	
Hamilton/Sherburne	03
County—Chenango:	
Parts:	
Columbus Twn.	
Otselic Twn.	
Sherburne Twn.	
Smyrna Twn.	
County—Madison:	
Parts:	
Brookfield Twn.	
Eaton Twn.	
Georgetown Twn.	
Hamilton Twn.	
Lebanon Twn.	
Madison Twn.	
County—Oneida:	
Parts:	
Sangerfield Twn.	
Jordan (Rochester)	04
County—Monroe:	
Parts:	
C.T. 7	
C.T. 13-15	
C.T. 39	
C.T. 43	
C.T. 48-53	
C.T. 55-56	
C.T. 80	
C.T. 91-92	
C.T. 93.01	
Letchworth	02
County—Allegany:	
Parts:	
Allen Twn.	
Caneadea Twn.	
Granger Twn.	
Hume Twn.	
County—Livingston:	
Parts: Portage Twn.	
County—Wyoming	
Parts:	
Castile Twn.	
Gainesville Twn.	
Genesee Falls Twn.	
Pike Twn.	
Massena	04
County—St. Lawrence:	
Parts:	
Brasher Twn.	
Lawrence Twn.	
Louisville Twn.	
Madrid Twn. (½)	
Massena Twn.	
Norfolk Twn.	
Stockholm Twn. (½)	
Waddington Twn. (½)	
Morris Heights	02

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bronx:	
Parts:	
C.T. 205	
C.T. 215.01-215.02	
C.T. 239	
C.T. 243	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 257	
N. Livingston	02
County—Livingston:	
Parts:	
Avon Twn.	
Caledonia Twn.	
Geneseo Twn.	
Groveland Twn.	
Leicester Twn.	
Lima Twn.	
Livonia Twn.	
York Twn.	
Naples/South Bristol	04
County—Ontario:	
Parts:	
Naples Twn.	
South Bristol Twn.	
North Rockland	04
County—Rockland:	
Parts:	
C.T. 101-107	
Northeast Albany	01
County—Albany:	
Parts:	
C.T. 1-2	
C.T. 7-8	
C.T. 11	
Oak Orchard	02
County—Orleans:	
Parts:	
Albion Twn.	
Barre Twn.	
Carlton Twn.	
Clarendon Twn.	
Gaines Twn.	
Kendall Twn.	
Murray Twn.	
Peekskill	03
County—Westchester:	
Parts:	
Peekskill City	
Pulaski	04
County—Oswego:	
Parts:	
Albion Twn.	
Boylston Twn.	
Mexico Twn.	
Orwell Twn.	
Redfield Twn.	
Richland Twn.	
Sandy Creek Twn.	
Williamstown Twn.	
Randolph-Ellicottville	03
County—Cattaraugus:	
Parts:	
Cold Spring Twn.	
Conewango Twn.	
Ellicottville Twn.	
Little Valley Twn.	
Mansfield Twn.	
Napoli Twn.	
New Albion Twn.	
Randolph Twn.	
South Valley Twn.	
Rockaway Section of Queens	02

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Queens:	
Parts:	
C.T. 916.01-916.02	
C.T. 916.99	
C.T. 918	
C.T. 922	
C.T. 928	
C.T. 934	
C.T. 938	
C.T. 942.01-942.03	
C.T. 952	
C.T. 962	
C.T. 964	
C.T. 972	
C.T. 992	
C.T. 998	
C.T. 1008	
C.T. 1010	
C.T. 1032	
Sodus	03
County—Wayne:	
Parts:	
C.T. 201	
C.T. 204-205	
C.T. 208-209	
C.T. 215-216	
Soundview Area	01
County—Bronx:	
Parts:	
C.T. 2	
C.T. 4	
C.T. 16	
C.T. 20	
C.T. 24	
C.T. 28	
C.T. 36	
C.T. 38	
C.T. 40.02	
C.T. 46	
C.T. 74	
C.T. 84	
C.T. 86	
C.T. 88	
C.T. 98	
C.T. 102	
South Hamilton	02
County—Hamilton:	
Parts:	
Arietta Twn.	
Benson Twn.	
Hope Twn.	
Lake Pleasant Twn.	
Morehouse Twn.	
Wells Twn.	
South Seneca	02
County—Seneca:	
Parts:	
Covert Twn.	
Lodi Twn.	
Ovid Twn.	
Southeast Albany City	03
County—Albany:	
Parts: C.T. 23-26	
Southeast Columbia	02
County—Columbia:	
Parts:	
Ancram Twn.	
Copake Twn.	
Gallatin Twn.	
Hillsdale Twn.	
Taghkanic Twn.	
Southeast Otsego	01
County—Otsego:	
Parts:	
Decatur Twn.	
Maryland Twn.	
Westford Twn.	
Worcester Twn.	
Southern Onondaga	02
County—Onondaga:	
Parts:	
Fabius Twn.	
Lafayette Twn.	
Otisco Twn.	
Pompey Twn.	
Tully Twn.	
Southern Schoharie	02

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Schoharie:	
Parts:	
Blenheim Twn.	
Broome Twn.	
Conesville Twn.	
Fulton Twn.	
Gilboa Twn.	
Middleburgh Twn.	
Southwest Otsego	02
County—Otsego:	
Parts:	
Butternuts Twn.	
Morris Twn.	
Starlake	02
County—St Lawrence:	
Parts:	
Clare Twn.	
Clifton Twn.	
Colton Twn. (S. ½)	
Fine Twn.	
Pitcairn Twn.	
Russell Twn.	
Tupper Lake	01
County—Franklin:	
Parts:	
Altamont Twn.	
County—St Lawrence	
Parts:	
Piercefield Twn.	
Upper West Side	04
County—New York:	
Parts:	
C.T. 177	
C.T. 179	
C.T. 181	
C.T. 183	
C.T. 185	
C.T. 187	
C.T. 189	
C.T. 191	
C.T. 193	
C.T. 195	
C.T. 197.01	
C.T. 199	
C.T. 201.01	
C.T. 203	
C.T. 205	
C.T. 207.01	
Washington Heights—Inwood	04
County—New York:	
Parts:	
C.T. 243.01	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 261	
C.T. 263	
C.T. 265	
C.T. 267	
C.T. 269	
C.T. 271	
C.T. 277	
C.T. 279	
C.T. 283	
C.T. 285	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 303	
C.T. 311	
Webb	02
County—Hamilton:	
Parts:	
Inlet Twn.	
County—Herkimer:	
Parts:	
Webb Twn.	
West Central Harlem	04

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—New York	
Parts:	
C.T. 186	
C.T. 190	
C.T. 197.02	
C.T. 200	
C.T. 201.02	
C.T. 207.02	
C.T. 208	
C.T. 209.01-209.02	
C.T. 211-212	
C.T. 213.01-213.02	
C.T. 214	
C.T. 216	
C.T. 217.01-217.02	
C.T. 218-220	
C.T. 221.01-221.02	
C.T. 222-226	
C.T. 227.01-227.02	
C.T. 228-230	
C.T. 231.01-231.02	
C.T. 232-234	
C.T. 235.01-235.02	
C.T. 236-237	
C.T. 239	
C.T. 241	
C.T. 243.02	
Western Greene	02
County—Greene:	
Parts:	
Ashland Twn.	
Hunter Twn.	
Jewett Twn.	
Lexington Twn.	
Prattsville Twn.	
Windham Twn.	
Western Montgomery	02
County—Montgomery:	
Parts:	
Canajoharie Twn.	
Minden Twn.	
Palatine Twn.	
Root Twn.	
St. Johnsville Twn.	
Western Otsego	01
County—Otsego:	
Parts:	
Burlington Twn.	
Edmeston Twn.	
New Lisbon Twn.	
Pittsfield Twn.	
Plainfield Twn.	
Westfield	02
County—Chautauqua:	
Parts:	
Chautauqua Twn.	
Ripley Twn.	
Sherman Twn.	
Westfield Twn.	
Westside (Rochester)	02
County—Monroe:	
Parts:	
C.T. 2	
C.T. 16-17	
C.T. 23	
C.T. 27	
C.T. 32	
C.T. 41	
C.T. 64-66	
C.T. 69	
C.T. 95	
C.T. 96.01-96.04	

PRIMARY CARE: New York

Population Group Listing

Population group	Degree of shortage group
Chelsea Outreach Trgt. Pop	01
County—New York:	
Med. Ind. Migr. Pop.—N.E. Orange	01

PRIMARY CARE: New York—Continued

Population Group Listing

Population group	Degree of shortage group
County—Orange:	
Parts:	
Blooming Grove Twn.	
Cornwall Twn.	
Crawford Twn.	
Hamptonburgh Twn.	
Highlands Twn.	
Montgomery Twn.	
New Windsor Twn.	
Newburgh City	
Newburgh Twn.	
Woodbury Twn.	
Med. Ind. Pop.—Mt. Vernon	04
County—Westchester:	
Parts:	
C.T. 25-36	
C.T. 40-41	
Med. Ind. Migr. Pop.—S.W. Orange	04
County—Orange:	
Parts:	
Chester Twn.	
Goshen Twn.	
Monroe Twn.	
Warwick Twn.	
Pov. Pop.—Hamilton Hill/Mt. Pleasant	01
County—Schenectady:	
Parts:	
C.T. 207-209	
C.T. 210.01-210.02	
C.T. 211.03	
C.T. 214-217	
Pov. Pop.—Syracuse	04
County—Onondaga:	
Parts:	
Pov. Pop.—City of Syracuse	
Pov. Pop.—Lower West Side	03
County—Erie:	
Parts:	
C.T. 68	
C.T. 71.01-71.02	
C.T. 72.01	
Pov. Pop.—(P.S. 84 Area)	01
County—Erie:	
Parts:	
C.T. 27.02	
C.T. 32.01-32.02	
C.T. 33.01-33.02	
C.T. 34-36	
C.T. 39-41	
C.T. 44.02	
Pov. Pop.—Ellicott Neighborhood	03
County—Erie:	
Parts:	
C.T. 12	
C.T. 13.01-13.02	
C.T. 14.01-14.02	
C.T. 15	
C.T. 25.01-25.02	
C.T. 26	
C.T. 27.01	
C.T. 31	
Seneca Nation—Allegany Res	02
County—Cattaraugus	

PRIMARY CARE: New York

Facility Listing

Facility name	Degree of shortage group
Attica Corr. Fac	02
County—Wyoming	
Bellevue Hosp. Ctr	03
County—New York	
Gouverneur Diag. & Treatment Ctr	03

PRIMARY CARE: New York—Continued

Facility Listing

Facility name	Degree of shortage group
County—New York	

PRIMARY CARE: North Carolina

County name	Degree of shortage group
Alexander	03
Anson	02
Ashe	03
Beaufort:	
Service Area: Belhaven	01
Service Area: Richland	03
Bertie	02
Bladen	01
Buncombe:	
Service Area: Bat Cave	01
Caldwell:	
Service Area: Western Caldwell	01
Caswell	01
Chatham	03
Clay	01
Cleveland:	
Population Group: Med. Ind. Pop.—Cleveland Co	02
Cumberland:	
Service Area: S.E. Cumberland	02
Currituck	02
Dare:	
Service Area: Hatteras	02
Service Area: Manns Harbor	03
Duplin	03
Durham:	
Service Area: Lincoln	02
Edgecombe	01
Franklin	02
Gates	02
Graham	04
Granville	03
Greene	01
Halifax:	
Service Area: Littleton	01
Harnett:	
Service Area: Western Harnett	01
Henderson:	
Service Area: Bat Cave	01
Hoke	01
Hyde	01
Johnston:	
Service Area: Benson	01
Population Group: Migr. & Seas. Farmworkers—Johnston Co	01
Jones	01
Martin	03
Mecklenburg:	
Service Area: Central Charlotte	01
Mitchell:	
Service Area: Tipton Hill	01
Montgomery	04
Nash:	
Population Group: Migr. Pop.—Nash/Wilson	01
Northampton	01
Onslow:	
Service Area: Holly Ridge	01
Service Area: Onslow	04
Pender:	
Service Area: Holly Ridge	01
Service Area: Western Pender	02
Perquimans	01
Person	03
Randolph	04
Richmond	03
Robeson:	
Population Group: Pov.—Robeson Co	03
Population Group: Migr. & Seas. Farmworkers—Sampson Co	01
Stokes	02
Swain	02
Tyrrell	01
Warren:	
Service Area: Littleton	01
Service Area: Warrenton	01
Washington	04

PRIMARY CARE: North Carolina—Continued

County name	Degree of shortage group
Wilson:	
Population Group: Migr. Pop.—Nash/Wilson	01
Yadkin	04
Yancey:	
Service Area: Tipton Hil	01

PRIMARY CARE: North Carolina

Service Area Listing

Service area name	Degree of shortage group
Bat cave	01
County—Buncombe:	
Parts:	
Broad River Twp.	
Fairview Twp.	
County—Henderson:	
Parts:	
Clear Creek Twp.	
Edneyville Twp.	
Belhaven	01
County—Beaufort:	
Parts:	
Bath Twp.	
Pantego Twp.	
Benson	01
County—Johnston:	
Parts:	
Banner Twp.	
Elevation, Twp.	
Meadow Twp.	
Pleasant Grove Twp.	
Central Charlotte	01
County—Mecklenburg:	
Parts:	
C.T. 1	
C.T. 4-8	
C.T. 36-37	
C.T. 38.02	
C.T. 39-42	
C.T. 43.01-43.02	
C.T. 44-52	
Hatteras	02
County—Dare:	
Parts:	
Hatteras Twp.	
Kennekeet Twp.	
Holly Ridge	01
County—Onslow:	
Parts:	
C.T. 4	01
County—Pender:	
Parts:	
Holly Twp	
Topsail Twp.	
Lincoln	02
County—Durham:	
Parts:	
C.T. 8.01-8.02	
C.T. 9	
C.T. 10.01	
C.T. 11	
C.T. 12.01-12.02	
C.T. 13.01-13.02	
C.T. 14	
Littleton	01
County—Halifax:	
Parts:	
Brinkleyville Twp.	
Butterworth Twp.	
Littleton Twp.	
County—Warren:	
Parts:	
Fishing Creek Twp.	
Judkins Twp.	
Manns Harbor	03
County—Dare:	
Parts:	
Croatan Twp.	
East Lake Twp.	
Nags Head Twp.	
Onslow	04

PRIMARY CARE: North Carolina—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Onslow:	
Parts:	
C.T. 1-3	
C.T. 5-25	
Richland	03
County—Beaufort:	
Parts:	
Richland Twp.	
S.E. Cumberland	02
County—Cumberland:	
Parts:	
Cedar Creek Twp.	
Eastover Twp.	
Grays Creek Twp.	
Tipton Hill	01
County—Mitchell:	
Parts:	
Bradshaw Twp.	
Harrell Twp.	
Poplar Twp.	
Red Hill Twp.	
County—Yancey:	
Parts:	
Brush Creek Twp.	
Green Mountain Twp.	
Jack's Creek Twp.	
Ramseytown Twp.	
Warrenton	01
County—Warren:	
Parts:	
Fork Twp.	
Hawtree Twp.	
Nutbush Twp.	
River Twp.	
Roanoke Twp.	
Sandy Creek Twp.	
Shocco Twp.	
Sixpound Twp.	
Smith Creek Twp.	
Warrenton Twp.	
Western Caldwell	01
County—Caldwell:	
Parts:	
Globe Twp.	
Johns River Twp.	
Mulberry Twp.	
Patterson Twp.	
Wilson Creek Twp.	
Western Harnett	01
County—Harnett:	
Parts:	
Anderson Creek Twp.	
Barbecue Twp.	
Johnsonville Twp.	
Lillington Twp.	
Stewarts Creek Twp.	
Upper Little River Twp.	
Western Pender	02
County—Pender:	
Parts:	
Bergan Twp.	
Canetuck Twp.	
Caswell Twp.	
Columbia Twp.	
Grady Twp.	
Long Creek Twp.	
Rocky Point Twp.	
Union Twp.	

PRIMARY CARE: North Carolina

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Cleveland Co.	02
County—Cleveland	
Migr. & Seas. Frmwkrs.—Johnson/Sampson	01
County—Johnson	
County—Sampson	
Migr. Pop.—Nash/Wilson	01

PRIMARY CARE: North Carolina—Continued

Population Group Listing

Population group	Degree of shortage group
County—Nash	
County—Wilson	
Pov. Pop.—Robeson	03
County—Robeson:	
Parts:	
Alfordsville Twp.	
Back Swamp Twp.	
Burnt Swamp Twp.	
Fairmont Twp.	
Gaddy Twp.	
Lumber Bridge Twp.	
Marietta Twp.	
Maxton Twp.	
Orrum Twp.	
Parkton Twp.	
Pembroke Twp.	
Philadelphus Twp.	
Raft Swamp Twp.	
Redsprings Twp.	
Rennert Twp.	
Rowland Twp.	
Saddletree Twp.	
Shannon Twp.	
Smiths Twp.	
St. Paul Twp.	
Sterlings Twp.	
Thompson Twp.	
Union Twp.	
West Howellsville Twp.	

PRIMARY CARE: North Dakota

County name	Degree of shortage group
Adams:	
Service Area: Lemmon (SD/ND)	03
Benson	01
Billings:	
Service Area: Belfield/Medora	01
Burke	01
Cavalier	03
Dickey:	
Service Area: Ellendale/Edgely	02
Divide	01
Dunn	01
Eddy	04
Foster:	
Service Area: Carrington	04
Golden Valley	02
Grand Forks:	
Service Area: Northwood	02
Grant	01
Griggs	04
Hettinger	01
Kidder:	
Service Area: Carrington	04
La Moure:	
Service Area: Ellendale/Edgely	02
Logan	01
McHenry	04
McKenzie	04
McLean	02
Mercer:	
Service Area: Mercer/Oliver	02
Morton	03
Mountrail	01
Nelson:	
Service Area: Northwood	02
Oliver:	
Service Area: Mercer/Oliver	02
Renville	02
Sargent	01
Sheridan	01
Sioux	01
Slope	01
Stark:	
Service Area: Belfied/Medora	01
Steele:	
Service Area: Northwood	02
Stutsman:	
Service Area: Carrington	04

PRIMARY CARE: North Dakota—Continued

County name	Degree of shortage group
Wells:	
Service Area: Carrington	04

PRIMARY CARE: North Dakota

Service Area Listing

Service area name	Degree of shortage group
Belfield/Medora	01
County—Billings:	
County—Stark:	
Parts:	
Belfield City	
West Stark Unorg. (W. 1/4)	
Carrington	04
County—Foster	
County—Kidder:	
Parts:	
Frettim Twp.	
Lake Williams Twp.	
Petersville Twp.	
Pettibone City	
Pettibone Twp.	
Rexine Twp.	
Wallace Twp.	
County—Stutsman:	
Parts:	
Conklin Twp.	
Corinne Twp.	
Edmunds Twp.	
Gerder Twp.	
Glacier Twp.	
Kensal City	
Kensal Twp.	
Lowery Twp.	
Marston Moor Twp.	
Nogosek Twp.	
Pingree City	
Pingree Twp.	
Pipestream Valley Twp.	
Strong Twp.	
Wadsworth Twp.	
Walters Twp.	
Woodworth City	
County—Wells:	
Parts:	
Berlin Twp.	
Bilodeau Twp.	
Cathay City	
Cathay Twp.	
Haaland Twp.	
Hawksnest Twp.	
Johnson Twp.	
Progress Twp.	
South Cottonwood Twp.	
Speedwell Twp.	
Sykeston City	
Sykeston Twp.	
West Ontario Twp.	
Woodward Twp.	
Ellendale/Edgely	02
County—Dickey:	
Parts:	
Ada Twp.	
Albertha Twp.	
Albion Twp.	
Elden Twp.	
Ellendale City	
Ellendale Twp.	
Elm Twp.	

PRIMARY CARE: North Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Forbes City	
Fullerton City	
German Twp.	
Grand Valley Twp.	
Hamburg Twp.	
Kent Twp.	
Kentner Twp.	
Keystone Twp.	
Lorraine Twp.	
Maple Twp.	
Monango City	
Merricourt City	
Northwest Twp.	
Porter Twp.	
Potsdam Twp.	
Spring Valley Twp.	
Valley Twp.	
Van Meter Twp.	
Whitestone Twp.	
Wright Twp.	
Yorktown Twp.	
Young Twp.	
County—La Moure:	
Parts:	
Edgely City	
Golden Glen Twp.	
Nora Twp.	
Pomona View Twp.	
Ray Twp.	
Wano Twp.	
Willowbank Twp.	
Lemmon (SD/ND)	03
County—Adams:	
Parts:	
East Adams Unorg. (S. 1/2)	
Gilstrap Twp.	
North Lemmon Twp.	
Orange Twp.	
South Fork Twp.	
Mercer/Oliver	02
County—Mercer	
County—Oliver	
Northwood	02
County—Grand Forks:	
Parts:	
Arvilla Twp.	
Avon Twp.	
Elm Grove Twp.	
Grace Twp.	
Larrimore City	
Larrimore Twp.	
Lind Twp.	
Logan Center Twp.	
Loretta Twp.	
Moraine Twp.	
Niagara City	
Niagara Twp.	
Northwood City	
Northwood Twp.	
Pleasant View Twp.	
Washington Twp.	
County—Nelson:	
Parts:	
Aneta City	
Ora Twp.	
Rugh Twp.	
County—Steele:	
Parts:	
Beaver Creek Twp.	
Newburgh Twp.	
Sharon City	
Sharon Twp.	
Westfield Twp.	

PRIMARY CARE: Ohio

County name	Degree of shortage group
Adams	03
Allen:	
Service Area: South Side Lima	01
Facility: Lima Corr. Fac	02

PRIMARY CARE: Ohio—Continued

County name	Degree of shortage group
Ashtabula:	
Service Area: Orwell	02
Brown	03
Butler:	
Service area: Eastern Hamilton City	01
Carroll	04
Clark:	
Population Group: Pov. Pop.—Springfield	01
Clermont:	
Service Area: Blanchester	02
Service Area: Southern Clermont Co	02
Clinton:	
Service Area: Blanchester	02
Columbiana:	
Service Area: East Liverpool (OH/PA)	03
Crawford:	
Service Area: Willard	03
Cuyahoga:	
Service Area: Central/Fairfax/Kinsman	01
Service Area: Clark Fulton/Denison/Tremont	01
Service Area: Glenville	01
Service Area: Hough/Norwood	01
Service Area: Near West/West Side	02
Population Group: Pov. Pop.—Collinwood	01
Facility: Rainbow Babies/Children Hosp	01
Darke	03
Franklin:	
Service Area: Lower Linden (N.E. Columbus)	04
Hamilton:	
Service Area: East End (Cincinnati)	02
Service Area: East/Lower Price Hill	01
Service Area: Lincoln Heights (Cincinnati)	01
Service Area: Millvale	01
Service Area: Winton Hills (Cincinnati)	01
Hardin	03
Harrison	03
Henry	03
Highland:	
Population Group: Med. Ind. Pop.—Highland Co	03
Hocking	02
Holmes	03
Huron:	
Service Area: Willard	03
Jackson	03
Jefferson:	
Service Area: Berholz/Amsterdam	03
Jefferson:	
Service Area: East Liverpool (OH/PA)	03
Lawrence	02
Lorain:	
Population Group: Medicaid Elig. Pop.—Lorain City	04
Lucas:	
Service Area: Center City/Dorr-Toledo	04
Service Area: Near South Side-Toledo	03
Mahoning:	
Service Area: Eastside Youngstown	01
Meigs	02
Monroe:	
Service Area: New Matamoras	01
Service Area: Woodsfield	02
Montgomery:	
Service Area: West Dayton	03
Morgan	02
Morrow	04
Paulding	03
Perry	02
Pike	03
Preble	04
Putnam	03
Richland:	
Service Area: Willard	03
Facility: Ohio State Reformatory	02
Ross:	
Population Group: Medicaid Elig. Pop.—Ross Co	02
Facility: Chillicothe Corr. Inst	03
Scioto:	
Facility: Southern Ohio Corr. Inst	03
Seneca:	
Service Area: Willard	03
Trumbull:	
Service Area: Orwell	02
Service Area: The Flats (Waren)	01
Vinton	02
Warren:	
Service Area: Blanchester	02
Washington:	
Service Area: New Matamoras	01

PRIMARY CARE: Ohio—Continued

County name	Degree of shortage group
Wood:	
Service Area: Tiffin/Fostoria	03

PRIMARY CARE: Ohio

Service Area Listing

Service area name	Degree of shortage group
Berholz/Amsterdam	03
County—Jefferson:	
Parts:	
Ross Twp.	
Springfield Twp.	
Blanchester	02
County—Clermont:	
Parts: Wayne Twp.	
County—Clinton:	
Parts: Marion Twp.	
County—Warren:	
Parts: Harland Twp.	
Center City/Dorr-Toledo	04
County—Lucas:	
Parts:	
C.T. 27-28	
C.T. 31-37	
C.T. 39	
Central/Fairfax/Kinsman	01
County—Cuyahoga:	
Parts:	
C.T. 1079	
C.T. 1087-1089	
C.T. 1091-1093	
C.T. 1096-1099	
C.T. 1101-1103	
C.T. 1129	
C.T. 1131-1139	
C.T. 1141-1145	
C.T. 1147-1148	
Clark Fulton/Denison/Tremont	01
County—Cuyahoga:	
Parts:	
C.T. 1027-1029	
C.T. 1041-1049	
C.T. 1051-1056	
East End (Cincinnati)	02
County—Hamilton:	
Parts:	
C.T. 43-44	
C.T. 47.02	
East Liverpool (OH/PA)	03
County—Columbiana:	
Parts:	
Center Twp.	
East Liverpool City	
Elk Run Twp.	
Franklin Twp.	
Hanover Twp. (S. ½)	
Liverpool Twp.	
Madison Twp.	
Middleton Twp.	
St. Clair Twp.	
Washington Twp.	
Wayne Twp.	
Wellsville City	
Yellow Creek Twp.	
County—Jefferson:	
Parts:	
Brush Creek Twp.	
Saline Twp.	
East/Lower Price Hill	01
County—Hamilton:	
Parts:	
C.T. 87 (Fairmont—South)	
C.T. 89 (Fairmont—South)	
C.T. 91 (Price Hill—Tower)	
C.T. 92	
C.T. 93-96 (Price Hill—East)	
C.T. 103 (Riverside—Setamsville)	
Eastern Hamilton City	01

PRIMARY CARE: Ohio—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Butler:	
Parts:	
C.T. 3-4	
C.T. 6	
C.T. 7.01-7.02	
Eastside Youngstown	01
County—Mahoning:	
Parts: C.T. 8001-8008 (Youngstown)	
Glenville	01
County—Cuyahoga:	
Parts:	
C.T. 1114	
C.T. 1161-1168	
C.T. 1181-1185	
Hough/Norwood	01
County—Cuyahoga:	
Parts:	
C.T. 1112-1113	
C.T. 1115-1119	
C.T. 1121	
C.T. 1123-1128	
C.T. 1186	
C.T. 1189	
Lincoln Heights (Cincinnati)	01
County—Hamilton	
Parts: C.T. 227 (Lincoln Heights)	
Lower Linden (N.E. Columbus)	04
County—Franklin:	
Parts:	
C.T. 7.10-7.30	
C.T. 9.10-9.20	
C.T. 14.00-15.00	
C.T. 75.11	
C.T. 75.20	
Millvale	01
County—Hamilton:	
Parts:	
C.T. 28	
C.T. 77	
C.T. 85.02	
C.T. 86.01	
Near South Side—Toledo	03
County—Lucas:	
Parts:	
C.T. 38	
C.T. 40-42	
C.T. 54	
Near West/West Side	02
County—Cuyahoga:	
Parts:	
C.T. 1012	
C.T. 1014-1019	
C.T. 1021-1026	
C.T. 1031-1039	
New Matamoras	01
County—Monroe:	
Parts:	
Benton Twp.	
Jackson Twp.	
County—Washington	
Parts:	
Grandview Twp.	
Independence Twp.	
Liberty Twp.	
Ludlow Twp.	
Orwell	02
County—Ashtabula:	
Parts:	
Colebrook Twp.	
Hartsgrove Twp.	
New Lyme Twp.	
Orwell Twp.	
Roaming Shores Vil.	
Rome Twp.	
Windsor Twp.	
County—Trumbull:	
Parts:	
Bloomfield Twp.	
Greene Twp.	
Gustavus Twp.	
South Side Lima	01
County—Allen:	
Parts:	
C.T. 117	
C.T. 135-136	
Southern Clermont Co	02

PRIMARY CARE: Ohio—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clermont:	
Parts:	
Franklin Twp. (Pt. of C.T. 420)	
Monroe Twp. (C.T. 417)	
Ohio Twp. (C.T. 416)	
Tate Twp. (C.T.'s 418 & 419)	
Washington Twp. (Pt. of C.T. 420)	
The Flats (Warren)	01
County—Trumbul:	
Parts: C.T. 9205-9206	
West Dayton	03
County—Montgomery:	
Parts:	
C.T. 4-6	
C.T. 13	
C.T. 14.02	
C.T. 15-17	
C.T. 19-23	
C.T. 25-26	
C.T. 28-33	
C.T. 702.01-702.02	
C.T. 703	
Willard	03
County—Crawford:	
Parts: Auburn Twp. (N ½)	
County—Huron:	
Parts:	
Fairfield Twp.	
Greenfield Twp.	
Greenwich Twp.	
New Haven Twp.	
Norwich Twp.	
Richmond Twp.	
Ripley Twp.	
Willard City	
County—Richland:	
Parts:	
Blooming Grove Twp.	
Butler Twp.	
Cass Twp. (N ½)	
Plymouth Twp. (N ½)	
County—Seneca:	
Parts:	
Reed Twp.	
Venice Twp.	
Winton Hills (Cincinnati)	01
County—Hamilton:	
Parts: C.T. 80 (Winton Hills)	
Woodsfield	02
County—Monroe:	
Parts:	
Adams Twp.	
Bethel Twp.	
Center Twp.	
Franklin Twp.	
Green Twp.	
Lee Twp.	
Malaga Twp.	
Ohio Twp.	
Perry Twp.	
Salem Twp.	
Seneca Twp.	
Summit Twp.	
Sunsburg Twp.	
Switzerland Twp.	
Washington Twp.	
Wayne Twp.	

PRIMARY CARE: Ohio

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop.—Highland Co	03
County—Highland	
Medicaid Elig. Pop.—Ross Co	02
County—Ross	
Medicaid Elig. Pop.—Lorain City	04
County—Lorain:	
Parts: Lorain City	
Pov. Pop.—Collinwood	01

PRIMARY CARE: Ohio—Continued

Population Group Listing

Population group	Degree of shortage group
County—Cuyahoga:	
Parts:	
C.T. 1169	
C.T. 1171-1179	
C.T. 1261	
Pov. Pop.—Springfield	01
County—Clark:	
Parts:	
C.T. 1-3	
C.T. 8	
C.T. 9.01-9.02	
C.T. 10	
C.T. 11.01-11.02	
C.T. 12	

PRIMARY CARE: Ohio

Facility Listing

Facility name	Degree of shortage group
Chillicothe Corr. Inst	03
County—Ross	
Lima Corr. Facility	02
County—Allen	
Ohio State Reformatory	02
County—Richland	
Rainbow Babies/Children Hosp	01
County—Cuyahoga	
Southern Ohio Corr. Inst	03
County—Scioto	

PRIMARY CARE: Oklahoma

County name	Degree of shortage group
Atoka	03
Facility: Stringtown Corr. Ctr	03
Beaver	04
Cleveland:	
Facility: Joseph Harp Corr. Ctr	01
Facility: Lexington Corr Ctr	02
Coal	03
Greer:	
Facility: OK. State Pen (Granite)	02
Haskell	03
Latimer	04
Le Flore:	
Service Area: South Le Flore	01
Logan	03
McClain	04
Mayes:	
Service Area: Chelsa/New Alluwe	01
Nowata:	
Service Area: Chelsa/New Alluwe	01
Oklahoma:	
Service Area: S.E. Oklahoma City	01
Facility: Mabel Bassett Corr. Ctr	03
Osage:	
Facility: Conners Corr. Ctr	02
Pushmataha:	
Service Area: Clayton	01
Roger Mills	02
Rogers:	
Service Area: Chelsa/New Alluwe	01
Texas:	
Service Area: Texhoma	01
Tillman	03
Tulsa:	
Service Area: North Central Tulsa	02
Population Group: Am. In. Pop.—Tulsa	01
Washita:	
Service Area: Southwest Washita	01

PRIMARY CARE: Oklahoma

Service Area Listing

Service area name	Degree of shortage group
Chelsa/New Alluwe	01
County—Mayes:	
Parts: E.D. 12 (Adair CCD)	
County—Nowata:	
Parts: E.D. 14 (Alluwe CCD)	
County—Rogers:	
Parts: E.D. 1-4 (Chelsea CCD)	
Clayton	01
County—Pushmataha:	
Parts: No. Pushmataha CCD	
North Central Tulsa	02
County—Tulsa:	
Parts:	
C.T. 2-10	
C.T. 12-14	
C.T. 57	
C.T. 62	
C.T. 79	
C.T. 80.01-80.02	
C.T. 91.01	
S.E. Oklahoma City	01
County—Oklahoma:	
Parts:	
C.T. 1037-1040	
C.T. 1047-1049	
C.T. 1053-1054	
C.T. 1072.09	
C.T. 1073.02	
South Le Flore	01
County—Le Flore:	
Parts:	
South Le Flore CCD	
Talihina CCD	
Southwest Washita	01
County—Washita:	
Parts: Southwest Washita CCD	
Texhoma	01
County—Texas:	
Parts: West Texas CCD	

PRIMARY CARE: Oklahoma

Population Group Listing

Population group	Degree of shortage group
Am. Indian Pop.—Tulsa	01
County—Tulsa	

PRIMARY CARE: Oklahoma

Facility Listing

Facility name	Degree of shortage group
Conners Corr. Ctr	02
County—Osage	
Joseph Harp Corr. Ctr	01
County—Cleveland	
Lexington Corr. Ctr	02
County—Cleveland:	
Parts:	
Lexington Assessment/Recep. Ctr.	
Lexington Corr. Ctr.	
Mabel Bassett Corr. Ctr	03
County—Oklahoma	
OK. State Pen. (Granite)	02
County—Greer	
Stringtown Corr. Ctr	03

PRIMARY CARE: Oklahoma—Continued

Facility Listing

Facility name	Degree of shortage group
County—Atoka	

PRIMARY CARE: Oregon

County name	Degree of shortage group
Baker:	
Service Area: Halfway	01
Benton:	
Service Area: Alsea	01
Service Area: Blodgett/Eddyville	01
Service Area: Junction City/Harrisburg/Monroe	03
Clackamas:	
Service Area: Estacada	03
Service Area: Mt. Hood	02
Population Group: Migr. Seas. Fmwkrs. Pop.—Clackamas/Yamhill	03
Columbia:	
Service Area: Veronia	04
Coos:	
Service Area: Powers	01
Douglas:	
Population Group: Cow Creek Band Umpqua Indians	01
Gilliam:	
Service Area: Arlington	01
Service Area: Condon	01
Grant:	
Service Area: Long Creek	01
Harney:	
Service Area: South Harney	01
Population Group: Burns Paiute Res	01
Hood River:	
Population Group: Migr. Seas. Farmwks. Pop.—Hood River Co	01
Jackson:	
Service Area: Applegate—Williams	01
Service Area: Shady Cove	02
Jefferson:	
Population Group: Am. Indian Pop.—Warm Springs Res	01
Josephine:	
Service Area: Applegate—Williams	01
Service Area: Cave Junction	03
Klamath:	
Service Area: Bly	01
Service Area: Chiloquin	01
Lake:	
Service Area: Silver Lake	01
Lane:	
Service Area: Junction City/Harrisburg/Monroe	03
Service Area: Lowell	01
Service Area: McKenzie	01
Service Area: Oakridge	03
Service Area: Triangle Lake/Swisshome	03
Service Area: Veneta	04
Lincoln:	
Service Area: Blodgett-Eddyville	01
Population Group: Confed. Tribes—Siletz Res	01
Linn:	
Service Area: Brownville	04
Service Area: Junction City/Harrisburg/Monroe	03
Service Area: Mill City/Gates	01
Malheur:	
Service Area: Jordan Valley	01
Service Area: Nyssa	01
Service Area: Vale	02
Population Group: Migr. Seas. Fmwkrs.—N. Treasure Valley (Or/Id)	01
Marion:	
Service Area: Detroit	01
Service Area: Mill City/Gates	01
Population Group: Migr Seas. Fmwkr/Marion-Polk	01
Facility: St. Penitentiary/Womens Corr. Ctr	02
Facility: State Corr. Inst	02
Morrow:	
Service Area: Boardman	01
Multnomah:	
Service Area: Burnside—Portland	03
Polk:	
Service Area: Willamina	01

PRIMARY CARE: Oregon—Continued

County name	Degree of shortage group
Population Group: Confed. Tribes of Grande Ronde Res.	01
Population Group: Migr. Seas. Fmwkrs—Marion-Polk	01
Sherman:	
Service Area: Moro/Grass Valley	01
Tillamook:	
Service Area: Pacific City/Cloverdale	03
Umatilla:	
Population Group: Am. Indian Pop.—Umatilla Co.	01
Population Group: Migr. Seas. Fmwkrs. Pop.—W. Umatilla Co.	01
Population Group: Migr. Seas. Fmwkrs.—Walla Walla	01
Union:	
Service Area: Cove/Union	01
Wasco:	
Service Area: Maupin	02
Population Group: Am. Indian Pop.—Warm Springs Res.	01
Population Group: Migr. Seas. Fmwkrs. Pop.	01
Washington:	
Service Area: Vernonia	04
Population Group: Migr. Seas. Fmwkrs. Pop.	01
Wheeler:	
Service Area: Fossil	01
Service Area: Mitchell	01
Yamhill:	
Service Area: Williamina	01
Population Group: Confed. Tribes of Grande Ronde Res.	01
Population Group: Migr. Seas. Fmwkrs. Pop.—Clackamas/Yamill	01

PRIMARY CARE: Oregon

Service Area Listing

Service area name	Degree of shortage group
Alsea	01
County—Benton:	
Parts:	
S.W. Benton Div. (W ⅓)	01
Applegate-Williams	01
County—Jackson:	
Parts:	
Southwest Jackson Div. (SW Pt.)	
County—Josephine	
Parts:	
Williams	
Arlington	01
County—Gilliam:	
Parts:	
Arlington Div.	
Blodgett/Eddyville	01
County—Benton	
Parts:	
North Benton Div. (W ¼)	
County—Lincoln:	
Parts:	
Eddyville Div. (E ½)	
Bly	01
County—Klamath	
Parts:	
Langell CCD	
Boardman	01
County—Morrow:	
Parts:	
Boardman Div	
Brownsville	04
County—Linn:	
Parts:	
Brownsville CCD	
Burnside—Portland	03
County—Multnomah	
Parts:	
C.T. 21	
C.T. 51	
Cave Junction	03

PRIMARY CARE: Oregon—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Josephine:	
Parts:	
Cave Junction Div.	
E.D. 21 (Wilderville Div.)	
Chiloquin	01
County—Klamath:	
Parts:	
Chiloquin Div.	
Cresent Lake Div. (S. Pt.)	
Keno Div. (N. Pt.)	
Condon	01
County—Gilliam:	
Parts:	
Condon Div.	
Cove/Union	01
County—Union:	
C.T. 51	
Cave Junction	03
County—Josephine:	
Parts:	
Cave Junction Div.	
E.D. 21 (Wilderville Div.)	
Chiloquin	01
County—Klamath:	
Parts:	
Chiloquin Div.	
Cresent Lake Div. (S. Pt.)	
Keno Div. (N. Pt.)	
Condon	01
County—Gilliam:	
Parts:	
Condon Div.	
Cove/Union	01
County—Union:	
Parts:	
Cove Div.	
Union Div.	
Detroit	01
County—Marion:	
Parts:	
Mill City Div. (E ½)	
Estacada	03
County—Clackamas:	
Parts:	
Estacada Div.	
Fossil	01
County—Wheeler:	
Parts:	
Fossil Div.	
Halfway	01
County—Baker:	
Parts:	
Eagle Valley CCD	
Halfway CCD	
Jordan Valley	01
County—Malheur:	
Parts:	
Jordan CCD	
Junction City/Harrisburg/Monroe	03
County—Benton:	
Parts:	
SE Benton Div. (S ½)	
County—Lane:	
Parts:	
Junction City Div	
Mid. Suisslaw/Tri. Lake (ED 664)	
County—Linn:	
Parts:	
Harrisburg Div. (S ½)	
Long Creek	01
County—Grant:	
Parts:	
Long Creek Div.	
Lowell	01
County—Lane:	
Parts:	
Lowell Div.	
Maupin	02
County—Wasco:	
Parts:	
Dufur Div. (S. ½)	
McKenzie	01
County—Lane:	
Parts:	
C.T. 1 (McKenzie)	
Mill City/Gates	01

PRIMARY CARE: Oregon—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Linn:	
Parts:	
Mill City Div. (W Cent. Pt.)	
County—Marion:	
Parts:	
Mill City Div. (W. Cent. Pt.)	
Mitchell	01
County—Wheeler:	
Parts:	
Mitchell Div.	
Moro/Grass Valley	01
County—Sherman:	
Parts:	
Moro Div.	
Mt. Hood	02
County—Clackamas:	
Parts:	
Mt. Hood Div.	
NYSSA	01
County—Malheur:	
Parts:	
Adrian Div.	
Nyssa Div.	
Owyhee Div.	
Oakridge	03
County—Lane:	
Parts:	
Oakridge Div.	
Pacific City/Cloverdale	03
County—Tillamook:	
Parts:	
Beaver Div. (S ½)	
Neskowin Div.	
Powers	01
County—Coos:	
Parts:	
Powers Div.	
Shady Cove	02
County—Jackson:	
Parts:	
Butte Falls-Prospect Div. (N ⅔)	
Shady Cove Div.	
Silver Lake	01
County—Lake:	
Parts:	
Silver Lake-Ft. Rock CCD	
South Harney	01
County—Harney:	
Parts:	
Diamond Div.	
Triangle Lake-Swisshome	03
County—Lane:	
Parts:	
Mid. Siuslaw/Tri Lake Div.	
Vale	02
County—Malheur:	
Parts:	
Brogan Div.	
Juntura Div.	
Vale Div.	
West Vale Div.	
Veneta	04
County—Lane:	
Parts:	
C.T. 8 (W ½)	
C.T. 9.02	
Veneta City	
Vernonia	01
County—Columbia:	
Parts:	
E.D. 159A (Clatskanie Div.)	
Vernonia Div.	
County—Washington:	
Parts:	
E.D. 855 (Coast Range Div.)	
Willamina	01

PRIMARY CARE: Oregon—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Polk:	
Parts:	
Willamina Div.	
County—Yamhill:	
Parts:	
Sheridan Div. (W ⅗)	

PRIMARY CARE: Oregon

Population Group Listing

Population group	Degree of shortage group
Am. Indian Pop.—Umatilla	01
County—Umatilla:	
Parts:	
Res. Div.	
Am Indian Pop.—Warm Springs Res.	01
County—Jefferson:	
Parts:	
Warm Spring Div.	
County—Wasco:	
Parts:	
Warm Springs Div.	
Burns Paiute Res.	01
County—Harney:	
Parts:	
Burns Paiute Indian Colony	
Confed. Tribes—Siletz Res.	01
County—Lincoln:	
Confed. Tribes—Grande Ronde Res.	01
County—Polk:	
County—Yamhill:	
Cow Creek Band Umpqua Indians	01
County—Douglas:	
Migr. Seas. Fmwkrs.—Marion/Polk	01
County—Marion:	
County—Polk	
Migr. Seas. Fmwkrs.—Washington Co.	01
County—Washington:	
Migr. Seas. Fmwkrs.	01
County—Hood River:	
County—Wasco:	
Parts:	
Migr. Seas. Fmwkrs.—Dalles Div.	
Migr. Seas. Fmwkrs.—Dufur Div.	
Migr. Seas. Fmwkrs.—W. Umatilla	01
County—Umatilla:	
Parts:	
Northwest Umatilla Div.	
Pendleton Div.	
Pilot Rock Div.	
Migr. Seas. Fmwkrs.—Clackamas/Yamhill	03
County—Clackamas:	
County—Yamhill:	
Migr. Seas. Fmwkrs.—N. Treasure Valley (Or/Id)	01
County—Malheur:	
Migr. Seas. Fmwkrs.—Walla Walla (Or/Wa)	01
County—Umatilla:	
Parts:	
Athena Div.	
Northeast Umatilla Div.	
Umapine Div.	
Weston Div.	

PRIMARY CARE: Oregon

Facility Listing

Facility name	Degree of shortage group
St. Penitentiary/Womens Corr. Ctr.	02
County—Marion	
State Corr. Inst.	02

PRIMARY CARE: Oregon—Continued

Facility Listing

Facility name	Degree of shortage group
County—Marion	

PRIMARY CARE: Pennsylvania

County name	Degree of shortage group
Adams:	
Service Area: North Adams	03
Allegheny:	
Service Area: Arlington Heights/St. Clair	01
Service Area: Hill Dist./Terrance Village	01
Service Area: Homewood-Brushton	02
Service Area: Manchester	01
Service Area: McKees Rocks-Stowe	02
Service Area: Southwest Pittsburgh	02
Population Group: Medicaid Elig. Pop.—E. Liberty	01
Armstrong:	
Service Area: Armstrong-Clarion	02
Service Area: Butler—Ne Portion	03
Service Area: Dayton Rural Valley	04
Service Area: Kiski Valley	02
Service Area: Punxsutawney	03
Beaver:	
Service Area: East Liverpool (OH/PA/W/ VA)	03
Bedford:	
Service Area: Broad Top (Area 22)	02
Service Area: Hyndman	01
Butler:	
Service Area: Butler—Ne Portion	03
Cameron:	
Service Area: Austin-Emporium	02
Carbon:	
Service Area: Kidder	02
Centre:	
Service Area: Penns Valley	03
Service Area: Snow Shoe	01
Clarion:	
Service Area: Armstrong-Clarion	02
Service Area: Forest-Clarion	02
Clearfield:	
Service Area: Mahaffey	01
Service Area: S. Central Clearfield	03
Service Area: Snow Shoe	01
Clinton:	
Service Area: Austin-Emporium	02
Service Area: Renovo	02
Columbia:	
Service Area: Shamokin	03
Crawford:	
Service Area: Conneautville	02
Service Area: East Crawford	02
Dauphin:	
Service Area: Millersburg	02
Delaware:	
Service Area: City of Chester	02
Elk:	
Service Area: Forest-Clarion	02
Erie:	
Service Area: Southern Erie	04
Population Group: Medicaid Elig. Pop.—Erie City	03
Fayette:	
Service Area: Connellsville	04
Service Area: Greensboro	02
Service Area: Markleysburg	02
Service Area: Uniontown	04
Forest:	
Service Area: Forest-Clarion	02
Franklin:	
Service Area: Valleys Community	04
Fulton:	
Service Area: Hancock	02
Greene:	
Service Area: Clay/Battelle (W.VA/PA)	02
Service Area: Greensboro	02
Huntingdon:	
Service Area: Big Valley	04
Service Area: Broad Top (Area 22)	02
Service Area: Cromwell (Plannq Area 25)	01
Indiana:	
Service Area: Indiana-N Portion	02
Service Area: Mahaffey	01
Service Area: Punxsutawney	03

PRIMARY CARE: Pennsylvania—Continued

County name	Degree of shortage group
Service Area: Southern Indiana	03
Jefferson:	
Service Area: Punxsutawney	03
Service Area: Reynoldsville	02
Juniata:	
Service Area: Mt. Pleasant Mills-Middleburg	02
Lackawanna:	
Service Area: Carbondale	04
Service Area: Moscow	02
Lancaster:	
Service Area: Welsh Mountain	02
Population Group: Span. Spk. Pop.—S.E. Lancaster City	01
Lebanon:	
Service Area: Northern Lebanon	02
Luzerne:	
Service Area: Exeter	03
Service Area: Kidder	02
Service Area: Monroe/Noxen	03
Mckean:	
Service Area: Central Mckean	04
Service Area: Shinglehouse	02
Mercer:	
Population Group: Med. Elig. Pop.—Sharon/Farrell	04
Mifflin:	
Service Area: Big Valley	04
Monroe:	
Service Area: Kidder	02
Northumberland:	
Service Area: Herndon	02
Service Area: Millersburg	02
Service Area: Shamokin	03
Philadelphia:	
Service Area: Lower N. Philadelphia	02
Service Area: Mantua/Belmont	02
Service Area: South Philadelphia	04
Service Area: Upper N. Philadelphia	04
Service Area: West Philadelphia	01
Potter:	
Service Area: Austin-Emporium	02
Service Area: Shinglehouse	02
Service Area: Westfield	02
Schuylkill:	
Service Area: Herndon	02
Snyder:	
Service Area: Mt. Pleasant Mills-Middleburg	02
Somerset:	
Service Area: Confluence (Area 7)	02
Service Area: Hyndman	01
Sullivan:	02
Susquehanna:	
Service Area: Carbondale	04
Service Area: Montrose (Area 14)	03
Tioga:	
Service Area: Blossburg	02
Service Area: Elkland (NY/PA)	02
Service Area: Mansfield	02
Service Area: Westfield	02
Wayne:	
Service Area: Carbondale	04
Service Area: Northern Wayne	02
Westmoreland:	
Service Area: Connellsville	04
Service Area: Kiski Valley	02
Wyoming:	
Service Area: Exeter	03
Service Area: Monroe/Noxen	03
York:	
Service Area: Delta	02
Service Area: York	03

PRIMARY CARE: Pennsylvania

Service Area Listing

Service area name	Degree of shortage group
Arlington Heights/St. Clair	01
County—Allegheny:	
Parts:	
C.T. 1603-1604	
C.T. 1606	
Armstrong-Clarion	02

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Armstrong:	
Parts:	
Brady's Bend Twp.	
Madison Twp.	
Perry Twp.	
Pine Twp.	
Sugarcreek Twp.	
Washington Twp.	
County—Clarion:	
Parts:	
Brady Twp.	
East Brady Twp.	
Madison Twp.	
Austin-Emporium	02
County—Cameron:	
County—Clinton:	
Parts:	
West Keating Twp.	
County—Potter:	
Parts:	
Austin Twp.	
Keating Twp.	
Portage Twp.	
Sylvania Twp.	
Wharton Twp.	
Big Valley	04
County—Huntingdon:	
Parts:	
Barree Twp.	
Brady Twp. (N¼)	
Jackson Twp.	
Miller Twp.	
County—Mifflin:	
Parts:	
Armagh Twp.	
Brown Twp.	
Menno Twp.	
Union Twp.	
Blossburg	02
County—Tioga:	
Parts:	
Bloss Twp.	
Blossburg Boro	
Covington Twp.	
Duncan Twp.	
Hamilton Twp.	
Liberty Boro.	
Liberty Twp. (Eastern ½)	
Putnam Boro.	
Union Twp.	
Ward Twp.	
Broad Top (Area 22)	02
County—Bedford:	
Parts:	
Broad Top Twp.	
Coaldale Boro.	
Hopewell Boro	
Liberty Twp.	
Saxton Boro	
County—Huntingdon:	
Parts:	
Broad Top City Boro.	
Carbon Twp.	
Cass Twp.	
Cassville Boro	
Coalmont Boro.	
Dudley Boro.	
Hopewell Twp.	
Todd Twp.	
Wood Twp.	
Butler—NE Portion	03
County—Armstrong:	
Parts:	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Hovey Twp.	
Parker City	
County—Butler:	
Parts:	
Allegheny Twp.	
Bruin Boro.	
Cherry Valley Boro.	
Chicora Boro.	
Concord Twp.	
Donegal Twp.	
Eau Claire Boro.	
Fairview Boro.	
Fairview Twp.	
Karns City Boro.	
Parker Twp.	
Petrolia Boro.	
Venango Twp.	
Washington Twp.	
Carbondale	04
County—Lackawanna:	
Parts:	
Archbald Boro	
Carbondael City	
Carbondale Twp.	
Fell Twp.	
Gleenfield Twp.	
Jermyn Boro.	
Mayfield Boro.	
Scott Twp.	
Vandling Boro.	
County—Susquehanna:	
Parts:	
Clifford Twp.	
Forest City Boro.	
Union Dale Boro.	
County—Wayne:	
Parts:	
Canaan Twp.	
Clinton Twp.	
Lake Twp.	
South Canaan Twp.	
Waymart Boro.	
Central Mckean	04
County—Mckean:	
Parts:	
Annin Twp.	
Eldred Boro.	
Eldred Twp.	
Hamlin Twp. (E. ½)	
Keating Twp.	
Liberty Twp.	
MT Jewett Twp. (E. ½)	
Norwich Twp.	
Otto Twp.	
Port Allegany Boro.	
Sergeant Twp.	
Smethport Boro.	
City of Chester	02
County—Delaware:	
Parts:	
C.T. 4048	
C.T. 4049.01–4049.02	
C.T. 4050–4057	
C.T. 4058.01–4058.02	
C.T. 4059–4060	
Clay/Battelle (W.VA/PA)	02
County—Greene:	
Parts:	
Aleppo Twp.	
Freeport Twp.	
Gilmore Twp.	
Jackson Twp.	
Springhill Twp.	
Confluence (Area 7)	02
County—Somerset:	
Parts:	
Addison Boro.	
Addison Twp.	
Casselman Boro.	
Confluence Boro.	
Lower Turkeyfoot Twp.	
Upper Turkeyfoot Twp.	
Conneautville	02

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Crawford:	
Parts:	
Beaver Twp.	
Conneaut Twp.	
Conneautville Boro.	
Cussewago Twp.	
Hawfield Twp. (W.½)	
Spring Twp.	
Springboro. Boro.	
Summerhill Twp.	
Connellsville	04
County—Fayette:	
Parts:	
Bullskin Twp.	
Connellsville City	
Connellsville Twp.	
Dawson Boro.	
Dunbar Boro.	
Dunbar Twp.	
Everson Boro.	
Lower Tyrone Twp.	
S. Connellsville Boro.	
Saltlick Twp.	
Springfield Twp.	
Upper Tyrone Twp.	
Vanderbuilt Boro.	
County—Westmoreland:	
Parts:	
E. Huntingdon Twp.	
Mt. Pleasant Boro.	
Mt. Pleasant Twp.	
S. Huntingdon Twp.	
Scottsdale Boro.	
Smithton Boro.	
Cromwell (Pinng Area 25)	01
County—Huntingdon:	
Parts:	
Clay Twp.	
Cromwell Twp.	
Dublin Twp.	
Orbisonia Boro	
Rockhill Boro.	
Saltillo Boro.	
Shade Gap Boro.	
Springfield Twp	
Tell Twp.	
Three Springs Boro.	
Dayton Rural Valley	04
County—Armstrong:	
Parts:	
Atwood Boro.	
Cowanshannock Twp.	
Dayton Boro.	
Redbank Twp. (⅜ Western Portion)	
Rural Valley Boro.	
Wayne Twp.	
Delta	02
County—York:	
Parts:	
Chanceford Twp.	
Cross Road Boro.	
Delta Boro.	
East Hopewell Twp.	
Fawn Grove Boro.	
Fawn Twp.	
Felton Boro.	
Lower Chanceford Twp.	
Peachbottom Twp.	
East Crawford	02
County—Crawford:	
Parts:	
Athens Twp.	
Bloomfield Twp.	
Centerville Boro.	
Richmond Twp.	
Rockdale Twp.	
Rome Twp.	
Sparta Twp.	
Spartansburg Boro.	
Steuben Twp.	
Townville Boro.	
East Liverpool (OH/PA/W. VA)	03

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Beaver:	
Parts:	
Georgetown Boro.	
Glascow Boro.	
Greene Twp. (W. ⅓).	
Hookstown Boro.	
Ohioville Boro. (W. ⅓)	
Elkland (NY/PA)	02
County—Tioga:	
Parts:	
Deerfield Twp.	
Elkland Boro.	
Elkland Twp.	
Farmington Twp.	
Knoxville Boro	
Nelson Twp.	
Osceola Twp.	
Exeter	03
County—Luzerne:	
Parts:	
Exeter Boro.	
Exeter Twp.	
Franklin Twp.	
West Wyoming Boro	
County—Wyoming:	
Parts:	
Exter Twp.	
Falls Twp.	
Forest-Clarion	02
County—Clarion:	
Parts:	
Farmington Twp.	
Knox Twp.	
Washington Twp.	
County—Elk:	
Parts: Millstone Twp.	
County—Forest:	
Parts:	
Barnett Twp.	
Green Twp.	
Howe Twp.	
Jenks Twp.	
Kingsley Twp.	
Greensboro	02
County—Fayette:	
Parts:	
German Twp.	
Masontown Boro.	
Nicholson Twp.	
Point Marion Boro.	
Springhill Twp.	
County—Green:	
Parts:	
Dunkard Twp.	
Greene Twp.	
Greensboro Boro.	
Monogahela Twp.	
Hancock	02
County—Fulton:	
Parts:	
Bethel Twp.	
Thompson Twp.	
Union Twp.	
Herndon	02
County—Northumberland:	
Parts:	
Herndon Boro.	
Jackson Twp.	
Jordan Twp.	
Little Mahanoy Twp.	
Lower Mahanoy Twp. (N.½)	
Upper Mahanoy Twp.	
W. Cameron Twp.	
Washington Twp.	
County—Schuylkill:	
Parts:	
Eldred Twp.	
Upper Mahantango Twp.	
Hill Dist./Terrace Vil	01
County—Allegheny:	
Parts:	
C.T. 304-305	
C.T. 401	
C.T. 501-504	
C.T. 508-509	
Homewood-Brushton	02

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Allegheny:	
Parts:	
C.T. 1207	
C.T. 1301-1306	
Hyndman	01
County—Bedford:	
Parts:	
Harrison Twp.	
Hyndman Boro.	
Juniata Twp.	
Londonderry Twp.	
County—Somerset:	
Parts:	
Allegeheny Twp.	
Fairhope Twp.	
New Baltimore Boro.	
Indiana—N Portion	02
County—Indiana:	
Parts:	
Cherry Tree Boro.	
Clymer Boro.	
East Mahoning Twp.	
Glen Campbell Boro.	
Grant Twp.	
Green Twp.	
Marion Center Boro.	
Montgomery Twp.	
Pine Twp.	
Plumville Boro.	
Rayne Twp.	
South Mahoning Twp.	
Washington Twp.	
Kidder	02
County—Carbon:	
Parts:	
East Side Boro.	
Kidder Twp.	
Lausanne Twp.	
Lehigh Twp.	
Penn Forest Twp.	
County—Luzerne:	
Parts:	
Buck Twp.	
Foster Twp. (E. Portion)	
White Haven Boro.	
County—Monroe:	
Parts:	
Coolbough Twp.	
Tobyhanna Twp.	
Tunkhannock Twp.	
Kiski Valley	02
County—Armstrong:	
Parts:	
Apollo Boro.	
Bethel Twp.	
Burrel Twp.	
Gilpin Twp.	
Kiskiminetas Twp.	
Leechburg Boro.	
N. Apollo Boro	
Parks Twp.	
South Bend Twp.	
County—Westmoreland:	
Parts:	
Allegheny Twp.	
Avonmore Boro.	
Bell Twp.	
E. Vandergrift Boro.	
Hyde Park Boro.	
Oklahoma Boro.	
Vandergrift Boro.	
W. Leechburg Boro.	
Washington Twp.	
Lower N. Philadelphia	02
County—Philadelphia:	
Parts:	
C.T. 125-142	
C.T.144-157	
C.T.162-169	
Mahaffey	01

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clearfield:	
Parts:	
Bell Twp.	
Burnside Boro.	
Burnside Twp.	
Ferguson Twp. (W. ¾)	
Greenwood Twp.	
Mahaffey Boro.	
N. Washington Boro.	
Newburg Boro.	
County—Indiana:	
Parts:	
Banks Twp. (E. ¼)	
Glen Campbell Boro.	
Manchester	01
County—Allegheny:	
Parts:	
C.T. 2101-2103	
C.T. 2106	
C.T. 2201-2202	
C.T. 2502	
Mansfield	02
County—Tioga:	
Parts:	
Jackson Twp.	
Lawrence Twp.	
Lawrenceville Boro.	
Mansfield Boro.	
Richmond Twp.	
Roseville Boro.	
Rutland Twp.	
Sullivan Twp.	
Tioga Boro.	
Tioga Twp.	
Mantua/Belmont	02
County—Philadelphia:	
Parts:	
C.T. 90-91	
C.T. 106-110	
Markleysburg	02
County—Fayette:	
Parts:	
Henry Clay Twp.	
Markleysburg Boro.	
Ohiopyle Boro.	
Steward Twp.	
Wharton Twp.	
McKees Rocks-Stowe	02
County—Allegheny:	
Parts:	
C.T. 4621 (Stowe Twp)	
C.T. 4626 (Stowe Twp)	
C.T. 4637-4639 (McKees Rocks Boro.)	
Millersburg	02
County—Dauphin:	
Parts:	
Berrysburg Boro.	
Elizabethville Boro.	
Gratz Boro.	
Halifax Boro.	
Halifax Twp.	
Jackson Twp. (W. ¾)	
Jefferson Twp. (W. ½)	
Lykens Twp.	
Mifflin Twp.	
Millersburg Boro.	
Reed Twp.	
Upper Paxton Boro.	
Washington Twp.	
Wayne Twp.	
County—Northumberland:	
Parts:	
Lower Mahanoy Twp. (S. ½)	
Monroe/Noxen	03
County—Luzerne:	
Parts: Harvey's Lake Boro.	
County—Wyoming:	
Parts:	
Forkston Twp. (S. ¾)	
Monroe Twp.	
Northmoreland Twp.	
Noxen Twp.	
Montrose (Area 14)	03

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Susquehanna:	
Parts:	
Auburn Twp.	
Bridgewater Twp.	
Brooklyn Twp.	
Dimock Twp.	
Forest Lake Twp.	
Franklin Twp.	
Harford Twp.	
Hop Bottom Boro.	
Jessup Twp.	
Lathrop Twp.	
Lenox Twp.	
Liberty Twp.	
Montrose Boro.	
Rush Twp.	
Silver Lake Twp.	
Springville Twp.	
Moscow	02
County—Lackawanna:	
Parts C.T. 118	
Parts: C.T. 129	
Mt. Pleasant Mills-Middleburg	02
County—Juniata:	
Parts:	
Monroe Twp.	
Susquehanna Twp.	
County—Snyder:	
Parts:	
Beaver Twp.	
Beavertown Boro.	
Centre Twp.	
Chapman Twp.	
Franklin Twp.	
Freeburg Boro.	
Middleburg Boro.	
Perry Twp.	
Union Twp.	
Washington Twp.	
West Perry Twp.	
North Adams	03
County—Adams:	
Parts:	
Arendtsville Boro.	
Bendersville Boro.	
Biglerville Boro.	
Butler Twp.	
Huntington Twp.	
Menallen Twp.	
Tyrone Twp.	
York Springs Boro.	
Northern Lebanon	02
County—Lebanon:	
Parts:	
Bethel Twp.	
Cold Spring Twp.	
East Hanover Twp.	
Jonestown Boro.	
Swatara Twp.	
Union Twp.	
Northern Wayne	02
County—Wayne:	
Parts: Buckingham Twp.	
Damascus Twp.	
Lebanon Twp.	
Manchester Twp.	
Mt Pleasant Twp.	
Preston Twp.	
Scott Twp.	
Starrucca Boro.	
Penns Valley	03
County—Centre:	
Parts:	
Center Hall Boro.	
Greg Twp.	
Haines Twp.	
Miles Twp.	
Millheim Boro.	
Penn Twp.	
Potter Twp.	
Punxsutawney	03

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Armstrong:	
Parts: Redbank Twp. (Eastern ⅓)	
County—Indiana:	
Parts:	
Banks Twp. (Western ¾)	
Canoe Twp.	
Northern Mahoning Twp. (Northern ½)	
Smicksburg Boro.	
West Mahoning Twp. (E. ¼)	
County—Jefferson:	
Parts:	
Beaver Twp. (Southern ½)	
Bell Twp.	
Big Run Boro.	
Gaskill Twp.	
Henderson Twp.	
McCalmont Twp.	
Oliver Twp.	
Perry Twp.	
Porter Twp.	
Punxsutawney Boro.	
Ringgold Twp.	
Timblin Boro.	
Worthville Boro.	
Young Twp.	
Renovo	02
County—Clinton:	
Parts:	
Chapman Twp.	
East Keating Twp.	
Grugan Twp.	
Leidy Twp.	
Noyes Twp.	
Renovo Boro.	
South Renovo Boro.	
Reynoldsville	02
County—Jefferson:	
Parts:	
Knox Twp. (E ¼)	
Pine Creek Twp. (E ½)	
Reynoldsville Boro.	
Washington Twp. (S. ½)	
Winslow Twp.	
S. Central Clearfield	03
County—Clearfield:	
Parts:	
Beccaria Twp.	
Bigler Twp.	
Chest Twp.	
Coalport Boro.	
Glen Hope Boro.	
Gulich Twp.	
Irvona Boro.	
Jordan Twp.	
Ramey Boro.	
Westover Boro.	
Shamokin	03
County—Columbia:	
Parts:	
Cleveland Twp. (S ¼)	
County—Northumberland:	
Parts:	
Coal Twp.	
Kulpmont Boro.	
Marion Heights Boro.	
Mt. Carmel Twp.	
Ralpho Twp.	
Shamokin City	
Zerbe Twp.	
Shinglehouse	02
County—McKean:	
Parts:	
Ceres Twp.	
County—Potter:	
Parts:	
Clara Twp.	
Genesee Twp.	
Oswayo Boro.	
Oswayo Twp.	
Pleasant Valley Twp.	
Sharon Twp.	
Shinglehouse Boro.	
Snow Shoe	01

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Centre:	
Parts:	
Boggs Twp. (S. ½)	
Burnside Twp.	
Curtin Twp. (E. ½)	
Snow Shoe Boro.	
Snow Shoe Twp.	
Union Twp. (S. ½)	
Unionville Boro.	
County—Clearfield:	
Parts:	
Cooper Twp. (N. ⅗)	
Covington Twp.	
Karthaus Twp.	
South Philadelphia	04
County—Philadelphia:	
Parts:	
C.T. 13-14	
C.T. 19	
C.T. 20-22	
C.T. 33	
Southern Erie	04
County—Erie:	
Parts:	
Albion Boro.	
Conneaut Twp.	
Cranesville Boro.	
Elk Creek Twp.	
Franklin Twp.	
Platea Boro.	
Springfield Twp.	
Southern Indiana	03
County—Indiana:	
Parts:	
Armagh Boro.	
Black Lick Twp.	
Blairsville Boro.	
Burrell Twp.	
Conemaugh Twp.	
East Wheatfield Twp.	
Jacksonville Boro.	
Saltsburg Boro.	
West Wheatfield Twp.	
Young Twp.	
Southwest Pittsburgh	02
County—Allegheny:	
Parts:	
C.T. 2001	
C.T. 2004-2008	
C.T. 2013-2016	
C.T. 2805	
C.T. 2807-2812	
Uniontown	04
County—Fayette:	
Parts:	
Fairchance Boro.	
Franklin Twp.	
Georges Twp.	
Luzerne Twp.	
Menallan Twp.	
North Union Twp.	
Redstone Twp.	
Smithfield Boro.	
South Union Twp.	
Uniontown City	
Upper N. Philadelphia	04
County—Philadelphia:	
Parts:	
C.T. 170-176	
C.T. 195-205	
Valleys Community	04
County—Franklin:	
Parts:	
Fannet Twp.	
Metal Twp.	
Welsh Mountain	02
County—Lancaster:	
Parts:	
Caernarvon Twp.	
Earl Twp.	
East Earl Twp.	
Salisbury Twp.	
West Philadelphia	01

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Philadelphia:	
Parts:	
C.T. 92-96	
C.T. 100-105	
C.T. 111-113	
Westfield	02
County—Potter:	
Parts:	
Harrison Twp. (½)	
Hector Twp. (½)	
County—Tioga:	
Parts:	
Brookfield Twp.	
Chatham Twp. (½)	
Clymer Twp. (½)	
Westfield Boro.	
Westfield Twp.	
York	03
County—York:	
Parts:	
C.T. 1-3	
C.T. 5	
C.T. 7	
C.T. 10	
C.T. 15-16	

PRIMARY CARE: Pennsylvania

Population Group Listing

Population group	Degree of shortage group
Medicaid Elig. Pop.—Sharon/Farrell	04
County—Mercer:	
Parts:	
Farrell City	
Sharon City	
Medicaid Elig. Pop.—Erie City	03
County—Erie:	
Parts:	
Erie City	
Medicaid Elig. Pop.—E. Liberty	01
County—Allegheny:	
Parts:	
C.T. 808	
C.T. 1006-1007	
C.T. 1104	
C.T. 1109-1110	
C.T. 1201-1204	
C.T. 1208	
Span. Spk. Pop.—S.E. Lancaster City	01
County—Lancaster:	
Parts:	
C.T. 8-9	
C.T. 15-16	

PRIMARY CARE: Rhode Island

County name	Degree of shortage group
Bristol:	
Population Group: Pov. Pop.—Bristol/E. Providence	01
Kent:	
Population Group: Pov. Pop.—Kent Co	04
Newport:	
Population Group: Pov. Pop.—East Washington 14	01
Providence:	
Service Area: Central Falls/Central Pawtucket	03
Service Area: Northwest Providence	02
Service Area: Northwest Woonsocket	01
Population Group: Pov. Pop.—Bristol/E. Providence	01
Population Group: Pov. Pop.—Central Providence	04
Facility: Med/Max Security Inst. (Cranston)	03

PRIMARY CARE: Rhode Island—Continued

County name	Degree of shortage group
Washington:	
Population Group: Pov. Pop.—East Washington 14	01
Population Group: Pov. Pop.—W. Washington	02

PRIMARY CARE: Rhode Island

Service Area Listing

Service area name	Degree of shortage group
Central Falls/Central Pawtucket	03
County—Providence:	
Parts:	
C.T. 108-111	
C.T. 149	
C.T. 151-154	
C.T. 161	
C.T. 164	
Northwest Providence	02
County—Providence:	
Parts:	
Burrillville Twn.	
Foster Twn.	
Gloucester Twn.	
Northwest Woonsocket	01
County—Providence:	
Parts:	
C.T. 172	
C.T. 174	
C.T. 176	
C.T. 178-183	

PRIMARY CARE: Rhode Island

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—Bristol/E. Providence	01
County—Bristol:	
Parts: Bristol Twn.	
County—Providence:	
Parts:	
C.T. 101.01-101.02	
C.T. 102-104	
C.T. 105.01-105.02	
C.T. 106	
C.T. 107.01-107.02	
Pov. Pop.—East Washington 14	01
County—Newport:	
Parts: Jamestown	
County—Washington:	
Parts:	
Narragansett Twn.	
North Kingstown Twn.	
South Kingstown Twn.	
Pov. Pop.—Kent Co	04
County—Kent	
Pov. Pop.—W. Washington	02
County—Washington:	
Parts:	
Charlestown Twn.	
Exeter Twn.	
Hopkinton Twn.	
Richmond Twn.	
Westerly Twn.	
Pov. Pop.—Centeral Providence	04

PRIMARY CARE: Rhode Island—Continued

Population Group Listing

Population group	Degree of shortage group
County—Providence:	
Parts:	
C.T. 2-14	
C.T. 18-20	
C.T. 22	
C.T. 25-27	
C.T. 30-31	
C.T. 36	

PRIMARY CARE: Rhode Island

Facility Listing

Facility name	Degree of shortage group
Med/Max Security Inst. (Cranston)	03
County—Providence	

PRIMARY CARE: South Carolina

County name	Degree of shortage group
Abbeville:	
Service Area: Ware Shoals/Princeton	03
Service Area: Calhoun Falls	02
Allendale	03
Anderson:	
Facility: Perry Corre. Inst.	03
Barnwell	03
Beaufort:	
Service Area: Sheldon	01
Service Area: St. Helena	01
Berkeley	01
Calhoun	02
Charleston:	
Service Area: McClellanville/Sampit/Santee	01
Service Area: Sea Island	02
Population Group: Pov. Pop.—Peninsula Charleston	03
Chester:	
Service Area: Richburg	04
Chesterfield:	
Service Area: Sandhills	02
Service Area: Society Hill	01
Clarendon	02
Darlington:	
Service Area: Society Hill	01
Dillon	04
Dorchester:	
Service Area: St. George	03
Fairfield	03
Florence	
Service Area: Olanta	01
Georgetown	
Service Area: McClellanville/Sampit/Santee	01
Greenwood:	
Service Area: Ware Shoals/Princeton	03
Hampton	04
Horry:	
Service Area: Little River	01
Service Area: Loris	03
Jasper	04
Kershaw:	
Service Area: Bethune/Mt. Pisgah	01
Lancaster:	
Service Area: Heath Springs	04
Laurens:	
Service Area: Ware Shoals/Princeton	02
Lee	03
Lexington:	
Service Area: Batesburg	03
Service Area: Pelion-Swansea	03
McCormick	03
Marion:	
Service Area: Brittons Neck	01
Marlboro	04
Orangeburg:	
Service Area: Eastern Orangeburg	04

PRIMARY CARE: South Carolina—Continued

County name	Degree of shortage group
Richland:	
Service Area: Eastover	01
Facility: Central Corr. Inst	03
Facility: Kirkland Corr. Inst	03
Facility: Manning Corr. Inst	03
Facility: Women's Corr. Inst	03
Saluda	03
Sumter:	
Service Area: Olanta	01
Union	02
Williamsburg	02

PRIMARY CARE: South Carolina

Service Area Listing

Service area name	Degree of shortage group
Batesburg/Leesville	03
County—Lexington:	
Parts:	
Batesburg-Leesville CCD	
Gilbert CCD	
Bethune/Mt. Pisgah	01
County—Kershaw:	
Parts:	
Bethune CCD	
Mt. Pisgah CCD	
Brittons Neck	01
County—Marion:	
Parts:	
Brittons Neck CCD	
Centenary CCD	
Calhoun Falls	02
County—Abbeville:	
Parts:	
Antreville-Lowndesville CCD	
Calhoun Falls CCD	
Eastern Orangeburg	04
County—Orangeburg:	
Parts:	
Bowman CCD	
Elloree CCD	
Eutaville CCD	
Holly Hill CCD	
Vance CCD	
Eastover	01
County—Richland:	
Parts:	
Eastover CCD	
Hopkins CCD	
Heath Springs	04
County—Lancaster:	
Parts:	
Heath Springs CCD	
Kershaw CCD	
Little River	01
County—Horry:	
Parts:	
E.D. 680–684 (Little River CCD)	
E.D. 689 (Longs CCD)	
E.D. 693 (Longs CCD)	
E.D. 775 (Conway East CCD)	
Loris	03
County—Horry:	
Parts:	
E.D. 690–692 (Longs CCD)	
E.D. 694–695 (Longs CCD)	
E.D. 726–727 (Aynor CCD)	
E.D. 730–731 (Aynor CCD)	
Floyds CCD	
Loris CCD	
McClellanville/Sampit/Santee	01
County—Charleston:	
Parts:	
C.T. 50	
County—Georgetown:	
Parts:	
E.D. 324–327 (Sampit-Santee CCD)	
Olanta	01

PRIMARY CARE: South Carolina—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Florence:	
Parts:	
Olanta CCD	
Sardis CCD	
County—Sumter:	
Parts:	
Shiloh CCD	
Pelion-Swansea	03
County—Lexington:	03
Parts:	
E.D. 726–728 (Swansea CCD)	
E.D. 729A (Swansea CCD)	
E.D. 730–731 (Swansea CCD)	
E.D. 736–739 (Pelion CCD)	
Pelion Twn.	
Swansea Twn.	
Richburg	04
County—Chester:	
Parts:	
E.D. 397–398 Part Chester CCD	
E.D. 402 Part Chester CCD	
E.D. 406 Part Chester CCD	
Great Falls CCD	
Landsford CCD	
Richburg CCD	
Sandhills	02
County—Chesterfield:	
Parts:	
Jefferson CCD	
McBee CCD	
Pageland CCD	
Sea Island	02
County—Charleston:	
Parts:	
Edisto Island CCD	
James Island CCD	
Johns Island CCD	
Wadmalaw Island CCD	
Sheldon	01
County—Beaufort:	
Parts:	
Sheldon CCD	
Society Hill	01
County—Chesterfield	
Parts:	
E.D. 0461 (Cheraw CCD)	
E.D. 0463 (Cheraw CCD)	
County—Darlington	
Parts:	
E.D. 0550–0554 (Society Hill CCD)	
St. George	03
County—Dorchester:	
Parts:	
Harleyville CCD	
Reevesville CCD	
Ridgeville CCD	
St. George CCD	
St. Helena	01
County—Beaufort:	
Parts:	
St. Helena CCD	
Ware Shoals/Princeton	03
County—Abbeville:	
Parts:	
Donalds CCD	
County—Greenwood:	
Parts: Ware Shoals/Town in WS Hodges CCD	
County—Laurens:	
Parts:	

PRIMARY CARE: South Carolina—Continued

Service Area Listing

Service area name	Degree of shortage group
Princeton CCD	

PRIMARY CARE: South Carolina

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—Peninsula Charleston	02
County—Charleston:	
Parts:	
C.T. 1–18	
C.T. 33–37	
C.T. 41–45	

PRIMARY CARE: South Carolina

Facility Listing

Facility name	Degree of shortage group
Central Corr. Inst	03
County—Richland	
Kirkland Corr. Inst	03
County—Richland	
Manning Corr. Inst	03
County—Richland	
Perry Corr. Inst	03
County—Anderson	
Women's Corr. Inst	03
County—Richland	

PRIMARY CARE: South Dakota

County name	Degree of shortage group
Aurora:	
Service Area: Wessington Springs	03
Bennett	04
Bon Homme	02
Brown:	
Service Area: Britton	01
Service Area: Ellendale/Edgely (ND/SD)	02
Buffalo:	
Service Area: Wessington Springs	03
Butte:	
Service Area: Newell	01
Campbell:	
Service Area: Eureka/Herreid/Leola	04
Clark	01
Clay:	
Service Area: Beresford/Alcester	02
Corson:	
Service Area: Isabel	01
Service Area: Lemmon	03
Service Area: McLaughlin	01
Custer:	
Service Area: Hot Springs	04
Day	02
Deuel:	
Service Area: Canby	04
Service Area: Clearlake	01
Dewey:	
Service Area: Eagle Butte	01
Service Area: Isabel	01
Edmunds:	
Service Area: Bowdle	03
Service Area: Hoven	01
Fall River:	
Service Area: Hot Springs	04
Faulk	04
Grant:	
Service Area: Milbank	04
Service Area: Ortonville	04

PRIMARY CARE: South Dakota—Continued

County name	Degree of shortage group
Haakon:	
Service Area: Philip	04
Hamlin	01
Hanson:	
Service Area: Salem	03
Harding	01
Hyde:	
Service Area: Gettysburg	02
Service Area: Highmore	01
Jackson:	
Service Area: Kadoka	04
Jackson:	
Service Area: Philip	04
Jerauld:	
Service Area: Wessington Springs	03
Jones	02
Lincoln:	
Service Area: Beresford/Alcester	02
Lyman	03
McCook:	
Service Area: Salem	03
McPherson:	
Service Area: Eureka/Herreid/Leola	04
Marshall:	
Service Area: Britton	01
Meade:	
Service Area: Faith	01
Mellette:	
Service Area: Winner/White River	04
Miner	01
Moody	02
Pennington:	
Service Area: Philip	04
Perkins:	
Service Area: Faith	01
Service Area: Lemmon	03
Potter:	
Service Area: Gettysburg	02
Service Area: Hoven	01
Roberts:	
Service Area: Milbank	04
Service Area: Ortonville	04
Sanborn:	
Service Area: Wessington Springs	03
Shannon	01
Sully:	
Service Area: Gettysburg	02
Todd	01
Tripp:	
Service Area: Winner/White River	04
Union:	
Service Area: Beresford/Alcester	02
Service Area: Elk Point	01
Walworth:	
Service Area: Bowdle	03
Service Area: Hoven	01
Ziebach:	
Service Area: Eagle Butte	01
Service Area: Faith	01
Service Area: Isabel	01

PRIMARY CARE: South Dakota

Service Area Listing

Service area name	Degree of shortage group
Beresford-Alcester	02
County—Clay:	
Parts: Glenwood Twp.	
County—Lincoln:	
Parts:	
Beresford City	
Brooklyn Twp.	
Pleasant Twp.	
County—Union:	
Parts:	
Alcester City	
Alcester Twp.	
Beresford City	
Big Springs Twp.	
Emmet Twp.	
Prairie Twp.	
Virginia Twp.	
Bowdle	03
County—Edmunds:	
Parts:	
Bowdle City	
Bowdle Twp.	
Cloyd Valley Twp.	
Cottonwood Twp.	
Glen Twp.	
Glover Twp.	
Hosmer City	
Hosmer Twp.	
Modena Twp.	
Odessa Twp.	
Roscoe City	
Sangamon	
County—Walworth:	
Parts:	
E. Walworth Unorg. (N.¾)	
Java City	
Selby City	
Britton	01
County—Brown:	
Parts:	
Hecla City	
Hecla Twp.	
Lansing Twp.	
N. Detroit Twp.	
Portage Twp.	
S. Detroit Twp.	
County—Marshall	
Canby	04
County—Deuel:	
Parts:	
Gary City	
Herrick Twp.	
Clearlake	01
County—Deuel:	
Parts:	
Altamont City	
Altamont Twp.	
Antelope Valley Twp.	
Astoria City	
Blom Twp.	
Brandt City	
Brandt Twp.	
Clear Lake City	
Clearlake Twp.	
Glenwood Twp.	
Goodwin City	
Goodwin Twp.	
Grange Twp.	
Havana Twp.	
Hidewood Twp.	
Lowe Twp.	
Norden Twp.	
Portland Twp.	
Rome Twp.	
Scandinavia Twp.	
Toronto Twp.	
Eagle Butte	01
County—Dewey:	
Parts:	
Eagle Butte City	
North Dewey Unorg. (S. ⅛)	
North Eagle Butte	
South Dewey Unorg. (S. ½)	
County—Ziebach	
Parts:	
South Ziebach Unorg. (E. ½)	
Elk Point	01
County—Union:	
Parts:	
Brule Twp.	
Civil Bend Twp. (N. ½)	
Elk Point City	
Elk Point Twp.	
Jefferson City	
Jefferson Twp. (N. ½)	
Richland Unorg.	
Ellendale/Edgely (ND/SD)	02
County—Brown:	
Parts:	
Allison Twp.	
Frederick Twn.	
Frederick Twp.	
Greenfield Twp.	
Liberty Twp.	
Osceola Twp.	
Palmyra Twp.	
Richland Twp.	
Savo Twp.	
Eureka/Herreid/Leola	04
County—Campbell	
County—McPherson	
Faith	01
County—Meade:	
Parts:	
Eagle Twp.	
Faith City	
Howard Twp.	
North Meade Unorg.	
Union Twp.	
Upper Red Owl	
County—Perkins:	
Parts:	
Ada Twp.	
Antelope Twp.	
Beck Twp.	
Brushy Twp.	
Chance Twp:	
Chaudoin Twp.	
Duell Twp.	
Englewood Twp.	
Foster Twp.	
Hall Twp.	
Highland Twp.	
Lane Tree Twp.	
Maltby Twp.	
Martin Twp.	
Moreau Twp.	
S.W. Perkins Unorg.	
South Perkins Unorg.	
Vickers Twp.	
Vrooman Twp.	
Wells Twp.	
West Central Perkins Unorg.	
West Perkins Unorg.	
Wyandotte Twp.	
County—Ziebach:	
Parts:	
Dupree Unorg.	
Dupree City	
North Ziebach Unorg. (W. ½)	
South Ziebach Unorg. (W. ½)	
Gettysburg	02
County—Hyde:	
Parts:	
North Hyde Unorg.	
County—Potter:	
Parts:	
Central Potter Unorg. (S. ½)	
East Potter Unorg. (S. ½)	
Gettysburg City	
Lebanon Twn.	
County—Sully:	
Parts:	
Agar Twn.	
East Sully Unorg. (N. ½)	
Onida City	
West Sully Unorg. (N. ½)	
Highmore	01
County—Hyde:	
Parts:	
Central Hyde Unorg.	
Crow Creek Unorg.	
Dewey Twp.	
Highmore City	
Valley Twp.	
Washington Twp.	
William Hamilton Twp.	
Hot Springs	04
County—Custer:	
Parts:	
Buffalo Gap City	
Unorg. East Custer (S. ¼)	
Unorg. West Custer (S. ¼)	
County—Fall River	
Hoven	01

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Edmunds:	
Parts:	
Hiltside Twp.	
Hudson Twp.	
Madison Twp.	
County—Potter:	
Parts:	
Center Potter Unorg. (N. ½)	
E. Potter Unorg. (N. ½)	
Hoven Twn.	
Tolstoy Twn.	
County—Walworth:	
Parts:	
Akaska City	
E. Walworth Unorg. (S. ¼)	
Lowry City	
W. Walworth Unorg. (S. ¼)	
Isabel	01
County—Corson:	
Parts:	
Fairview Twp.	
Pleasant Ridge Twp.	
County—Dewey:	
Parts:	
Isabel City	
North Dewey Unorg. (N. ⅝)	
South Dewey Unorg. (N. ½)	
Timber Lake City	
County—Ziebach:	
Parts: North Ziebach Unorg. (E. ½)	
Kadoka	04
County—Jackson:	
Parts:	
Belvidere Twn.	
East Jackson Unorg. (S. ⅝)	
East Washabaugh Unorg.	
Interior Twn.	
Interior Twp.	
Kadoka Twn.	
Wall Twp.	
West Washabaugh Unorg.	
Weta Twp.	
Lemmon	03
County—Corson:	
Parts:	
Custer Twp.	
Delaney Twp.	
Grand Valley Twp.	
Lake Twp.	
Mcintosh City	
Morristown Twn.	
Pioneer Twp.	
Prairie View Twp.	
Riverside Twp.	
Rolling Green Twp.	
Sherman Twp.	
Thunder Hawk Twp.	
Twin Butte Twp.	
Watauga Twp.	
West Corson Unorg.	
County—Perkins:	
Parts:	
Anderson Twp.	
Barrett Twp.	
Bison Twn.	
Bison Twp.	
Burdick Twp.	
Cash Twp.	
Castle Butte Twp.	
Clark Twp.	
De Witt Twp.	
Duck Creek Unorg.	
East Perkins Unorg.	

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Flat Creek Twp.	
Fredlund Twp.	
Glendo Twp.	
Grand River Twp.	
Horse Creek Twp.	
Hudgins Unorg.	
Independence Twp.	
Lemmon City	
Liberty Twp.	
Lincoln Twp.	
Lodgepole Twp.	
Marshfield Twp.	
Meadow Twp.	
Pleasant Valley Twp.	
Plateau Twp.	
Rainbow Twp.	
Rockford Twp.	
Scotch Cap Twp.	
Selm Twp.	
Sidney Twp.	
Strool Twp.	
Trail Twp.	
Vail Twp.	
Viking Twp.	
White Butte Twp.	
White Hill Twp.	
Whitney Twp.	
Wilson Twp.	
McLaughlin	01
County—Corson:	
Parts:	
Cadillac Twp.	
Central Corson Unorg.	
Lincoln Twp.	
Mahto Twp.	
McLaughlin City	
McLaughlin Twp.	
N.E. Corson Unorg.	
Walker Twp.	
Milbank	04
County—Grant:	
Parts:	
Adams Twp.	
Alban Twp.	
Albee Twn.	
Blooming Valley Twp.	
Farmington Twp.	
Georgia Twp.	
Grant Center Twp.	
Kilborn Twp.	
La Bolt Twn.	
Lura Twp.	
Madison Twp.	
Marvin Twn.	
Mazeppa Twp.	
Melrose Twp.	
Milbank City	
Osceloa Twp.	
Revillo Twn.	
Stockholm Twn.	
Stockholm Twp.	
Strandburg Twn.	
Troy Twp.	
Twin Brooks Twn.	
Twin Brooks Twp.	
Vernon Twp.	
County—Roberts:	
Parts:	
Garfield Twp.	
Geneseo Twp.	
Newell	01
County—Butte:	
Parts:	
Cottonwood Twp.	
East Butte Unorg.	
Newell Twn.	
Union Twp.	
Vale Twp.	
Ortonville	04
County—Grant:	
Parts:	
Big Stone City	
Big Stone Twp.	
County—Roberts:	
Parts: Lockwood Twp.	
Philip	04

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Haakon	
County—Jackson:	
Parts:	
Cottonwood Twn.	
E. Jackson Unorg. (N. ½)	
Grandview Twp.	
Interior Twn.	
Interior Twp.	
Jewett Twp.	
Little Buffalo Twp.	
N.W. Jackson Unorg.	
Weta Twp.	
County—Pennington:	
Parts:	
Ash Twp.	
Badlands Unorg.	
Castle Butte Twp.	
Cedar Butte Twp.	
Cheyenne Twp.	
Conata Twp.	
Crooked Creek Twp.	
Dalzell Canyon Unorg.	
Fairview Twp.	
Flat Butte Twp.	
Huron Twp.	
Imlay Twp.	
Lake Creek Unorg.	
Lake Flat Twp.	
Lake Hill Twp.	
N.E. Pennington Unorg.	
Owanka Twp.	
Peno Twp.	
Quinn Twn.	
Quinn Twp.	
Rainy Creek Twp.	
Scenic Twp.	
Shyne Twp.	
Sunnyside Twp.	
Wall Twn.	
Wasta Twn.	
Wasta Twp.	
Salem	03
County—Hanson:	
Parts:	
Edgerton Twp.	
Emery Twp.	
Farmer Twn.	
Spring Lake Twp.	
Taylor Twp.	
County—McCook	
Wessington Springs	03
County—Aurora:	
Parts:	
Bedford Twp.	
Bristol Twp.	
Cooper Twp.	
Crystal Lake Twp.	
Eureka Twp.	
Firesteel Twp.	
Gales Twp.	
Hooper Twp.	
Lake Twp.	
Palatine Twp.	
Patten Twp.	
Plankinton City	
Plankinton Twp.	
Pleasant Lake Twp.	
Pleasant Valley Twp	
White Lake City	
White Lake Twp.	
County—Buffalo:	
Parts:	
Elvira Twp.	
S.E. Buffalo Unorg.	
County—Jerauld	
County—Sanborn:	
Parts:	
Floyd Twp.	
Jackson Twp.	
Logan Twp.	
Oneida Twp.	
Silver Creek Twp.	
Twin Lake Twp.	
Union Twp.	
Warren Twp.	
Woonsocket City	
Woonsocket Twp.	
Winner/White River	04

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Mellette	
County—Tripp	

PRIMARY CARE: Tennessee

County name	Degree of shortage group
Anderson:	
Service Area: Briceville	01
Benton:	
Service Area: Holladay	01
Bledsoe	03
Blount:	
Service Area: Tallassee	01
Campbell	02
Carter:	
Service Area: Roan Mountain	01
Cheatham	02
Claiborne	04
Clay	03
Cocke	04
Crockett	04
Davidson:	
Population Group: Pov. Pop.—Davidson Co.	02
Decatur	01
Dickson:	
Service Area: Vanleer/Slaydon	01
Fayette	02
Fentress	04
Grainger	01
Greene:	
Service Area: Baileyton	01
Grundy	03
Hamilton:	
Population Group: Pov. Pop.—Chattanooga	01
Hancock	04
Hardeman	03
Hardin:	
Service Area: Saltillo	01
Hawkins	04
Haywood	02
Henderson	02
Hickman	02
Houston	04
Jackson	04
Lake	01
Lauderdale	02
Lewis	03
Lincoln:	
Service Area: Cash Point	01
McNairy	04
Macon	01
Marion:	
Service Area: Whitwell	04
Monroe	04
Montgomery:	04
Service Area: Vanleer/Slaydon	01
Morgan	01
Obion:	
Service Area: Hornbeak-Samburg	01
Overton	02
Pickett	02
Polk:	
Service Area: Blueridge/Copperhill (GA/TN)	02
Rhea	03
Roane:	
Service Area: Barnard	01
Robertson:	
Service Area: Highland Ridge	02
Rutherford:	
Service Area: Eagleville	01
Scott	01
Smith	04
Stewart	02
Sumner:	
Service Area: Highland Ridge	02
Tipton	04
Trousdale	04
Unicoi	03
Union	01
Van Buren	02
Warren	04
Wayne	02

PRIMARY CARE: Tennessee—Continued

County name	Degree of shortage group
Weakley:	
Service Area: Dukedom/Palmersville	01

PRIMARY CARE: Tennessee

Service Area Listing

Service area name	Degree of shortage group
Baileyton	01
County—Greene:	
Parts: Baileyton CCD	
Barnard	01
County—Roane:	
Parts: Barnard CCD	
Blueridge/Copperhill (GA/TN)	02
County—Polk	
Briceville	01
County—Anderson:	
Parts:	
Lake City West CCD	
New River CCD	
Cash Point	01
County—Lincoln:	
Parts: Cash Point/Blanche CCD	
Dukedom/Palmersville	01
County—Weakley:	
Parts:	
Chestnut Glade—Dukedom CCD	
Palmersville CCD	
Eagleville	01
County—Rutherford:	
Parts: Eagleville CCD	
Highland Ridge	02
County—Robertson	
Parts: Orlinda CCD	
County—Sumner:	
Parts:	
Portland CCD	
Westmoreland CCD	
White House CCD (N. ½)	
Holladay	01
County—Benton:	
Parts: Holladay CCD	
Hornbeak—Samburg	01
County—Obion:	
Parts: Hornbeak/Samburg CCD	
Roan Mountain	01
County—Carter:	
Parts:	
Laurel Ford CCD	
Roan Mountain CCD	
Tiger Valley CCD	
Saltillo	01
County—Hardin:	
Parts: Saltillo CCD	
Tallassee	01
County—Blount:	
Parts: Lanier CCD	
Vanleer/Slaydon	01
County—Dickson:	
Parts: Vanleer CCD	
County—Montgomery:	
Parts: Palmyra/Shiloh CCD	
West Polk	01
County—Polk:	
Parts: Benton CCD	
Parksville CCD	
Whitwell	04
County—Marion:	
Parts: Whitwell CCD	

PRIMARY CARE: Tennessee

Population group listing

Population group	Degree of shortage group
Pov. Pop.—Davidson Co	02
County—Davidson	
Pov. Pop.—Chattanooga	01

PRIMARY CARE: Tennessee—Continued

Population group listing

Population group	Degree of shortage group
County—Hamilton	
Parts:	
C.T. 1-16	
C.T. 18-27	
C.T. 31-32	
C.T. 115	

PRIMARY CARE: Texas

County name	Degree of shortage group
Anderson:	
Facility: Beto II Prison	03
Facility: Beto Prison	02
Facility: Coffield Prison	03
Archer	02
Armstrong	02
Atascosa	03
Bandera	01
Bexar:	
Service Area: East Side (San Antonio)	01
Service Area: South Side (San Antonio)	01
Service Area: Southern Rural Bexar (San Antonio)	01
Service Area: West Side (San Antonio)	02
Blanco	04
Borden	01
Brazoria:	
Facility: Clemons Prison	01
Facility: Darrington Prison	02
Facility: Ramsey I Prison	03
Facility: Ramsey II Prison	01
Facility: Ramsey III Prison	01
Facility: Retrieve Prison	01
Briscoe	01
Cameron	02
Carson	02
Castro	01
Chambers	04
Collingsworth	01
Coryell:	
Facility: Hilltop Prison	01
Crosby	04
Culberson	04
Dallas:	
Service Area: Fair Park/White Rock Creek	01
Service Area: Lisbon	01
Service Area: Simpson Stuart	01
Service Area: South Dallas	04
Service Area: Trinity	02
Service Area: West Dallas	01
Population Group: Indian Pop.—Dallas Ft. Worth	01
Facility: Parkland Memorial Hospital	01
Deaf Smith	03
Delta	02
Dickens:	
Service Area: Dickens-King	01
Dimmit:	
Service Area: Dimmit/Zavala	02
Duval	04
El Paso:	
Service Area: South El Paso	01
Service Area: Southeast El Paso	01
Fort Bend:	
Facility: Central Prison	01
Facility: Jester II Prison	02
Facility: Jester III Prison	01
Frio	04
Gaines	04
Galveston:	
Service Area: Bolivar Peninsula	01
Glasscock	01
Goliad	04
Gonzales:	
Service Area: Nixon	02
Grimes:	
Facility: Pack I Prison	01
Facility: Pack II Prison	01
Hale:	
Population Group: Migr. Pop.—Hale Co.	04
Hardin	03
Hidalgo	02

PRIMARY CARE: Texas—Continued

County name	Degree of shortage group
Houston:	
Facility: Eastham Prison	02
Hudspeth	01
Hunt:	
Population Group: Pov. Pop.—Hunt Co	03
Jackson	04
Jeff Davis:	
Service Area: Marfa/Fort Davis	02
Jefferson:	
Service Area: Beaumont Inner City	01
Service Area: Port Aurthur Inner City	02
Karnes	04
Kimble	03
King:	
Service Area: Dickens—King	01
Lampasas	03
La Salle	01
Live Oak	02
Loving	01
Lubbock:	
Service Area: East Lubbock	01
Lynn	02
Madison:	
Facility: Ferguson Prison	02
Mason	01
Maverick	02
Medina	02
Montgomery	04
Motley	01
Newton	02
Oldham	01
Parmer	03
Presidio:	
Service Area: Marfa/Fort Davis	02
Service Area: Presidio	02
Rains	02
Reeves	02
Refugio	02
Sabine	02
San Jacinto	01
San Saba	01
Sherman:	
Service Area: Texhoma (OK/TX)	01
Starr	02
Sutton	02
Swisher	04
Tarrant:	
Service Area: Poly	01
Service Area: Stop Six	04
Population Group: Indian Pop.—Dallas/Ft. Worth	01
Terrell	01
Trinity	02
Val Verde	02
Van Zandt	02
Walker:	
Facility: Diagnostic Prison	03
Facility: Ellis Prison	02
Facility: Goree Prison	01
Facility: Huntsville Prison	01
Facility: Wynne Prison	02
Waller	04
Ward	04
Webb	04
Willacy	01
Wilson	03
Yoakum	01
Zapata	01
Zavala:	
Service Area: Dimmit/Zavala	02

PRIMARY CARE: Texas

Service Area Listing

Service area name	Degree of shortage group
Beaumont Inner City	01
County—Jefferson	
Parts:	
C.T. 1.03	
C.T. 6-10	
C.T. 15-19	
Bolivar Peninsula	01
County—Galveston:	
Parts:	
C.T. 1254	
Dickens-King	01
County—Dickens	
County—King	
Dimmit/Zavala	02
County—Dimmit	
County—Zavala	
East Lubbock	01
County—Lubbock:	
Parts:	
C.T. 2.01-2.02	
C.T. 3	
C.T. 8-11	
C.T. 12.01-12.02	
C.T. 25	
East Side (San Antonio)	01
County—Bexar:	
Parts:	
C.T. 1301-1313	
Fair Park/White Rock Creek Industrial	01
County—Dallas:	
Parts:	
C.T. 23	
C.T. 25-26	
C.T. 27.01-27.02	
C.T. 28	
C.T. 93.03-93.04	
C.T. 115	
Lisbon	01
County—Dallas:	
Parts:	
C.T. 56-57	
C.T. 59.01-59.02	
C.T. 87.01	
C.T. 87.03-87.05	
C.T. 88.01-88.02	
Marfa/Fort Davis	02
County—Jeff Davis	
County—Presidio:	
Parts: Marfa CCD	
Nixon	02
County—Gonzales:	
Parts:	
CCD 020	
CCD 025	
Poly	01
County—Tarrant:	
Parts:	
C.T. 1014.02	
C.T. 1015	
C.T. 1035	
C.T. 1037.01-1037.02	
C.T. 1046.04	
Port Aurthur Inner City	02
County—Jefferson:	
Parts:	
C.T. 51-53	
C.T. 57-62	
Presidio	02
County—Presidio:	
Parts: Presidio CCD	
Simpson Stuart	01
County—Dallas:	
Parts:	
C.T. 112-113	
C.T. 114.01-114.02	
C.T. 167.01-167.02	
C.T. 169.01-169.02	
South Dallas	04
County—Dallas:	
Parts:	
C.T. 29-30	
C.T. 31.02	
C.T. 32.02	
C.T. 33-38	
C.T. 39.01-39.02	
C.T. 40	
South El Paso	01
County—El Paso:	
Parts:	
C.T. 17-21	
South Side (San Antonio)	01
County—Bexar:	
Parts:	
C.T. 1501	
C.T. 1503-1507	
C.T. 1510	
C.T. 601-1605	
Southeast El Paso	01
County—El Paso:	
Parts:	
C.T. 39-40	
C.T. 104-105	
Southern Rural Bexar (San Antonio)	01
County—Bexar:	
Parts:	
C.T. 1314-1315	
C.T. 1316.01-1316.02	
C.T. 1318	
C.T. 1416-1419	
C.T. 1519-1522	
C.T. 1610-1612	
C.T. 1619-1620	
Stop Six	04
County—Tarrant:	
Parts:	
C.T. 1036.01-1036.02	
C.T. 1046.01-1046.03	
C.T. 1061.01-1061.02	
C.T. 1062.01-1062.02	
C.T. 1063-1064	
Texhoma (OK/TX)	01
County—Sherman:	
Parts: Stratford East CCD	
Trinity	02
County—Dallas:	
Parts:	
C.T. 41	
C.T. 49	
C.T. 54-55	
C.T. 86.01-88.02	
C.T. 89	
West Dallas	01
County—Dallas:	
Parts:	
C.T. 43	
C.T. 101-108	
West Side (San Antonio)	02
County—Bexar:	
Parts:	
C.T. 1606-1607	
C.T. 1701	
C.T. 1703-1704	
C.T. 1707-1712	
C.T. 1715-1716	

PRIMARY CARE: Texas

Population Group Listing

Population group	Degree of shortage group
Indian Pop.—Dallas/Ft. Worth	01
County—Dallas	
County—Tarrant	
Migr. Pop.—Hale Co	04
County—Hale	
Pov. Pop.—Hunt Co	03
County—Hunt	

PRIMARY CARE: Texas

Facility Listing

Facility name	Degree of shortage group
Beto II Prison	03
County—Anderson	
Beto Prison	02
County—Anderson	
Central Prison	01

PRIMARY CARE: Texas—Continued

Facility Listing

Facility name	Degree of shortage group
County—Fort Bend	
Clemons Prison	01
County—Brazoria	
Coffield Prison	03
County—Anderson	
Darrington Prison	02
County—Brazoria	
Diagnostic Prison	03
County—Walker	
Eastham Prison	02
County—Houston	
Ellis Prison	02
County—Walker	
Ferguson Prison	02
County—Madison	
Goree Prison	01
County—Walker	
Hilltop Prison	01
County—Coryell	
Huntsville Prison	01
County—Walker	
Jester II Prison	02
County—Fort Bend	
Jester III Prison	01
County—Fort Bend	
Pack I Prison	01
County—Grimes	
Pack II Prison	01
County—Grimes	
Parkland Memorial Hospital	01
County—Dallas	
Ramsey I Prison	03
County—Brazoria	
Ramsey II Prison	01
County—Brazoria	
Ramsey III Prison	01
County—Brazoria	
Retrieve Prison	01
County—Brazoria	
Wynne Prison	02
County—Walker	

PRIMARY CARE: Utah

County name	Degree of shortage group
Daggett	01
Duchesne:	
Service Area: Roosevelt	04
Emery:	
Service Area: Castle Dale	01
Service Area: Green River	01
Grand	
Service Area: Green River	01
Iron:	
Service Area: Enterprise	01
Juab:	
Service Area: Wendover (UT/NV)	01
Millard:	
Service Area: Delta	04
Service Area: Fillmore	03
Piute:	
Service Area: Richfield	03
Rich	01
Salt Lake:	
Population Group: Pov. Pop.—N.W. Salt Lake	04
San Juan:	
Service Area: Blanding/Monticello	02
Service Area: Montezuma Creek	01
Sevier:	
Service Area: Richfield	03
Tooele:	
Service Area: Tooele	02
Service Area: Wendover (UT/NV)	01
Uintah:	
Service Area: Roosevelt	04
Service Area: Vernal	04
Washington:	
Service Area: Enterprise	01
Service Area: Hurricane	01
Wayne	01
Weber:	
Service Area: Central and West Ogden	01

PRIMARY CARE: Utah—Continued

County name	Degree of shortage group

PRIMARY CARE: Utah

Service Area Listing

Service area name	Degree of shortage group
Blanding/Monticello	02
County—San Juan:	
Parts:	
Blanding Div.	
Monticello Div.	
Castle Dale	01
County—Emery:	
Parts:	
Castle Dale—Huntington Div.	
Emery—Ferron Div. (N. ½)	
Central and West Ogden	01
County—Weber:	
Parts:	
C.T. 3-4	
C.T. 10-12	
C.T. 18-19	
Delta	04
County—Millard:	
Parts:	
Delta Div.	
Oak city (Scipio Div.)	
Enterprise	01
County—Iron:	
Parts:	
Beryle-New Castle Div.	
County—Washington:	
Parts:	
Enterprise Div.	
Fillmore	03
County—Millard:	
Parts:	
Fillmore City	
Holden Twn.	
Scipio Twn.	
Unicorp Area (Scipio Div.)	
Green River	01
County—Emery:	
Parts:	
Green River Div.	
County—Grand:	
Parts:	
Thompson Div. (N.W. PT.)	
Hurricane	01
County—Washington:	
Parts:	
Hurricane Div.	
Montezuma Creek	01
County—San Juan:	
Parts:	
Oljato Div.	
Red Mesa Div.	
Richfield	03
County—Piute:	
Parts:	
Marysvale Div.	
County—Sevier:	
Roosevelt	04
County—Duchesne:	
County—Uintah:	
Parts:	
Uintah and Ouray Div.	
Tooele	02
County—Tooele:	
Parts:	
Onaqui Div.	
Tooele—Grantsville Div.	
Vernal	04
County—Uintah:	
Parts:	
Vernal Div.	
Wendover (UT/NV)	01

PRIMARY CARE: Utah—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Juab:	
Parts:	
West Juab Div (W. PT.)	
County—Tooele:	
Parts:	
Dugway—Wendover Div. (W. PT.)	

PRIMARY CARE: Utah

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—N.W. Salt Lake	04
County—Salt Lake:	
Parts:	
C.T. 1001	
C.T. 1003.03-1003.04	
C.T. 1004-1006	

PRIMARY CARE: Vermont

County name	Degree of shortage group
Addison:	
Service Area: Otter Creek Valley	04
Service Area: Route 100	04
Caledonia:	
Service Area: Hardwick	01
Essex:	
Service Area: Island Pond	01
Service Area: Upper Connecticut Valley	04
Franklin:	
Service Area: Richford-Enosburg	03
Grand Isle	03
Lamoille:	
Service Area: Hardwick	01
Orleans:	
Service Area: Hardwick	01
Rutland:	
Service Area: Black River Valley	02
Service Area: Otter Creek Valley	04
Service Area: Route 100	04
Washington:	
Service Area: Hardwick	01
Windsor:	
Service Area: Black River Valley	02
Service Area: Route 100	04

PRIMARY CARE: Vermont

Service Area Listing

Service area name	Degree of shortage group
Black River Valley	02
County—Rutland:	
Parts: Mt Holly Twn.	
County—Windsor:	
Parts:	
Cavendish Twn.	
Ludlow Twn.	
Reading Twn.	
Weathersfield Twn.	
Hardwick	01

PRIMARY CARE: Vermont—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Caledonia:	
Parts:	
Hardwick Twn.	
Walden Twn.	
County—Lamoille	
Parts: Wolcott Twn.	
County—Orleans	
Parts:	
Craftsbury Twn.	
Greensboro Twn.	
County—Washington	
Parts: Woodbury Twn.	
Island Pond	01
County—Essex:	
Parts:	
Averys Gore	
Brighton Twp.	
Ferdinand Twp.	
Lewis Twp.	
Norton Twn.	
Warners Grant	
Warrens Gore	
Otter Creek Valley	04
County—Addison:	
Parts:	
Goshen Twn.	
Leicester Twn.	
Orwell Twn.	
Shoreham Twn.	
Whiting Twn.	
County—Rutland:	
Parts:	
Brandon Twn.	
Hubbardton Twn.	
Pittsford Twn.	
Sudbury Twn.	
Richford-Enosburg	03
County—Franklin:	
Parts:	
Bakersfield Twn.	
Berkshire Twn.	
Enosburg Twn.	
Fairfield Twn.	
Franklin Twn.	
Montgomery Twn.	
Richford Twn.	
Sheldon Twn.	
Route 100	04
County—Addison:	
Parts:	
Granville Twn.	
Hancock Twn.	
County—Rutland:	
Parts: Pittsfield Twn.	
County—Windsor:	
Parts:	
Rochester Twn.	
Stockbridge Twn.	
Upper Connecticut Valley	04
County—Essex:	
Parts:	
Averill Twn.	
Bloomfield Twn.	
Brunswick Twn.	
Canaan Twn.	
Lexington Twn.	

PRIMARY CARE: Virginia

County name	Degree of shortage group
Accomack	04
Albemarle/Charlottes:	
Service Area: Southern Albemarle	01
Amelia	02
Augusta/Staunton-Waynesb:	
Service Area: Craigsville	02
Service Area: South River	02
Bland	01
Brunswick:	
Service Area: South Hill	04
Buckingham:	
Service Area: Tri-County (Buck/Fluv/Cumb)	01

PRIMARY CARE: Virginia—Continued

County name	Degree of shortage group
Campbell/Lynchburg:	
Population Group: Low Income Pop.—Lynchburg	03
Caroline	01
Charles City	02
Charlotte:	
Service Area: Drakes Branch	04
Craig	01
Cumberland:	
Service Area: Tri-County (Buck/Fluv/Cumb)	01
Dinwiddie/Petersburg:	
Service Area: McKenney	01
Floyd	02
Fluvanna:	
Service Area: Tri-County (Buck/Fluv/Cumb)	01
Franklin	04
Grayson/Galax:	
Service Area: Trout Dale/Independence	03
Greene	04
Halifax/S. Boston:	
Service Area: Nathalie	01
Isle of Wight	01
King and Queen:	
Service Area: Northern King William	02
Service Area: West Point	04
King George	02
King William:	
Service Area: Northern King William	02
Service Area: West Point	04
Lee	02
Louisa	03
Lunenburg	02
Mecklenburg:	
Service Area: South Hill	04
Nelson	01
New Kent:	
Service Area: West Point	04
Norfolk/Portsmouth:	
Service Area: Norfolk Area 1	04
Service Area: Norfolk Area 2	01
Service Area: Norfolk Area 3	01
Page	02
Patrick	04
Pittsylvania/Danville:	
Service Area: Pittsylvania	01
Richmond	02
Rockbridge/Buena Vista:	
Service Area: Craigsville	02
Service Area: South River	02
Russell	04
Scott:	
Service Area: Dungannon	01
Smyth:	
Service Area: Saltville Medical	02
Southampton/Franklin:	
Service Area: Berlin-Ivor	01
Surry	04
Sussex	03
Washington/Bristol:	
Service Area: Saltville Medical	02
Westmoreland	03
Chesapeake:	
Service Area: Southeast Chesapeake	01
Newport News:	
Service Area: East End	02
Virginia Beach:	
Service Area: Pungo	04

PRIMARY CARE: Virginia

Service Area Listing

Service area name	Degree of shortage group
Berlin-Ivor	01
County—Southampton/Franklin:	
Parts: Berlin-Ivor Dist.	
Craigsville	02

PRIMARY CARE: Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Augusta/Staunton-Waynesb.:	
Parts:	
Craigsville Twn.	
Pastures Dist.	
Riverhead Dist. (W. ½)	
County—Rockbridge/Buena Vista:	
Parts:	
Goshen Twn.	
Walkers Creek Dist. (W. ½ Portion))	
Drakes Branch	04
County—Charlotte:	
Parts:	
Bacon Dist.	
Central Dist.	
Roanoke Dist.	
Dungannon	01
County—Scott:	
Parts:	
Dekalb Dist.	
Floyd Dist.	
Johnson Dist.	
East End	02
County—Newport News:	
Parts:	
C.T.3 02-309	
C.T. 313	
McKenney	01
County—Dinwiddie/Petersburg:	
Parts: Sapony Dist.	
Nathalie	01
County—Halifax/S. Boston:	
Parts:	
Meadville Dist.	
Staunton Dist.	
Norfolk Area 1	04
County—Norfolk/Portsmouth:	
Parts:	
C.T. 32-33	
C.T. 60-61	
Norfolk Area 2	01
County—Norfolk/Portsmouth:	
Parts:	
C.T. 34	
C.T. 35.01-35.02	
Norfolk Area 3	01
County—Norfolk/Portsmouth:	
Parts:	
C.T. 50	
C.T. 52-53	
Northern King William	02
County—King and Queen:	
Parts:	
Newtown Dist.	
Stevensville Dist. (W. ½)	
County—King William:	
Parts:	
Acquinton Dist. (W. ½)	
Mangohick Dist.	
Pittsylvania	01
County—Pittsylvania/Danville:	
Parts:	
Callands Gretna Dist.	
Chatham Dist.	
Staunton River Dist.	
Pungo	04
County—Virginia Beach:	
Parts:	
C.T. 464 (Pungo)	
C.T. 466 (Blackwater)	
Saltville Medical	02
County—Smyth:	
Parts:	
North Fork Dist.	
Saltville Dist.	
County—Washington/Bristol:	
Parts: Jefferson Dist.	
South Hill	04
County—Brunswick	
County—Mecklenburg	
South River	02
County—Augusta/Staunton-Waynesb.:	
Parts: Riverhead Dist. (E. ½)	
County—Rockbridge/Buena Vista:	
Parts:	
South River Dist.	
Walkers Creek Dist. (E. ½)	
Southeast Chesapeake	01

PRIMARY CARE: Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Chesapeake	
Parts:	
C.T. 211.02	
C.T. 212	
Southern Albemarle	01
County—Albemarle/Charlottes:	
Parts: Scottsville Dist.	
Tri-County (Buck/Fluv/Cumb)	01
County—Buckingham	
County—Cumberland	
County—Fluvanna	
Trout Dale/Independence	03
County—Grayson/Galax:	
Parts:	
Elk Creek Dist.	
Wilson Creek Dist.	
West Point	04
County—King and Queen	
Parts:	
Buena Vista Dist.	
Stevensville Dist. (E. ½)	
County—King William:	
Parts:	
Acquiton Dist. (E. ½)	
West Point Dist.	
County—New Kent	

PRIMARY CARE: Virginia

Population Group Listing

Population group	Degree of shortage group
Low Income Pop.—Lynchburg	03
County—Campbell/Lynchburg	
Parts: Lynchburg	

PRIMARY CARE: Washington

County name	Degree of shortage group
Adams:	
Service Area: Ritzville	02
Benton:	
Population Group: Migr. Pop.—Benton/Franklin	02
Population Group: Migr. Seas. Fmwkrs.—Toppenish/Grandview	01
Chelan:	
Population Group: Migr. Seas. Fmwkrs.—Chelan/Douglas	01
Clallam:	
Service Area: Forks	03
Clark:	
Service Area: Yacolt	01
Columbia:	
Population Group: Migr. Seas. Fmwkrs.—Walla Walla	01
Douglas:	
Service Area: Grand Coulee	03
Population Group: Migr. Seas. Fmwkrs.—Chelan/Douglas	01
Ferry:	
Population Group: Am. Indian Pop.—Colville Res	01
Franklin:	
Population Group: Migr. Pop.—Benton/Franklin	02
Grant:	
Service Area: Grand Coulee	03
Population Group: Migr. Seas. Fmwkrs.—Grant Co.	02
Grays Harbor:	
Service Area: Copalis Beach	04
Service Area: Neilton	01
Jefferson:	
Service Area: Forks	03
Klickitat:	
Population Group: Migr. Seas. Fmwkrs.—White Salmon	01
Lewis:	
Service Area: Pe Ell	01
Service Area: Toledo/Vader	03
Lincoln:	
Service Area: Grand Coulee	03
Service Area: Odessa	02
Service Area: Ritzville	02
Okanogan:	
Service Area: Grand Coulee	03
Population Group: Am. Indian Pop. (Colville Res.)	01
Population Group: Migr. Seas. Fmwkrs.—Okanogan Valley	01
Pacific:	
Service Area: Naselle/Grays River	01
Pierce:	
Service Area: Longbranch	01
Population Group: Med. Ind. Pop.—Pierce	01
Facility: McNeil Island Corr. Ctr	01
Skagit:	
Population Group: Migr. Seas. Fmwkrs.—Skagit	01
Snohomish:	
Service Area: Darrington	01
Spokane:	
Service Area: Deer Park	03
Population Group: Am Indian Pop. (Spokane)	01
Stevens:	
Service Area: Deer Park	03
Wahkiakum:	
Service Area: Naselle/Grays River	01
Walla Walla:	
Population Group: Migr. Seas. Fmwkrs.—Walla Walla	01
Whatcom:	
Population Group: Migr. Seas. Fmwkrs.—Whatcom Co.	02
Whitman:	
Service Area: Northeast Whitman	02
Service Area: Rock Lake/La Crosse	01
Yakima:	
Population Group: Migr. Seas. Fmwkrs.—Toppenish/Grandview	01

PRIMARY CARE: Washington

Service Area Listing

Service area name	Degree of shortage group
Copalis Beach	04
County—Grays Harbor:	
Parts: North Beach Div.	
Darrington	01
County—Snohomish:	
Parts: Cascade Div.	
Deer Park	03
County—Spokane	
Parts:	
Deer Park Div. (C.T. 103.01)	
Deer Park Div. (C.T. 103.02)	
Deer Park Div. (C.T. 102 N. ½)	
County—Stevens	
Parts:	
Loon Lake Div. (E.D. 203)	
Loon Lake Div. (E.D. 204)	
Forks	03
County—Clallam	
Parts: Callam Bay-Neah Bay Div.	
Forks Div.	
County—Jefferson	
Parts: West End Div.	
Grand Coulee	03

PRIMARY CARE: Washington—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Douglas	
Parts: Mansfield Twn.	
Coulee Dam Twn.	
E.D. 256 (Bridgeport Div.)	
E.D. 257 (Bridgeport Div.)	
E.D. 265 (Waterville Div.)	
County-Grant:	
Parts: Coulee City Div. (N. ⅗)	
Grand Coulee Div.	
County—Lincoln	
Parts: Wilbur Div. (W ⅗)	
County—Okanogan	
Parts: Nespelem Twn:	
Coulee Dam Twn.	
E.D. 751 (Colville Res. Div.)	
E.D. 760 (Colville Res. Div.)	
E.D. 761 (Colville Res. Div.)	
Elmer City Twn.	
Longbranch	01
County—Pierce	
Parts: Lower Peninsula Div.	
Naselle/Grays River	01
County—Pacific:	
Parts: Naselle Div.	
County—Wahkiakum:	
Parts: Grays River	
Neilton	01
County—Grays Harbor:	
Parts:	
Humptulips Div. (N ½)	
Lake Quinalt Div.	
Northeast Whitman	02
County—Whitman	
Parts: Rosalia Div.	
Steptoe Div.	
Tekoa Div.	
Odessa	02
County—Lincoln	
Parts: Odessa Census Div. (Pt)	
Pe Ell	01
County—Lewis	
Parts: E.D. 71 of Bunker CCD	
E.D. 76 of Boistfort CCD	
Ritzville	02
County—Adams	
Parts: Lind-Washtucna Div.	
Ritzville Div.	
County-Lincoln	
Parts: E.D. 551 of Odessa Div.	
Rock Lake/La Crosse	01
County—Whitman	
Parts:	
La Crosse CCD	
Rock Lake CCD	
Toledo/Vader	03
County—Lewis	
Parts:	
E.D. 79 of Olequa Div.	
E.D. 82U of Ethel Div.	
E.D. 85 of Mossyrock Div.	
Yacolt	01
County—Clark	
Parts: Yacolt Div. (C.T. 401)	

PRIMARY CARE: Washington

Population Group Listing

Population group	Degree of shortage group
Am. Indian Pop.—Spokane	01
County—Spokane	
Am. Indian Pop.—Colville Res	01
County—Ferry:	
Parts: Colville Res. Div.	
County—Okanogan:	
Parts: Colville Res. Div.	
Med. Ind. Pop.—Pierce	01
County—Pierce	
Migr. Seas. Fmwkrs.—Skagit Co.	01
County—Skagit	
Migr. Seas. Fmwkrs.—Whatcom Co.	02
County—Whatcom	
Migr. Seas. Fmwkrs.—White Salmon	01

PRIMARY CARE: Washington—Continued

Population Group Listing

Population group	Degree of shortage group
County—Klickitat.	
Parts: Migr. Seas. Fmwkrs.—White Salmon Div.	
Migr. Seas. Fmwkrs.—Chelan/Douglas	01
County—Chelan	
County—Douglas	
Migr. Pop.—Benton/Franklin	02
County—Benton	
County—Franklin	
Migr. Seas. Fmwkrs.—Grant Co	02
County—Grant	
Migr. Seas. Fmwkrs.—Toppenish/Grandview	01
County—Benton	
Parts: N.W. Benton Div.	
County—Yakima:	
Parts:	
Mabton Div.	
S. Yakima Div.	
Sunnyside Div.	
Toppenish-Wapato Div.	
Migr. Seas. Fmwkrs.—Okanogan Valley	01
County—Okanogan	
Migr. Seas. Fmwkrs.—Walla Walla	01
County—Columbia	
County—Walla walla	
Parts:	
Eureka Flat Div.	
Towchet Div.	
Waitsburg Div.	
Walla Walla—College Place Div.	

PRIMARY CARE: Washington

Facility Listing

Facility name	Degree of shortage group
McNeil Island Corr. Ctr	01
County—Pierce	

PRIMARY CARE: West Virginia

County name	Degree of shortage group
Barbour	04
Berkeley: Population Group: Pov. Migr. Seas. Fmwkrs.—Shenandoah	02
Braxton	01
Cabell:	
Service Area: Grant	02
Service Area: Guyandotte	01
Calhoun	02
Clay	01
Doddrige:	
Service Area: Doddrige/Salem	01
Fayette:	
Service Area: New Haven	01
Service Area: Oak Hill	03
Gilmer	02
Grant:	
Service Area: Moorefield	03
Service Area: Mt Storm	02
Greenbrier: Service Area: Greenbriar/Pocahontas	01
Hampshire: Service Area: Capon Bridge	02
Hancock: Service Area: East Liverpool (OH/PA/W.VA)	03
Hardy:	
Service Area: Baker	03
Service Area: Moorefield	03
Harrison:	
Service Area: Doddridge/Salem	01
Service Area: Shinnston—Fairmont	04
Jackson	02
Jefferson: Population Group: Pov. Migr. Seas. Fmwkrs.—Shenandoah	02
Kanawha:	
Service Area: Cabin Creek	01
Service Area: Cedar Grove	02
Service Area: Clendanin	02

PRIMARY CARE: West Virginia—Continued

County name	Degree of shortage group
Service Area: Pocatalico	03
Lewis	03
Lincoln	01
McDowell	03
Marion: Service Area: Shinnston—Fairmont	04
Marshall: Service Area: Cameron	01
Mason: Service Area: Graham/Waggener	01
Mineral: Service Area: Cabin Run	02
Mingo:	
Service Area: Gilbert	01
Service Area: Mateman	01
Service Area: Mingo	01
Monongalia: Service Area: Clay/Battelle (W.VA/PA)	02
Monroe	04
Morgan: Service Area: Hancock (MD/PA/W.VA)	02
Nicholas: Service Area: Summerville	04
Pendleton	04
Pleasants	03
Pocahontas: Service Area: Greenbriar/Pocahontas	01
Preston: Service Area: Rowlesburg/Terra Alta	02
Putnam: Service Area: Teays Valley	02
Raleigh:	
Service Area: Gulf	03
Service Area: Northwest Raleigh	01
Service Area: Shady Spring/Jumping Branch	01
Randolph: Facility: Huttonsville Corr. Center	03
Ritchie: Service Area: Harrisville	02
Roane	03
Summers: Service Area: Shady Spring/Jumping Branch	01
Taylor	01
Upshur: Service Area: Rock Cave	01
Wayne	02
Webster	02
Wetzel: Service Area: Clay/Battelle (W.VA/PA)	02
Wirt	03

PRIMARY CARE: West Virginia

Service Area Listing:

Service area name	Degree of shortage group
Baker	03
County—Hardy:	
Parts:	
Capon Dist.	
Lost River Dist.	
Cabin Creek	01
County—Kanawha:	
Parts:	
C.T. 121-123	
Cabin Run	02
County—Mineral:	
Parts:	
Cabin Run Dist.	
Frankfurt Dist.	
Cameron	01
County—Marshall	
Parts:	
Cameron City.	
Capon Bridge	02
County—Hampshire	
Parts:	
Bloomery Dist.	
Capon Dist.	
Cedar Grove	02
County—Kanawha	
Parts:	
C.T. 118-120	
Clay/Battelle	02
County—Monongalia	
Parts:	
C.T. 114	
County—Wetzel	
Parts:	
Center Dist.	
Church Dist.	
Clay Dist.	
Clendanim	02
County—Kanawha.	
Parts:	
C.T. 112	
Doddridge/Salem	01

PRIMARY CARE: West Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Doddridge	
County—Harrison	
Parts:	
Salem City.	
East Liverpool (OH/PA/W.VA)	03
County—Hancock	
Parts:	
Grant Dist.	
Gilbert	01
County—Mingo:	
Parts:	
Stafford Dist.	
Graham/Waggener	01
County—Mason:	
Parts:	
Graham Dist.	
Waggener Dist.	
Grant	02
County—Cabell:	
Parts:	
Grant Dist.	
Greenbriar/Pocahontas	01
County—Greenbrier	
Parts:	
Anthony Creek Dist.	
Falling Springs Dist.	
Frankford Dist.	
Williamsburg Dist.	
County—Pocahontas	
Parts:	
Little Levels Dist.	
Gulf	03
County—Raleigh	
Parts:	
C.T. 111	
Dist. 1 (Trap Hill)	
Guyandotte	01
County—Cabell	
Parts:	
C.T. 2	
Hancock (MD/PA/W.VA)	02
County—Morgan	
Parts:	
Allen Dist.	
Bath Dist.	
Rock Gap Dist.	
Sleepy Creek Dist.	
Harrisville	02
County—Ritchie	
Parts:	
Grant Dist.	
Murphy Dist.	
Union Dist.	
Matewan	01
County—Mingo.	
Parts:	
Magnolia Dist.	
Mingo	01
County—Mingo	
Parts:	
Harvey Dist.	
Kermit Dist.	
Moorefield	03
County—Grant	
Parts:	
Grant Dist.	
Milroy Dist.	
Petersburg City	
County—Hardy:	
Parts:	
Moorefield Dist.	
Moorefield Twn.	
South Fork Dist.	
Mt Storm	02
County—Grant:	
Parts:	
Union Dist.	
New Haven	01
County—Fayette:	
Parts:	
C.T. 210-211	
Northwest Raleigh	01
County—Raleigh:	
Parts:	
C.T. 112	
Oak Hill	03

PRIMARY CARE: West Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fayette	
Parts:	
C.T. 201-206	
Pocatalico	03
County—Kanawha	
Parts:	
C.T. 108	
Rock Cave	01
County—Upshur	
Parts:	
Banks Dist.	
Meade Dist.	
Washington Dist. (S ½)	
Rowlesburg/Terra Alta	02
County—Preston	
Parts:	
Portland Dist. (E. ½)	
Reno Dist.	
Union Dist.	
Shady Spring/Jumping Branch	01
County—Raleigh	
Parts:	
C.T. 108 (SE ¼)	
County—Summers	
Parts:	
Bluestone River Dist. (NW ⅓)	
Shinnston—Fairmont	04
County—Harrison	
Parts:	
Northern Dist.	
County—Marion	
Summerville	04
County—Nicholas	
Parts:	
Grant Dist.	
Hamilton Dist.	
Jefferson Dist.	
Kentucky Dist. (W ½)	
Summerville Dist.	
Wilderness Dist.	
Teays Valley	02
County—Putnam	
Parts:	
Curry Dist.	
Scott Dist.	
Teays Valley Dist.	

PRIMARY CARE: West Virginia

Population Group Listing

Population group	Degree of shortage group
Pov. Mig. Seas. Frmwkrs.—Shenandoah	02
County—Berkeley	
County—Jefferson	

PRIMARY CARE: West Virginia

Facility Listing

Facility name	Degree of shortage group
Huttonsville Corr. Ctr.	03
County—Randolph.	

PRIMARY CARE: Wisconsin

County name	Degree of shortage group
Adams	02
Ashland:	
Service Area: Park Falls/Phillips	03
Bayfield:	
Service Area: Hayward/Radisson	02

PRIMARY CARE: Wisconsin—Continued

County name	Degree of shortage group
Brown:	
Facility: Wisconsin State Reformatory	02
Buffalo:	
Service Area: Arcadia	02
Service Area: Mondovi	02
Burnett	02
Clark	03
Dodge:	
Facility: Wisconsin Corr. Inst	03
Facility: Wisconsin State Prison	02
Door:	
Service Area: Sister Bay-Wash Island	02
Douglas:	
Service Area: Minong/Solon Springs	01
Eau Claire:	
Service Area: Osseo	03
Forest:	
Service Area: Laona	02
Grant:	
Service Area: Platteville/Cuba City	04
Iowa:	
Service Area: Platteville/Cuba City	04
Iron:	
Service Area: Ironwood/Hurley	03
Service Area: Park Falls/Phillips	03
Jackson:	
Service Area: Osseo	03
Juneau:	
Service Area: Hillsboro	04
Kewaunee:	
Service Area: Kewaunee City	02
La Crosse:	
Service Area: Coon Valley/Chaseburg	01
Lafayette	
Service Area: Platteville/Cuba City	04
Langlade:	
Service Area: Elcho	02
Service Area: Mountain/White Lake	02
Lincoln:	
Facility: Lincoln Hills School	02
Marathon:	
Service Area: Athens/Edgar	02
Service Area: Tigerton/Birnamwood	02
Marinette:	
Service Area: W. Marinette	02
Marquette:	
Service Area: Wautoma/Montello	02
Menominee	04
Milwaukee:	
Service Area: Capitol Drive	02
Service Area: East Silver Spring	02
Service Area: Inner City North (Milwaukee)	01
Service Area: Inner City South (Milwaukee)	02
Service Area: Inner City West	02
Service Area: Juneautown	01
Population Group: Am. Indian Pop.—Milwaukee	01
Monroe:	
Service Area: Hillsboro	04
Service Area: Sparta	02
Oconto:	
Service Area: Mountain/White Lake	02
Service Area: Oconto Falls	04
Oneida:	
Service Area: Elcho	02
Pepin:	
Service Area: Mondovi	02
Portage:	
Service Area: Amherst/Iola	02
Price:	
Service Area: Park Falls/Phillips	03
Richland:	
Service Area: Hillsboro	04
Sauk:	
Service Area: Hillsboro	04
Sawyer:	
Service Area: Hayward/Radisson	02
Service Area: Park Falls/Phillips	03
Shawano:	
Service Area: Oconto Falls	04
Service Area: Tigerton/Birnamwood	02
Sheboygan:	
Facility: Kettle Morain Corr. Inst	02
Taylor	04
Trempealeau:	
Service Area: Arcadia	02
Service Area: Galesville/Trempealeau	02
Service Area: Osseo	03
Vernon:	
Service Area: Coon Valley/Chaseburg	01

PRIMARY CARE: Wisconsin—Continued

County name	Degree of shortage group
Service Area: Genoa	01
Service Area: Hillsboro	04
Vilas:	
Service Area: Land O'Lakes/Presque Isle	01
Washburn:	
Service Area: Hayward/Radisson	02
Service Area: Minong/Solon Springs	01
Waupaca:	
Service Area: Amherst/Iola	02
Service Area: Tigerton/Birnamwood	02
Waushara:	
Service Area: Wautoma/Montello	02

PRIMARY CARE: Wisconsin

Service Area Listing

Service area name	Degree of shortage group
Amherst/Iola	02
County—Portage:	
Parts:	
Amherst Junction Vil.	
Amherst Twn.	
Amherst Vil.	
Nelsonville Vil.	
County—Waupaca:	
Parts:	
Helvetia Twn.	
Iola Twn.	
Iola Vil.	
Scandinavia Twn. (Pt.).	
St. Lawrence Twn. (Pt.)	
Arcadia	02
County—Buffalo:	
Parts:	
Buffalo Twn.	
Cross	
Fountain City	
Glencoe	
Milton	
Montana	
Waumandee	
County—Trempealau:	
Parts:	
Arcadia (City)	
Arcadia (Twn.)	
Dodge	
Athens/Edgar	02
County—Marathon:	
Parts:	
Athens Vil.	
Bern	
Edgar Vil.	
Fenwood Vil.	
Frankfort Twn.	
Halsey Twn.	
Johnson Twn.	
Reitbrock Twn.	
Wein Twn.	
Capitol Drive	02
County—Milwaukee:	
Parts:	
C.T. 26	
C.T. 39	
C.T. 41-48	
C.T. 63-65	
Coon Valley/Chaseburg	01
County—La Crosse:	
Parts:	
Washington Twn.	
County—Vernon:	
Parts:	
Chaseburg Vil.	
Coon Twn.	
Coon Valley Vil.	
Hamburg Twn.	
East Silver Spring	02
County—Milwaukee:	
Parts:	
C.T. 10-12	
C.T. 18-21	
Elcho	02

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Langlade:	
Parts:	
Ainsworth Twn.	
Elcho Twn.	
Parrish Twn.	
Summit Twn.	
Upham Twn.	
County—Oneida:	
Parts:	
Enterprise Twn.	
Monico Twn. (Pt.)	
Schoepke Twn.	
Galesville/Trempealeau	02
County—Trempealeau:	
Parts:	
Caledonia Twn.	
Ettrick City	
Ettrick Twn.	
Gale Twn.	
Galesville City	
Trempealeau Twn.	
Trempealeau Vil.	
Genoa	01
County—Vernon:	
Parts:	
Bergen	
De Soto	
Genoa Twn.	
Genoa Vil.	
Harmony	
Sterling	
Wheatland	
Hayward/Radisson	02
County—Bayfield:	
Parts:	
Barnes Twn. (S. ½)	
Cable Twn.	
Drummond Twn. (S. ½)	
Grandview Twn.	
Namakagon Twn.	
County—Sawyer:	
Parts:	
Bass Lake Twn.	
Couderay Twn.	
Couderay Vil.	
Edgewater Twn.	
Exeland Vil.	
Hayward City	
Hayward Twn.	
Hunter Twn.	
Lenroot Twn.	
Meadowbrooke Twn.	
Meteor Twn.	
Ojibwa Twn.	
Radisson Twn.	
Radisson Vil.	
Round Lake Twn.	
Sand Lake Twn.	
Spider Lake Twn.	
Weirgar Twn.	
Winter Twn.	
Winter Vil.	
County—Washburn:	
Parts:	
Bass Lake Twn.	
Stinnett Twn.	
Stone Lake Twn.	
Hillsboro	04
County—Juneau:	
Parts:	
Union Center	
Wonewoc Twn.	
Wonewoc Vil.	

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Monroe:	
Parts:	
Glendale Twn.	
Kendall Vil.	
Sheldon Twn.	
Wellington Twn.	
County—Richland:	
Parts:	
Bloom Twn.	
Cazenovia Vil.	
Henrietta Twn.	
Westford Twn.	
Yuba Vil.	
County—Sauk:	
Parts:	
Woodland Twn.	
County—Vernon:	
Parts:	
Forest Twn.	
Greenwood Twn.	
Hillsboro City	
Hillsboro Twn.	
Ontario Vil.	
Union Twn.	
Whitestown Twn.	
Inner City North (Milwaukee)	01
County—Milwaukee:	
Parts:	
C.T. 44	
C.T. 66-72	
C.T. 79-86	
C.T. 101-107	
C.T. 114-118	
C.T. 139-142	
C.T. 146-147	
Inner City South (Milwaukee)	02
County—Milwaukee:	
Parts:	
C.T. 155-171	
C.T. 174-180	
Inner City West	02
County—Milwaukee:	
Parts:	
C.T. 62	
C.T. 87-90	
C.T. 96-100	
C.T. 119-125	
C.T. 133-138	
C.T. 148-149	
Ironwood/Hurley	03
County—Iron:	
Parts:	
Anderson Twn.	
Carey Twn.	
Gurney Twn.	
Hurley City	
Kimball Twn.	
Knight Twn.	
Mercer Twn.	
Montreal City	
Oma Twn.	
Pence Twn.	
Saxon Twn.	
Juneautown	01
County—Milwaukee:	
Parts:	
C.T. 108	
C.T. 110-113	
Kewaunee City	02
County—Kewaunee:	
Parts:	
Carlton Twp.	
Casco Twp. (East ½)	
Casco Vil. (East ½)	
Franklin Twp. (East ⅓)	
Kewaunee City	
Kewaunee Twp.	
Montpelier Twp. (East ⅓)	
Pierce Twp. (South ½)	
Land O'Lakes/Presque Isle	01
County—Vilas:	
Parts:	
Land O'Lake Twn.	
Presque Isle Twn.	
Winchester Twn.	
Laona	02

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Forest:	
Parts:	
Armstrong Creek Twn.	
Blackwell Twn.	
Caswell Twn.	
Freedom Twn.	
Laona Twn.	
Ross Twn.	
Wabeno Twn.	
Minong/Solon Springs	01
County—Douglas:	
Parts:	
Bennett Twn.	
Dairyland Twn.	
Gordon Twn.	
Highland Twn.	
Oakland Twn. (S. ½)	
Solon Springs Twn.	
Solon Springs Vil.	
Wascott Twn.	
County—Washburn:	
Parts:	
Brooklyn Twn.	
Chicog Twn.	
Frog Creek Twn.	
Gull Lake Twn.	
Minong Twn.	
Minong Vil.	
Mondovi	02
County—Buffalo:	
Parts:	
Alma City	
Alma Twn.	
Belvidere Twn.	
Buffalo City	
Canton Twn.	
Cochrane Vil.	
Dover Twn.	
Gilmanton Twn.	
Lincoln Twn.	
Modena Twn.	
Mondovi City	
Mondovi Twn.	
Naples Twn.	
County—Pepin:	
Parts:	
Albany Twn.	
Mountain/White Lake	02
County—Langlade:	
Parts:	
Evergreen Twn.	
Langlade Twn.	
White Lake Vil.	
Wolf River Twn.	
County—Oconto:	
Parts:	
Armstrong Twn.	
Bagley Twn.	
Brazeau Twn.	
Breed Twn.	
Doty Twn.	
Lakewood Twn.	
Riverview Twn.	
Townsend Twn.	
Oconto Falls	04
County—Oconto:	
Parts:	
Abrams Twn. (W. ½)	
Gillett City	
Gillett Twn.	
How Twn.	
Lena Twn.	
Lena Vil.	
Maple Valley Twn.	
Morgan Twn.	
Oconto Falls City	
Oconto Falls Twn.	
Spruce Twn.	
Stiles Twn. (W. ½)	
Suring Vil.	
Underhill Twn.	
County—Shawano:	
Parts:	
Green Valley Twn.	
Osseo	03

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Eau Claire:	
Parts:	
Augusta Twn.	
Bridge Creek Twn.	
Clear Creek Twn.	
Fairchild Twn.	
Fairchild Vil.	
Otter Creek Twn.	
County—Jackson:	
Parts:	
Cleveland Twn.	
Garfield Twn.	
Northfield Twn.	
County—Trempealeau:	
Parts:	
Hale	
Osseo City	
Strum Twn.	
Sumner Twn.	
Unity Twn.	
Park Falls/Phillips	03
County—Ashland:	
Parts:	
Agenda Twn.	
Butternut Vil.	
Chippewa Twn.	
Gordon Twn.	
Jacobs Twn.	
Peeksville Twn.	
Shanagolden Twn.	
County—Iron:	
Parts:	
Sherman Twn.	
County—Price:	
Parts:	
Catawba Twn.	
Eisenstein Twn.	
Elk Twn.	
Emery Twn.	
Fifield Twn.	
Flambeau Twn.	
Georgetown Twn.	
Hackett Twn.	
Harmony Twn.	
Kennan Twn.	
Kennan Vil.	
Lake Twn.	
Ogema Twn.	
Park Falls City	
Phillips City	
Prentice Twn. (West ½)	
Prentice Vil.	
Worchester Twn.	
County—Sawyer:	
Parts:	
Draper Twn.	
Platteville/Cuba City	04
County—Grant:	
Parts:	
Clifton Twn.	
Cuba City City	
Dickeysville Vil.	
Ellenboro Twn.	
Harrison Twn.	
Hazel Green Twn.	
Hazel Green Vil.	
Lima Twn.	
Livingston Vil.	
Paris Twn.	
Platteville City	
Platteville Twn.	
Smelser Twn.	
County—Iowa:	
Parts:	
Mifflin Twn.	
Rewey Vil.	
County—Lafayette:	
Parts:	
Belmont Twn.	
Belmont Vil.	
Benton Twn.	
Benton Vil.	
Elk Grove Twn.	
New Diggings	
Sister Bay-Wash Island	02

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Door:	
Parts:	
Baileys Harbor Twn.	
Ephriam Vil.	
Gibraltar Twn.	
Liberty Grove Twn.	
Sister Bay Vil.	
Washington Twn.	
Sparta	02
County—Monroe:	
Parts:	
Angelo Twn.	
Cashton Vil.	
Jefferson Twn.	
Lafayette Twn.	
Leon Twn.	
Little Falls Twn.	
Melvina Vil.	
New Lyme Twn.	
Norwalk Vil.	
Portland Twn.	
Ridgeville Twn.	
Sparta City	
Sparta Twn.	
Wells Twn.	
Tigerton/Birnamwood	02
County—Marathon:	
Parts:	
Elderon Twn.	
Elderon Vil.	
Franzen Twn.	
Hatley Vil.	
Norris Twn.	
Plover Twn.	
County—Shawano:	
Parts:	
Almon Twn.	
Aniwa Twn.	
Aniwa Villiage	
Birnamwood Twn.	
Birnamwood Vil.	
Bowler Vil.	
Eland Vil.	
Fairbanks Twn.	
Germania Twn.	
Grant Twn. (W. ½)	
Hutchins Twn.	
Matoon Vil.	
Morris Twn.	
Tigerton Vil.	
Wittenberg Twn.	
Wittenberg Vil.	
County—Waupaca:	
Parts:	
Big Falls Vil.	
Harrison Twn.	
Wyoming Twn.	
W. Marinette	02
County—Marinette:	
Parts:	
Amberg Twn.	
Athelstane Twn.	
Beaver Twn.	
Coleman Vil.	
Crivitz Vil.	
Lake Twn.	
Middle River Twn.	
Pound Twn.	
Pound Vil.	
Silver Creek Twn.	
Stephenson Twn.	
Wausaukee Twn.	
Wausaukee Vil.	
Wautoma/Montello	02

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Marquette:	
Parts:	
Crystal Lake Twn.	
Harris Twn.	
Mecan Twn.	
Montello City	
Montello Twn.	
Neshkoro Twn.	
Neshkoro Vil.	
Newton Twn.	
Oxford Twn.	
Oxford Vil.	
Packwaukee Twn.	
Shields Twn.	
Springfield Twn.	
Westfield Twn.	
Westfield Vil.	
County—Waushara:	
Parts:	
Coloma Twn.	
Coloma Vil.	
Dakota Twn.	
Deerfield Twn. (S. ⅔)	
Hancock Twn. (S. ⅔)	
Marion Twn.	
Richford Twn.	
Wautoma City	
Wautoma Twn.	

PRIMARY CARE: Wisconsin

Population Group Listing

Population group	Degree of shortage group
Am. Indian Pop.—Milwaukee	01
County—Milwaukee	

PRIMARY CARE: Wisconsin

Facility Listing

Facility name	Degree of shortage group
Kettle Morain Corr. Inst	02
County—Sheboygan	
Lincoln Hills School	02
County—Lincoln	
Wisconsin Corr. Inst	03
County—Dodge	
Wisconsin State Prison	02
County—Dodge	
Wisconsin State Reformatory	02
County—Brown	

PRIMARY CARE: Wyoming

County name	Degree of shortage group
Albany:	
Service area: Medicine Bow/Rock River	01
Big Horn:	
Service area: Greybull	02
Campbell:	
Service area: Wright	01
Carbon:	
Service area: Medicine Bow/Rock River	01
Crook:	
Service area: Hulett	01
Service area: Moorcroft	01
Fremont:	
Service area: Jeffrey City	01
Population Group: Wind River Indian Res	01
Hot Springs:	
Population Group: Wind River Indian Res	01

PRIMARY CARE: Wyoming—Continued

County name	Degree of shortage group
Lincoln:	
Service Area: Afton	03
Service Area: Kemmerer/Cokesville	01
Natrona:	
Service area: Midwest/Edgerton	01
Park:	
Service area: Gardener-Mammoth Hot Springs (MT/WY)	01
Sublette:	
Service Area: Big Piney/Marbleton	02
Service Area: Pinedale/Boulder	03
Sweetwater	04
Uinta	
Service area: Lyman	01

PRIMARY CARE: Wyoming

Service Area Listing

Service area name	Degree of shortage group
Afton	03
County—Lincoln:	
Parts: Afton Div.	
Big Piney/Marbleton	02
County—Sublette:	
Parts: Big Piney Div.	
Gardener—Mammoth Hot Springs (MT/WY)	01
County—Park:	
Parts: Yellowstone Nat'l Park Div.	
Greybull	02
County—Big Horn:	
Parts:	
Big Horn Central Div.	
Big Horn South Div.	
Hulett	01
County—Crook:	
Parts: Hulett Div.	
Jeffrey City	01
County:Fremont:	
Parts: Sweetwater Div.	
Kemmerer/Cokeville	01
County—Lincoln:	
Parts:	
Kemmerer East Div.	
Kemmerer West Div.	
Lyman	01
County—Unit:	
Parts: Bridger Valley Div.	
Medicine Bow—Rock River	01
County—Albany:	
Parts: Rock River Div.	
County—Carbon:	
Parts: Hanna Div.	
Midwest/Edgerton	01
County—Natrona:	
Parts: Casper North Div. (N. ½)	
Moorcroft	01
County—Crook:	
Parts: Moorcroft Div.	
Pinedale/Boulder	03
County—Sublette:	
Parts:	
Boulder Div.	
Pinedale Div.	
Wright	01
County—Campbell:	
Parts: Gillette South Div.	

PRIMARY CARE: Wyoming

Population Group Listing

Population group	Degree of shortage group
Wind River Indian Res	01
County—Fremont	
County—Hot Springs	

PRIMARY CARE: American Samoa

District name	Degree of shortage group
Eastern Dist. (Tutuila):	
Service area: Terr. of American Samoa	03
Manu'a Islands:	
Service area: Terr. of American Samoa	03
Rose Island:	
Service area: Terr. of American Samoa	03
Swains Island:	
Service area: Terr. of American Samoa	03
Western Dist. (Tutuila):	
Service area: Terr. of American Samoa	03

PRIMARY CARE: American Samoa

Service Area Listing

Service area name	Degree of shortage group
Terr. of American Samoa	03
County—Eastern Dist. (Tutuila)	
County—Manu'a Islands	
County—Rose Island	
County—Swains Island	
County—Western Dist. (Tutuila)	

PRIMARY CARE: Guam

District name	Degree of shortage group
Agat:	
Service area: Southern Guam	02
Inarajan:	
Service area: Southern Guam	02
Merizo:	
Service area: Southern Guam	02
Santa Rita:	
Service area: Southern Guam	02
Talofofo:	
Service area: Southern Guam	02
Umatac:	
Service area: Southern Guam	02
Yona:	
Service area: Southern Guam	02

PRIMARY CARE: Guam

Service Area Listing

Service area name	Degree of shortage group
Southern Guam	02
County—Agat	
County—Inarajan	
County—Merizo	
County—Santa Rita	
County—Talofofo	

PRIMARY CARE: Guam—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Umatac	
County—Yona	

PRIMARY CARE: Puerto Rico

Municipio name	Degree of shortage group
Adjuntas	02
Aguada	04
Aguas Buenas	03
Anasco	03
Arecibo:	
Population Group: Pov. Pop—Arecibo Co	02
Arroyo:	
Population Group: Pov. Pop.—Arroyo Co	01
Barceloneta:	
Population Group: Pov. Pop.—Barceloneta Co	04
Barranquitas:	
Population Group: Pov. Pop.—Barranquitas Co	01
Cabo Rojo:	
Population Group: Pov. Pop.—Cabo Rojo Co	03
Camuy	02
Canovanas	02
Cayey:	
Population Group: Pov. Pop.—Cayey Co	01
Ceiba:	
Population Group: Pov. Pop.—Ceiba Co	02
Ciales	04
Cidra	02
Comamo:	
Population Group: Pov. Pop.—Comamo Co	01
Comerio	03
Corozal	02
Dorado	02
Fajardo:	
Population Group: Pov. Pop.—Fajardo Co	01
Florida	02
Guanica:	
Population Group: Pov. Pop.—Guanica Co	01
Guayama:	
Population Group: Pov. Pop.—Guayama Co	01
Guayanilla:	
Population Group: Pov. Pop.—Guayanilla Co	01
Gurabo	01
Hatillo	01
Hormigueros	01
Humacao:	
Population Group: Pov. Pop.—Humacao Co	02
Isabela	03
Jayuya:	
Population Group: Pov. Pop.—Jayuya Co	01
Juana Diaz	02
Juncos	01
Lajas	01
Lares	01
Las Marias	02
Las Peidras	01
Loiza	03
Luquillo	01
Manati:	
Population Group: Pov. Pop.—Manati Co	01
Maricao:	
Population Group: Pov. Pop.—Maricao Co	02
Maunabo	01
Mayaguez:	
Population Group: Pov. Pop.—Mayaguez Co	01
Moca:	
Population Group: Pov. Pop.—Moca Co	01
Morovis	02
Naguabo:	
Population Group: Pov. Pop.—Naguabo Co	02
Naranjito	02
Orocovis	01
Patillas	04
Ponce:	
Population Group: Pov. Pop.—Ponce Co	02
Quebradillas	02
Rincon	04

PRIMARY CARE: Puerto Rico—Continued

Municipio name	Degree of shortage group
Rio Grande:	
Population Group: Pov. Pop.—Rio Grande Co	01
Sabana Grande	03
Salinas:	
Population Group: Pov. Pop.—Salinas Co	01
San German	
Population Group: Pov. Pop.—San German Co	02
San Juan:	
Service Area: Barrio Obrero	04
San Lorenzo:	
Population Group: Pov. Pop.—San Lorenzo Co	01
San Sebastian:	
Population Group: Pov. Pop.—San Sebastian Co	01
Santa Isabel	01
Toa Alta	01
Utuado:	
Population Group: Pov. Pop.—Utuado Co	01
Vega Alta:	
Population Group: Pov. Pop.—Vega Alta Co	01
Vega Baja:	
Population Group: Pov. Pop.—Vega Baja Co	01
Villalba	02
Yabucoa:	
Population Group: Pov. Pop.—Yabucoa Co	01
Yauco:	
Population Group: Pov. Pop.—Yauco Co	01

PRIMARY CARE: Puerto Rico

Service Area Listing

Service area name	Degree of shortage group
Barrio Obrero	04
County—San Juan	
Parts:	
C.T. 29-39	
C.T. 44-45	

PRIMARY CARE: Puerto Rico

Population Group Listing

Population group	Degree of shortage group
Pov. Pop.—Arecibo Co	01
County—Arecibo	
Pov. Pop.—Arroyo Co	01
County—Arroyo	
Pov. Pop.—Barceloneta Co	04
County—Barceloneta	
Pov. Pop.—Barranquitas Co	01
County—Barranquitas	
Pov. Pop.—Cabo Rojo Co	03
County—Cabo Rojo	
Pov. Pop.—Cayey Co	01
County—Cayey	
Pov. Pop.—Ceiba Co	02
County—Ceiba	
Pov. Pop.—Coamo Co	01
County—Coamo	
Pov. Pop.—Fajardo Co	01
County—Fajardo	
Pov. Pop.—Guanica Co	01
County—Guanica	
Pov. Pop.—Guayama Co	01
County—Guayama	
Pov. Pop.—Guayanilla Co	01
County—Guayanilla	
Pov. Pop.—Humacao Co	02
County—Humacao	
Pov. Pop.—Jayuya Co	01
County—Jayuya	
Pov. Pop.—Manati Co	01
County—Manati	
Pov. Pop.—Maricao Co	02
County—Maricao	
Pov. Pop.—Mayaguez Co	01
County—Mayaguez	
Pov. Pop.—Moca Co	01

PRIMARY CARE: Puerto Rico—Continued

Population Group Listing

Population group	Degree of shortage group
County—Moca	
Pov. Pop.—Naguabo Co	02
County—Naguabo	
Pov. Pop.—Ponce Co	02
County—Ponce	
Pov. Pop.—Rio Grande Co	01
County—Rio Grande	
Pov. Pop.—Salinas Co	01
County—Salinas	
Pov. Pop.—San German Co	02
County—San German	
Pov. Pop.—San Lorenzo Co	01
County—San Lorenzo	
Pov. Pop.—San Sebastian Co	01
County—San Sebastian	
Pov. Pop.—Utuado Co	01
County—Utuado	
Pov. Pop.—Vega Alta Co	01
County—Vega Alta	
Pov. Pop.—Vega Baja Co	01
County—Vega Baja	
Pov. Pop.—Yabucoa Co	01
County—Yabucoa	
Pov. Pop.—Yauco Co	01
County—Yauco	

PRIMARY CARE: N. Mariana Island

District name	Degree of shortage group
Mariana Island Dist	01

PRIMARY CARE: Trust Territories—Pacific

District name	Degree of shortage group
Kosrae District	01
Marshall District	01
Palau District	03
Ponape District	01
Truk District	01
Yap District	01

PRIMARY CARE: Virgin Islands

County name	Degree of shortage group
St. Croix:	
Service area: Fredericksted	01
St. Thomas:	
Service area: East End St. Thomas	01

PRIMARY CARE: Virgin Island.

Service Area Listing

Service area name	Degree of shortage group
East End St. Thomas	01
County—St. Thomas	
Parts:	
East End	
Southside	
Tutu	
Fredericksted	01

PRIMARY CARE: Virgin Island.—Continued

Service Area Listing

Service area name	Degree of shortage group
County—St. Croix	
Parts:	
Fredericksted	
Northwest	
Southwest	

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS

Service area	County	Parts
Alabama		
	Choctaw	All.
	Pickens	All.
	Pike	All.
Camden	Wilcox	Camden, Coy-Fatama, Pine Apple.
Paint Rock Valley	Jackson	Paint Rock, Princeton.
Sand Mountain	Jackson	Long Island, Pisgah, Section.
Westover	Shelby	C.T. 301-303.
Alaska		
	Nome Area	All.
Bristol Bay	Bristol Bay Boro	All.
	Dillingham Area	All.
Arkansas		
Dumas	Desha	Franklin Twp., Jefferson Twp., Randolph Twp., Red Fork Twp., Richland Twp., Silver Lake Twp., Walnut Lake Twp.
	Lincoln	Auburn Twp., Gould Twp., Wells Bayou Twp.
Osceola/Wilson	Mississippi	Carson Lake, Dyess, Fletcher, Golden Lake, Little River, McGarock, Monroe, Pecan, Scott, Swayne, Troy, Whitton.
California		
Pittsburg	Contra Costa	C.T. 3090, C.T. 3100, C.T. 3110, C.T. 3120, C.T. 3131-3132, C.T. 3141-3142, C.T. 3552.
Point Arena	Mendocino	Point Arena.
Stewarts Point	Sonoma	C.T. 1543 (N. Portion).
West Point/ Wilseyville.	Calaveras	West Point/ Wilseyville CCD.
Population Group Indochinese Pop.— Sacramento Area.	Sacramento	Elk Grove CCD, Folsom CCD, Mather CCD, N. Highlands CCD, Natomas CCD, Rio Linda CCD, Sacramento CCD, San Juan CCD, Sloughouse CCD.
	Yolo	East Yolo CCD.
Colorado		
	Elbert	All.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Kit Carson	Cheyenne	Kit Carson Div.
Florida		
	Putnam	All.
	Washington	All.
Keystone Heights	Clay	Keystone Heights.
Sneads	Jackson	Sneads CCD.
Population Group		
Pov. Migr. Pop.—Pasco.	Pasco	C.T. 319-331.
Georgia		
	Towns	All.
Franklin/Hart	Franklin	All.
	Hart	All.
Quitman/Randolph.	Quitman	All.
	Randolph	All.
Population Group		
Med. Ind. Pop.—Jackson Co.	Jackson	Med. Ind. Pop.—Jackson Co.
Pov. Pop.—S.W. Atlanta.	Fulton	C.T. 65, C.T. 66.01, C.T. 74-75, C.T. 76.01-76.02, C.T. 77.01-77.02, C.T. 78.02, C.T. 106.01-106.02, C.T. 107-111, C.T. 112.01-112.02, C.T. 113.01-113.02.
Kansas		
Smokey Hills	McPherson	Bonaville Twp., Gypsum Twp., Lindsborg City, Marguette Twp., Smokey Hill Twp., Union Twp.
	Saline	Eureka Twp., Gypsum Twp., Liberty Twp., Smokey View Twp., Smolam Twp., Walnut Twp.
Kentucky		
	Breckinridge	All.
	Gallatin	All.
	Grant	All.
	McCreary	All.
	Monroe	All.
	Todd	All.
Louisiana		
	Claiborne	All.
Maryland		
Cherry Hill	Baltimore City	C.T. 2502.01-2502.05, C.T. 2503.01-2503.03.
Hampden/Woodberry/Remington.	Baltimore City	C.T. 1203, C.T. 1206-1207, C.T. 1305-1306, C.T. 1308.03-1308.04.
Keedysville	Washington	Dist. 1, Sharpsburg, Dist. 6, Boonsboro, Dist. 8, Rohrersville, Dist. 11, Sandy Hook, Dist. 19, Keedysville.
Northwest Baltimore.	Baltimore City	C.T. 1512-1513, C.T. 2716-2717, C.T. 2718.01-2718.02.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Minnesota		
Moose Lake	Aitkin	Beaver Twp., Clark Twp., Salo Twp., Tamarack Vil.
	Carlton	Automba Twp., Barnum City, Barnum Twp., Blackhoof Twp. (S. ½), Cromevell City, Holyoke Twp., Kaleva Twp., Kettle River City, Lakeview Twp., Mahtowa Twp., Moose Lake City, Moose Lake Twp., Silver Twp., Skelton Twp., Split Rock Twp., Unorg. Terr. Clear Lake, Unorg. Terr. N.E. Carlton (S. ½), Wright City.
	Pine	Birch Creek Twp., Denham City, Kerrick City, Kerrick Twp., Nickerson Twp., Sturgeon Lake Twp., Willow River City.
Mississippi		
	Attala	All.
	Bolivar	All.
	Clarke	All.
	Coahoma	All.
	Copiah	All.
	Franklin	All.
	Montgomery	All.
	Simpson	All.
	Wayne	All.
Desoto/Tate	DeSoto	All.
	Tate	All.
Issaquena/Sharkey.	Issaquena	All.
	Sharkey	All.
Missouri		
	Ralls	All.
Steele	Pemiscot	Cooter Twp., Holland Twp., Pemiscot Twp., Virginia Twp.
Montana		
	Sheridan	All.
Nebraska		
	Fillmore	All.
Northeast Omaha	Douglas	C.T. 6-7, C.T. 9-12, C.T. 13.01-13.02, C.T. 14-15, C.T. 52, C.T. 50.
Facility		
St Joseph Hospital.	Douglas	
New Jersey		
Lower Cape May	Cape May	Cape May City, Cape May Point, Lower Twp., West Cape May.
New Mexico		
	De Baca	All.
	Sierra	All.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Southern Lea	Lea	Eunice CCD, Jal CCD.
New York		
Lower East Side	New York	C.T. 2.01-2.02, C.T. 6, C.T. 8, C.T. 10.01-10.02, C.T. 12, C.T. 14.01-14.02, C.T. 16, C.T. 18, C.T. 20, C.T. 22.01-22.02, C.T. 24-25, C.T. 26.01-26.02, C.T. 27-29, C.T. 30.01-30.02, C.T. 31-32, C.T. 34, C.T. 36.01-36.02, C.T. 38, C.T. 40-41, C.T. 43, C.T. 45.
Population Group		
Tonawanda Indian Res.	Erie, Genesee, Niagara.	
Tuscarora Indian Res.	Niagara	
Facility		
NYC Corr. Fac.—Riker's Island.	Bronx	Adolescent Rcpt/Det Ctr., Anna M. Kross Corr. Fac., Corr. Inst.—Men, Corr. Inst.—Women, House of Detention—Men.
North Carolina		
	Brunswick	All.
	Columbus	All.
Northern Orange	Orange	Cedar Grove Twp., Cheeks Twp., End Twp., Hillsborough Twp., Little River Twp.
Ohio		
	Coshocton	All.
	Highland	All.
	Sandusky	All.
	Tuscarawas	All.
	Warren	All.
Tiffin/Fostoria	Hancock	Washington Twp.
	Seneca	Adams, Big Spring Twp., Bloom Twp., Clinton, Eden Twp., Fostoria City, Green Springs Vil. (Part), Hopewell Twp., Jackson Twp., Liberty, Louden Twp., Pleasant Twp., Scipio Twp., Seneca Twp., Thompson Twp., Tiffin City.
	Wood	Perry Twp.
Oklahoma		
	Adair	All.
	Choctaw	All.
	Delaware	All.
	Lincoln	All.
	McIntosh	All.
	Okfuskee	All.
	Osage	All.
	Seminole	All.
Oregon		
Port Orford	Curry	Port Orford Div.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Facility		
Rocky Butte Jail	Multnomah	
Pennsylvania		
Boswell	Somerset	Boswell Boro., Hooversville Boro., Jenner Twp., Jennerstown Boro., Quemahoning Twp., Stoystown Boro.
Freeland	Luzerne	Butler Twp. (E. ½), Foster Twp., (W ½), Freeland Boro., Hazel Twp., (E. ½), Jeddo Boro.
Population Group		
Med. Elig. Pop.—Meadville.	Crawford	Meadville
South Carolina		
Chapin	Lexington	Chapin CCD.
Johnston-Meriwether.	Edgefield	Johnston CCD, Trenton CCD, Stevens Creek CCD.
Western York	York	Clover CCD, Hickory Grove CCD, McConnells CCD, York CCD.
Tennessee		
	Meigs	All.
West Polk	Polk	Benton CCD, Parkville CCD.
Texas		
Mills/San Saba	Mills	All.
Utah		
	Uintah	All.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Vermont		
West River Valley	Windham	Jamaica Twn., Newfane Twn., Stratton Twn., Townshend Twn., Wardsboro Twn.
Virginia		
	Amherst	All.
	Appomattox	All.
	Bath	All.
	Buchanan	All.
	Dickenson	All.
	Northampton	All.
Washington		
McCleary-Elma	Grays Harbor	Elma Div. Malone Porter Div., McCleary Div
Othello	Adams	Hatton Twn., Othello Div.
	Franklin	Cornell Div., Kahlotus Div. (N. ½).
	Grant	Southern Slopes Div. Warden Div.
Facility		
Pierce Co. Jail	Pierce	
Seattle & King Co. Jails.	King	
West Virginia		
	Jefferson	All.
	Wyoming	All.
Wisconsin		
Baldwin	Pierce	Elmwood Vil., Gilman Twn., Spring Lake Twn., Spring Valley Vil.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	St. Croix	Baldwin Twn., Baldwin Vil., Cady Twn., Eau Galle Twn., Emerald Twn., Glenwood City, Glenwood Twn., Hammond Twn., Hammond Vil., Pleasant Valley Twn., Rush River Twn., Springfield Twn., Wilson Vil., Woodville Vil.
Puerto Rico		
	Barceloneta	All.
	Barranquitas	All.
Population Group		
Pov. Pop.—Adjuntas Co.	Adjuntas	Pov. Pop.—Adjuntas Co.
Pov. Pop.—Aguas Buenas Co.	Aguas Buenas	Pov. Pop.—Aguas Buenas Co.
Pov. Pop.—Catano Co.	Catano	Pov. Pop.—Catano Co.
Pov. Pop.—Dorado Co.	Dorado	Pov. Pop.—Dorado Co.
Pov. Pop.—Guaynabo Co.	Guaynabo	Pov. Pop.—Guaynabo Co.
Pov. Pop.—Gurabo Co.	Gurabo	Pov. Pop.—Gurabo Co.
Pov. Pop.—Isabela Co.	Isabela	Pov. Pop.—Isabela Co.
Pov. Pop.—Juana Diaz.	Juana Diaz Co	Pov. Pop.—Juana Diaz Co.
Pov. Pop.—Las Marias Co.	Las Marias	Pov. Pop.—Las Marias Co.
Pov. Pop.—Loiza Co.	Loiza	Pov. Pop.—Loiza Co.
Pov. Pop.—Maunabo Co.	Maunabo	Pov. Pop.—Maunabo Co.
Pov. Pop.—Quebradillas Co.	Quebradillas	Pov. Pop.—Quebradillas Co.
Pov. Pop.—Santa Isabel Co.	Santa Isabel	Pov. Pop.—Santa Isabel Co.
Pov. Pop.—Toa Alta Co.	Toa Alta	Pov. Pop.—Toa Alta Co.
Pov. Pop.—Trujillo Alto Co.	Trujillo Alto	Pov. Pop.—Trujillo Alto Co.

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Federal Register

Tuesday
November 17, 1987

Part III

Veterans Administration
Department of Defense
Department of Transportation

38 CFR Part 21

Veterans Education; Educational Assistance for Members of the Selected Reserve; Proposed Regulations

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

38 CFR Part 21

Veterans Education; Educational Assistance for Members of the Selected Reserve.

AGENCY: Veterans Administration, Department of Defense and Department of Transportation.

ACTION: Proposed regulations.

SUMMARY: These regulations are designed to implement those provisions of the Veterans' Educational Assistance Act of 1984 which established a new educational assistance program for members of the Selected Reserve. This new program is designed to replace the program formerly contained in 10 U.S.C. Ch. 106. It is available to a person who after June 30, 1985, enlists, reenlists or extends an enlistment as a Reserve for service in the Selected Reserve; or to a person who, after the same date, is appointed as, or is serving as a reserve officer in the Selected Reserve and agrees to serve in the Selected Reserve for an additional period of at least six years. These regulations implement this new program. These regulations do not implement those provisions of the Veterans' Benefits Improvement and Health Care Authorization Act of 1986 which affect this program. Neither do they implement the provisions of the New GI Bill Continuation Act. To implement these Acts the VA (Veterans Administration) intends to amend the appropriate regulations and incorporate the amendments at a later date.

DATES: Comments must be received on or before December 18, 1987. Comments will be available for public inspection until January 4, 1988. It is proposed that, in accordance with Pub. L. 98–525, these regulations be made effective October 19, 1984.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until January 4, 1988.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Department of Veterans Benefits, (202) 233–2092.

SUPPLEMENTARY INFORMATION: 10 U.S.C. 2136(a) provides that educational assistance in the Selected Reserve Educational Assistance Program shall be provided through the VA, under agreements entered into by the Secretary of Defense, and the Secretary of Transportation with the Administrator of Veterans Affairs. These regulations are proposed by the VA with the express agreement of the Secretary of Defense and the Secretary of Transportation for the purpose of enabling the VA to administer this program.

The proposed regulations show how the VA will administer the new educational program.

In some respects this program will be administered differently from other programs which the VA administers. For example, there is no work study or tutorial assistance for reservists under this program. A person pursuing courses not leading to a standard college degree must do so at an institution of higher learning. No apportionment of benefits is permitted.

Some types of courses which are permitted under other educational programs administered by the VA are not permitted in this new program. There are no correspondence courses, no combination correspondence-residence courses, and, except for those courses leading to a standard college degree, there are no flight training courses. The law does not permit beneficiaries to train in farm cooperative courses, cooperative courses or graduate school courses.

The VA finds that good cause exists for making these regulations, like the sections of the law they implement, retroactively effective on October 19, 1984. To achieve the maximum benefit of this legislation for the affected individuals, it is necessary to implement these provisions of law as soon as possible. A delayed effective date would be contrary to statutory design; would complicate administration of these provisions of law; and might result in denial of a benefit to a reservist who is entitled by law to it.

It has been determined that this proposal does not contain a major rule as that term is defined by E.O. 12291, entitled, Federal Regulation. The proposal will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans Affairs, the Secretary of Defense and the Secretary of Transportation have certified that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b) these proposed regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made even though some small entities will have to make the reports required in the proposed §§ 21.7652, 21.7654 and 21.7656. The records needed to make the reports are maintained by educational institutions in the normal course of business. Hence, the regulations will not impose any additional recordkeeping costs on the small entities. Some costs will result from making the reports. However, the reports themselves are required by law. While the law allows some leeway in setting the frequency of these reports, in those instances where the VA has chosen a frequency greater than that required by law, the agency does not believe the economic impact of the regulations to be significant. Furthermore, part of the cost of making these reports is offset by the reporting fee which the law requires the VA to pay to educational institutions. The regulations will have no economic impact on other small entities such as small governmental units.

The information collection requirements contained in §§ 21.7530, 21.7640, 21.7652, 21.7654 and 21.7656 of these proposed regulations have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503; Attention: Joseph Lackey.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping

requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: November 18, 1986.

Thomas K. Turnage,

Administrator.

January 23, 1987.

David T. Fee,

Colonel USAF, Principal Director, Guard/Reserve, Manpower and Personnel, Office of Assistant Secretary of Defense for Reserve Affairs.

July 17, 1987.

Clyde T. Lusk, Jr.,

Rear Admiral (USCG), Chief of Staff, Commandant, United States Coast Guard.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

38 CFR Part 21, Vocational Rehabilitation and Education, is proposed to be amended by adding a new Subpart L to read as follows:

Subpart L—Educational Assistance for Members of the Selected Reserve

Sec.

21.7500 Establishment and purpose of educational assistance program.

Definitions

21.7520 Definitions.

Claims and Applications

21.7530 Applications, claims and informal claims.
21.7532 Time limits.

Eligibility

21.7540 Eligibility for educational assistance.
21.7550 Ending dates of eligibility.
21.7551 Extended period of eligibility.

Entitlement

21.7570 Entitlement.
21.7576 Entitlement charges.

Counseling

21.7600 Counseling.
21.7603 Travel expenses.

Programs of Education

21.7610 Selection of a program of education.
21.7612 Programs of education combining two or more types of courses.
21.7614 Change of program.

Courses

21.7620 Courses included in programs of education.
21.7622 Courses precluded.
21.7624 Overcharges-restrictions on enrollment.

Payments-Educational Assistance

21.7630 Educational assistance.
21.7631 Commencing dates.
21.7633 Suspension or discontinuance of payments.
21.7635 Discontinuance dates.
21.7636 Rates of payment.

Sec.

21.7639 Conditions which result in reduced rates.
21.7640 Certifications and release of payments.
21.7642 Nonduplication of educational assistance.
21.7644 Overpayments.

Pursuit of Courses and Required Reports

21.7650 Pursuit.
21.7652 Certification of enrollment and verification of pursuit.
21.7653 Progress and conduct.
21.7654 Certification of attendance in courses not leading to a standard college degree.
21.7656 Other required reports from institutions of higher learning.
21.7658 False, late or missing reports.
21.7659 Reporting fee.

Course Assessment

21.7670 Measurement of courses leading to a standard college degree.
21.7672 Measurement of courses not leading to a standard college degree.
21.7674 Measurement of practical training courses.

State Approving Agencies

21.7700 State approving agencies.

Approval of Courses

21.7720 Course approval.
21.7722 Courses and enrollments which may not be approved.

Administrative

21.7801 Delegation of authority.
21.7802 Finality of decisions.
21.7803 Revision of decisions.
21.7805 Conflicting interests.
21.7807 Examination of records.
21.7810 Civil rights.

Subpart L—Educational Assistance for Members of the Selected Reserve

Authority: 10 U.S.C. Ch. 106; 38 U.S.C. 210.

§ 21.7500 Establishment and purpose of educational assistance program.

An educational assistance program for certain members of the Selected Reserve is established to encourage membership in the Selected Reserve of the Ready Reserve.

(Authority: 10 U.S.C. 2131(a); Pub. L. 98–525)

Definitions

§ 21.7520 Definitions.

For the purposes of regulations from § 21.7500 through § 21.7999 of this part, governing the administration and payment of educational assistance under 10 U.S.C. Ch. 106, the Selected Reserve Educational Assistance Program, the following definitions apply.

(a) *Definitions of participants*—(1) *Reservist.* The term "reservist" means a member of the Selected Reserve who is eligible for educational assistance under 10 U.S.C. Ch. 106.

(2) *Selected Reserve.* The term "Selected Reserve" means the Selected Reserve of the Ready Reserve of any of the reserve components (including the Army National Guard of the United States and the Air National Guard of the United States) of the Armed Forces of the United States, as required to be maintained under section 268(b), 10 U.S. Code.

(Authority: 10 U.S.C. 2131; Pub. L. 98–525)

(b) *Other definitions*— (1) *Attendance.* The term "attendance" means the presence of a reservist—

(i) In the class at the institution of higher learning where the approved course in which he or she is enrolled is being taught, or

(ii) In any other place of instruction, training or study at that institution of higher learning at which the reservist is enrolled and is pursuing a program of education.

(Authority: 38 U.S.C. 2136(b), 1789(g); Pub. L. 98–525)

(2) *Audited course.* The term "audited course" has the same meaning as provided in § 21.4200(i) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(3) *Deficiency course.* The term "deficiency course" means any secondary level course or subject not previously completed satisfactorily which is specifically required for pursuit of a post-secondary program of education.

(Authority: 10 U.S.C. 2136(b); Pub. L. 98–525)

(4) *Divisions of the school year.* The term "divisions of the school year" has the same meaning as provided in § 21.4200(b) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(5) *Drop-add period.* The term "drop-add period" has the same meaning as provided in § 21.4200(l) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(6) *Educational assistance.* The term "educational assistance" means the monthly payment made to members of the Selected Reserve for pursuit of a program of education.

(Authority: 10 U.S.C. 2131(b); Pub. L. 98–525)

(7) *Educational objective.* An approvable educational objective is one that leads to the awarding of an associate degree, a bachelor's degree or the equivalent.

(Authority: 38 U.S.C. 2131(b), Pub. L. 98–525)

(8) *Enrollment.* The term "enrollment" means the state of being on that roll or

file of an educational institution which contains the names of active students.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(g); Pub. L. 98–525)

(9) *Enrollment period.* The term "enrollment period" has the same meaning as provided in § 21.4200(p) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(g); Pub. L. 98–525)

(10) *In residence on a standard quarter- or semester-hour basis.* The term "in residence on a standard quarter- or semester-hour basis" has the same meaning as provided in § 21.4200(r) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(c); Pub. L. 98–525)

(11) *Independent study.* The term "independent study" has the same meaning as provided in § 21.4280(c) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(c); Pub. L. 98–525)

(12) *Independent study-resident training.* The term "independent study-resident training" means—

(i) The state of being enrolled concurrently in one or more undergraduate courses or subjects offered by independent study as defined in paragraph (b)(11) of this section and one or more courses or subjects offered by resident training as defined by paragraph (b)(22) of this section, or

(ii) The state of being enrolled in one or more undergraduate level subjects which—

(A) Do not meet the requirements of either paragraphs (b)(22)(i), (b)(22)(ii) or (b)(22)(iii) of this section,

(B) Have some weeks when standard class sessions are scheduled, and

(C) Consist of independent study as defined in paragraph (b)(11) of this section during those weeks when there are no regularly scheduled standard class sessions.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(c); Pub. L. 98–525)

(13) *Institution of higher learning.* The term "institution of higher learning" means—

(i) A college, university or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree, if the educational institution is empowered by the appropriate State education authority under State law to grant an associate or higher degree.

(ii) When there is no state law to authorize the granting of a degree, an educational institution which—

(A) Is accredited for degree programs by a recognized accrediting agency, or

(B) Is a recognized candidate for accreditation as a degree-granting school by one of the national or regional accrediting associations and has been licensed or chartered by the appropriate State authority as a degree-granting institution.

(iii) A hospital offering educational programs at the postsecondary level without regard to whether the hospital grants a postsecondary degree.

(iv) An educational institution which—

(A) Is not located in a State,

(B) Offers a course leading to a standard college degree or the equivalent, and

(C) Is recognized as an institution of higher learning by the secretary of education (or comparable official) of the country in which the educational institution is located.

(Authority: 10 U.S.C. 2131; Pub. L. 98–525)

(14) *Mitigating circumstances.* Mitigating circumstances are circumstances beyond the reservist's control which prevent him or her from pursuing a program of education continuously. The following circumstances are representative of those which the VA considers to be mitigating. This list is not all-inclusive.

(i) An illness of the reservist,

(ii) An illness or death in the reservist's family,

(iii) An unavoidable change in the reservist's conditions of employment,

(iv) An unavoidable geographical transfer resulting from the reservist's employment,

(v) Immediate family or financial obligations beyond the control of the reservist which require him or her to suspend pursuit of the program of education to obtain employment,

(vi) Discontinuance of the course by the educational institution,

(vii) Unanticipated active duty military service, including active duty for training.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(15) *Nonpunitive grade.* The term "nonpunitive grade" has the same meaning as provided in § 21.4200(j) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(16) *Normal commuting distance.* The term "normal commuting distance" has the same meaning as provided in § 21.4200(m) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780; Pub. L. 98–525)

(17) *Program of education.* A program of education is a combination of subjects or unit courses pursued at an institution of higher learning. The combination generally is accepted as necessary to meet requirements for a predetermined vocational, educational or professional objective. It may consist of subjects or courses which fulfill requirements for more than one objective if all objectives pursued are generally recognized as being related to a single career field.

(Authority: 10 U.S.C. 2131; Pub. L. 98–525)

(18) *Punitive grade.* The term "punitive grade" has the same meaning provided in § 21.4200(k) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(19) *Pursuit.* (i) The term "pursuit" means to work, while enrolled, toward the objective of a program of education. This work must be in accordance with approved institutional policy and regulations, and applicable criteria found in titles 10 and 38, United States Code; must be necessary to reach the program's objective; and must be accomplished through—

(A) Resident courses, or

(B) Independent study courses combined with resident courses.

(ii) The VA will consider a reservist who qualifies for payment during an interval or school closing, or who qualifies for payment during a holiday vacation to be in pursuit of a program of education during the interval, school closing or holiday vacation.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(g); Pub. L. 98–525)

(20) *Refresher course.* The term "refresher course" means a course at the elementary or secondary level to review or update material previously covered in a course that has been satisfactorily completed.

(Authority: 10 U.S.C. 2136(b); Pub. L. 98–525)

(21) *Remedial course.* The term "remedial course" means a course designed to overcome a deficiency at the elementary or secondary level in a particular area of study, or a handicap, such as in speech.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1691(a)(2); Pub. L. 98–525)

(22) *Resident training.* The term "resident training" means—

(i) A course or subject, leading to a standard college degree, offered in residence on a standard quarter- or semester-hour basis;

(ii) A course or subject leading to a standard college degree at the undergraduate level which requires

regularly scheduled, weekly classroom or laboratory sessions but does not require them in sufficient number to meet the provision of paragraph (b)(22)(i) of this section,

(iii) A course or subject leading to standard college degree at the undergraduate level which

(A) Would qualify as a course under paragraph (b)(22)(i) of this section except that it does not have weekly class instruction,

(B) Requires pursuit of standard class sessions for each credit at a rate not less frequent than every 2 weeks,

(C) Requires monthly pursuit of a total number of standard class sessions which, during that month, is required by a course meeting the provisions of paragraph (b)(22)(i) of this section,

(D) Is considered by the institution offering it as fully equivalent to a course described in paragraph (b)(22)(i) of this section including payment of tuition and fees; the awarding of academic credit for the purpose of meeting graduation requirements; and the transfer of credits to a course meeting the provision of paragraph (b)(22)(i) of this section, and

(E) Together with all other similar courses offered by the institution of higher learning, has an enrollment representing less than 50 percent of persons at that institution receiving educational assistance under either chapter 31, 32, 34, 35 or 36 of title 38, United States Code,

(iv) The hospital or fieldwork phase of a course with the objective of registered professional nurse or registered nurse, including a course leading to a degree in nursing when—

(A) The hospital or fieldwork phase of the course is an integral part of the course,

(B) The completion of the hospital or fieldwork course is a prerequisite to the successful completion of the course,

(C) The student remains enrolled in the institution of higher learning during the hospital or fieldwork phase, and

(D) The training is under the direct supervision of the institution of higher learning.

(v) The clinical training portion of a course leading to the objective of practical nurse, practical trained nurse, or licensed practical nurse when—

(A) The clinical training is offered by an affiliated or cooperating hospital,

(B) The student is enrolled in and supervised by the institution of higher learning during the clinical training, and

(C) The course is accredited by a nationally recognized accrediting agency or meets the requirements of the licensing body of the State in which the institution of higher learning is located.

(vi) An off-campus job experience included in a course offered by an institution of higher learning is resident training only if the course is—

(A) Accredited by a nationally recognized accrediting agency or is offered by a school that is accredited by one of the regional accrediting agencies;

(B) A part of the approved curriculum of the institution of higher learning;

(C) Directly supervised by the institution of higher learning;

(D) Measured in the same unit as other courses;

(E) Required for graduation; and

(F) Has a planned program of activities described in the institution of higher learning's official publication which is approved by the State approving agency and which is institutional in nature as distinguished from training on-the-job. The description shall include at least a unit subject description; a provision for an assigned instructor; a statement that the planned program of activities is controlled by the institution of higher learning, not by the officials of the job establishment; a requirement that class attendance on at least a weekly basis be regularly scheduled to provide for interaction between instructor and student; a statement that appropriate assignments are required for completion of the course; a grading system similar to the system used for other resident subjects offered by the institution of higher learning; and a schedule of time required for the training which demonstrates that the student shall spend at least as much time in preparation and training as is normally required by the institution of higher learning for its other resident courses.

(vii) A course including student teaching, or

(viii) A flight training course when included as a creditable part of an undergraduate course leading to a standard college degree.

(Authority: 10 U.S.C. 2131(b); Pub. L. 98–525)

(23) *School, educational institution, institution.* The terms "school", "educational institution", and "institution" mean any business school, community or junior college, teachers' college, college, university or scientific or technical institution which confers undergraduate degrees.

(Authority: 10 U.S.C. 2131(a); Pub. L. 98–525)

(24) *School year.* The term "school year" means generally a period of 2 semesters or 3 quarters which is not less than 30 nor more than 39 weeks in total length.

(Authority: 10 U.S.C. 2136(b); Pub. L. 98–525)

(25) *Standard class session.* The term "standard class session" has the same meaning as provided in § 21.4200(g) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(c); Pub. L. 98–525)

(26) *Standard college degree.* The term "standard college degree" has the same meaning as provided in § 21.4200(e) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788; Pub. L. 98–525)

(27) *State.* The term "State" has the same meaning as provided in § 21.1021(c) of this part.

(Authority: 38 U.S.C. 101(20); Pub. L. 98–525)

(28) *Vocational or professional objective.* A vocational or professional objective is one that leads to an occupation. It may include educational objectives essential to prepare for the chosen occupation, but not include any educational objectives beyond the bachelor's degree. When a program of education consists of series of courses not leading to an educational objective, these courses must be pursued at an institution of higher learning and must be required for attainment of a designated vocational or professional objective.

(Authority: 10 U.S.C. 2131(b); Pub. L. 98–525)

Claims and Applications

§ 21.7530 Applications, claims and informal claims.

(a) *Applications.* An individual must file a claim for educational assistance with the VA. The claim must be in the form prescribed by the Administrator.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98–525)

(b) *Informal claim.* The VA will consider any communication from an individual, an authorized representative or a Member of Congress to be an informal claim if it indicates an intent to apply for educational assistance. Upon receipt of an informal claim, if a formal claim has not been filed, the VA will provide an application form to the claimant. If the VA receives the application form within one year from the date the VA provided it, the VA will consider the claim to have been filed on the date the VA received the informal claim.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98–525)

(c) *Enrollment is not an informal claim.* The act of enrolling in an approved school does not in itself constitute an informal claim.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98-525)

§ 21.7532 Time limits.

(a) *Scope of this section.* The provisions of this section are applicable to original applications, formal or informal, and to reopened claims.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98-525)

(b) *Failure to complete claim.* The VA will consider a claim to be abandoned when the VA requests evidence in connection with the claim, and the claimant does not furnish the evidence within one year of the date of the request. After the expiration of one year, the VA will not take further action unless a new claim is received.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98-525)

(c) *New claim.* When a claim has been abandoned, the VA will consider any subsequent communication which meets the requirements of an informal claim to be a new claim. The VA will consider the date of receipt of the subsequent communication to be the date of the new claim.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98-525)

(d) *Failure to furnish form or notice of time limit.* Failure by the VA to furnish the reservist any form or information concerning the right to file a claim or to furnish notice of the time limit for the filing of claim or for the completion of any action required will not extend the periods allowed for these actions.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98-525)

(e) *Time limit for filing a claim for an extended period of eligibility.* A claim for an extended period of eligibility as described in § 21.7551 of this part must be received by the VA by the later of the following dates:

(1) One year from the date on which the reservist's original period of eligibility ended.

(2) One year from the last date on which the reservist's physical or mental disability ceased to prevent him or her from beginning or resuming the reservist's chosen program of education.

(Authority: 10 U.S.C. 2133(b)(2); Pub. L. 98-525)

Eligibility

§ 21.7540 Eligibility for educational assistance.

(a) *Establishing eligibility.* Except as provided in paragragh (b) of this section, an individual is determined by the Armed Forces to be eligible for educational assistance as provided in §§ 21.7636 and 21.7639 of this part when he or she—

(1) During the period beginning on July 1, 1985 and ending on June 30, 1988—

(i) Enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve so that the total period of obligated service is at least six years from the point of the enlistment, reenlistment or extension, or

(ii) Is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject;

(2) Before completing the initial active duty for training receives a secondary school diploma (or an equivalency certificate);

(3) Completes his or her initial period of active duty for training;

(4) Completes 180 days service in the Selected Reserve; and

(5) Is participating satisfactorily in the Selected Reserve.

(Authority: 10 U.S.C. 2132; Pub. L. 98-525)

(b) *Limitations on establishing eligibility.* (1) Even if the requirements of paragraph (a) of this section are met, none of the following individuals can be provided educational assistance under 10 U.S.C. Ch. 106 unless he or she elects to waive benefits under 38 U.S.C. Ch. 30:

(i) A reservist who is eligible for basic educational assistance provided under 38 U.S.C. Ch. 30, and has established eligibility to that assistance partially through service in the Selected Reserve,

(ii) A member of the National Guard or Air National Guard who has established eligibility for basic educational assistance provided under 38 U.S.C. Ch. 30 through activation under a provision of law other than 32 U.S.C. 316, 502, 503, 504 or 505, or

(iii) An individual who is receiving financial (scholarship) assistance under section 2107, title 10, U.S. Code, as members of the Senior Reserve Officers' Training Corps Program.

(2) An individual who has established eligibility for basic educational assistance under 38 U.S.C. Ch. 30 solely through service on active duty may establish eligibility for educational assistance under 10 U.S.C. Ch. 106 by meeting the requirements of paragraph (a) of this section.

(Authority: 10 U.S.C. 2132(d), 2134; Pub. L. 98-525)

§ 21.7550 Ending dates of eligibility.

(a) *Time limit on eligibility.* Except as provided in § 21.7551 and paragraph (b) of this section, a reservist's period of eligibility expires effective the earlier of the following dates:

(1) The last day of the 10-year period beginning on the date the reservist becomes eligible for educational assistance; or

(2) The date the reservist is separated from the Selected Reserve.

(Authority: 10 U.S.C. 2133; Pub. L. 98-525)

(b) *Completion of term or program.* (1) If a reservist is enrolled in an educational institution regularly operated on the quarter or semester system, and the reservist's period of eligibility as defined in paragraph (a) of this section would expire during a quarter or semester, the period of eligibility shall be extended to the end of the quarter or semester.

(2) If a reservist is enrolled in an educational institution not regularly operated on the quarter or semester system, and the reservist's period of eligibility as defined in paragraph (a) of this section would expire after a major portion of the course is completed, the period of eligibility shall be extended until the earlier of the following occurs:

(i) The end of the course, or

(ii) 12 weeks from the date on which the reservist's eligibility otherwise would have expired.

(Authority: 10 U.S.C. 2133(b)(1); Pub. L. 98-525)

§ 21.7551 Extended period of eligibility.

(a) *Period of eligibility may be extended.* The VA shall grant an extension of a delimiting period determined by § 21.7550(a)(1) of this part provided:

(1) The individual applies for an extension within the time period specified in § 21.7532(e) of this part.

(2) The individual was prevented from initiating or completing the chosen program of education within the otherwise applicable eligibility period, because of a physical or mental disability, which is not the result of the reservist's own willful misconduct, and which was incurred in or aggravated by service in the Selected Reserve. Evidence must establish that such a program of education was medically infeasible. The VA will not grant a reservist an extension for a period of disability which was 30 days or less unless the evidence establishes that the reservist was prevented from enrolling or reenrolling in the chosen program, or was forced to discontinue attendance, because of the short disability.

(Authority: 10 U.S.C. 2133(b)(2), 38 U.S.C. 1431(d); Pub. L. 98-525)

(b) *Commencing date.* The reservist shall elect the commencing date of an extended period of eligibility. The date chosen—

(1) Must be on or after the original date of expiration of eligibility as determined by § 21.7550(a)(1) of this part, and

(2) Must either be—

(i) On or before the 90th day following the date on which the reservist's application for an extension was approved by the VA if the reservist is training during the extended period of eligibility in a course not organized on a term, quarter or semester basis, or

(ii) On or before the first day of a term, quarter or semester within an ordinary school year following the 90th day after the reservist's application for an extension was approved by the VA, if the reservist is training during the extended period of eligibility in a course organized on a term, quarter or semester basis.

(Authority: 10 U.S.C. 2133(b)(2), 38 U.S.C. 1431(d); Pub. L. 98–525)

(c) *Length of extended period of eligibility.* A reservist's extended period of eligibility shall be for the length of time that the reservist was prevented from initiating or completing his or her chosen program of education, except that it must end when the reservist is separated from the Selected Reserve. The VA shall determine the length of time the reservist was prevented from initiating or completing his or her chosen program of education as follows:

(1) If the reservist is in training in a course organized on a term, quarter or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the reservist's original eligibility period that his or her training became medically infeasible to the earliest of the following dates:

(i) The commencing date of the ordinary term, quarter or semester following the day the reservist's training became medically infeasible,

(ii) The last date of the reservist's delimiting date as determined by § 21.7550(a)(1) of this part, or

(iii) The date the reservist resumed training.

(2) If the reservist is training in a course not organized on a term, quarter or semester basis, his or her extended period of eligibility shall contain the same number of days as the number of days from the date during the reservist's original delimiting period that his or her training became medically infeasible to the earlier of the following dates:

(i) The date the reservist's training became medically feasible, or

(ii) The reservist's delimiting date as determined by § 21.7550(a)(1) of this part.

(Authority: 10 U.S.C. 2133(b)(2), 38 U.S.C. 1431(d); Pub. L. 98–525)

Entitlement

§ 21.7570 Entitlement.

Each reservist is entitled to a maximum of 36 months of educational assistance (or its equivalent in part-time educational assistance) under this program, but is also subject to the provisions of § 21.4020 (a) and (b) of this part.

(Authority: 10 U.S.C. 2131(c); Pub. L. 98–525)

§ 21.7576 Entitlement charges.

(a) *Overview.* The VA will make charges against entitlement as stated in this section. Charges are based upon the principle that a reservist who trains full time for one day should be charged one day of entitlement.

(Authority: 10 U.S.C. 2131(c)(2); Pub. L. 98–525)

(b) *Determining entitlement charge.* (1) The VA will make a charge against entitlement

(i) On the basis of total elapsed time (one day for each day or part of a day of pursuit for which the reservist is paid educational assistance) if the reservist is pursuing the program of education on a full-time basis.

(ii) On the basis of a proportionate rate of elapsed time, if the reservist is pursuing the program of education on a three-quarter or one-half-time basis.

(2) The VA will compute elapsed time from the commencing date of the award of educational assistance to date of discontinuance. If the reservist changes his or her training time after the commencing date of enrollment, the VA will—

(i) Divide the enrollment period into separate periods of time during which the reservist's training time remains constant, and

(ii) Compute the elapsed time separately for each time period.

(Authority: 10 U.S.C. 2131(c); Pub. L. 98–525)

(c) *Overpayment cases.* The VA will make a charge against entitlement for an overpayment only if the overpayment is discharged in bankruptcy; is waived and is not recovered; or is compromised.

(1) If the overpayment is discharged in bankruptcy or is waived and is not recovered, the charge against entitlement will be at the appropriate rate for the elapsed period covered by the overpayment (exclusive of interest, administrative costs of collection, court costs and marshal fees).

(2) If the overpayment is compromised and the compromise offer is less than the amount of interest, administrative costs of collection, court costs and marshal fees, the charge against entitlement will be at the appropriate rate for the elapsed period covered by the overpayment (exclusive of interest, administrative costs of collection, court costs and marshal fees).

(3) If the overpayment is compromised and the compromise offer is equal to or greater than the amount of interest administrative costs of collection, court costs and marshal fees, the charge against entitlement will be determined by—

(i) Subtracting from the sum paid in the compromise offer the amount attributable to interest, administrative costs of collection, court costs and marshal fees,

(ii) Subtracting the remaining amount of the overpayment balance determined in paragraph (c)(3)(i) of this section from the amount of the original overpayment (exclusive of interest, administrative costs of collection, court costs and marshal fees),

(iii) Dividing the result obtained in paragraph (c)(3)(i) of this section by the amount of the original overpayment (exclusive of interest, administrative costs of collection, court costs and marshal fees), and

(iv) Multiplying the percentage obtained in paragraph (c)(3)(iii) of this section by the amount of the entitlement otherwise chargeable for the period of the original overpayment.

(Authority: 10 U.S.C. 2131(c); Pub. L. 98–525)

(d) *Interruption to conserve entitlement.* A reservist may not interrupt a certified period of enrollment for the purpose of conserving entitlement. An institution of higher learning may not certify a period of enrollment for a fractional part of the normal term, quarter or semester if the reservist is enrolled for the entire term, quarter or semester. The VA will make a charge for the entire period of certified enrollment, if the reservist is otherwise eligible for educational assistance, except when educational assistance is interrupted under any of the following conditions:

(1) Enrollment is terminated;

(2) The reservist cancels his or her enrollment, and does not negotiate an educational assistance check for any part of the certified period of enrollment;

(3) The reservist interrupts his or her enrollment at the end of any term, quarter or semester within the certified period of enrollment, and does not negotiate a check for educational

assistance for the succeeding term, quarter or semester;

(4) The reservist requests interruption or cancellation for any break when an institution of higher learning was closed during a certified period of enrollment, and the VA continued payments under an established policy based upon an Executive Order of the President or an emergency situation. In such a case entitlement will be restored unless the reservist negotiated a check for educational assistance for the certified period and does not repay the amount received.

(Authority: 10 U.S.C. 2131(c); Pub. L. 98–525)

Counseling

§ 21.7600 Counseling.

A reservist may receive counseling from the VA before beginning training and during training.

(a) *Purpose.* The purpose of counseling is—

(1) To assist in selecting an objective;

(2) To develop a suitable program of education;

(3) To select an institution of higher learning appropriate for the educational or training objective;

(4) To resolve any personal problems which are likely to interfere with the successful pursuit of a program; and

(5) To select an employment objective for the reservist that would be likely to provide the reservist with satisfactory employment opportunities in light of his or her personal circumstances.

(Authority: 38 U.S.C. 2136(b), 1663; Pub. L. 98–525)

(b) *Counseling not required.* Counseling never is required for those individuals eligible for educational assistance established under 10 U.S.C. Ch. 106.

(Authority: 10 U.S.C. 2136(b), 1663; Pub. L. 98–525)

(c) *Availability of counseling.* Counseling is available for—

(1) Identifying and removing reasons for academic difficulties which may result in interruption or discontinuance of training, or

(2) Considering changes in career plans and making sound decisions about the changes.

(Authority: 10 U.S.C. 2136(b), 1663; Pub. L. 98–525)

(d) *Requested counseling.* The VA shall provide counseling as needed for the purposes identified in paragraphs (a) and (c) of this section upon request of the reservist. The VA shall take appropriate steps (including individual notification where feasible) to acquaint reservists with the availability and advantages of counseling services.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1663; Pub. L. 98–525)

§ 21.7603 Travel expenses.

The VA will not pay for any costs of travel to and from the place of counseling for anyone who requests counseling under 10 U.S.C. Ch. 106.

(Authority: 38 U.S.C. 111)

Programs of Education

§ 21.7610 Selection of a program of education.

(a) *General requirement.* An individual must be pursuing an approved program of education in order to receive educational assistance.

(Authority: 10 U.S.C. 2131; Pub. L. 98–525)

(b) *Approval of a program of education.* The VA will approve a program of education selected by a reservist for payment of educational assistance under 10 U.S.C. Ch. 106 if—

(1) The program accords with the definition of a program of education found in § 21.7520(b)(17) of this part,

(2) It has an educational, professional or vocational objective (as defined in § 21.7520(b) (7) and (28) of this part), and

(3) The courses and subjects in the program are approved for VA purposes as provided in § 21.7720 of this part.

(4) The reservist is not already qualified for the objective of the program.

(Authority: 10 U.S.C. 2136(b), 1671; Pub. L. 98–525)

§ 21.7612 Programs of education combining two or more types of courses.

An approved program may consist of courses offered by two institutions of higher learning concurrently, or courses offered through class attendance and by television concurrently. An institution of higher learning may contract the actual training to another institution of higher learning, provided the course is approved by the State approving agency having approval jurisdiction of the institution of higher learning which actually provides the training.

(a) *Concurrent enrollment.* When a reservist cannot schedule his or her complete program at one institution of higher learning, the VA may approve a program of concurrent enrollment. When requesting such a program, the reservist must show that his or her complete program of education is not available at the institution of higher learning in which he or she will pursue the major portion of his or her program (the primary institution of higher learning), or that it cannot be scheduled within the period in which he or she plans to complete his or her program.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 1780(g); Pub. L. 98–525)

(b) *Television.* In determining whether a reservist may pursue part of a program of education under 10 U.S.C. Ch. 106 by television, the VA will apply the provisions of § 21.4233(c) of this part in the same manner as they are applied in making similar determinations for people training under 38 U.S.C. Ch. 34.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1673(c); Pub. L. 98–525)

§ 21.7614 Change of program.

In determining whether a reservist may change his or her program of education under 10 U.S.C. Ch. 106, the VA will apply the provisions of § 21.4234 of this part in the same manner as they are applied in making similar determinations for veterans training under 38 U.S.C. Ch. 34.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1791; Pub. L. 98–525)

Courses

§ 21.7620 Courses included in programs of education.

(a) *General.* Generally, the VA will approve, and will authorize payment of educational assistance for the reservist's enrollment in any course or subject which a State approving agency has approved as provided in § 21.7720 of this part, and which forms a part of a program of education as defined in § 21.7520(n) of this part. Restrictions on this general rule are stated in the other paragraphs in this section and in § 21.7722(b) of this part, however.

(Authority: 10 U.S.C. 2131: Pub. L. 98–525)

(b) *Flight training.* The VA may pay educational assistance for a flight training course only if the course is offered at an institution of higher learning toward a standard college degree the reservist is pursuing.

(Authority: 10 U.S.C. 2131(c)(1); Pub. L. 98–525)

(c) *Independent study.* The VA will pay educational assistance for an enrollment in a course or subject offered by independent study only if—

(1) The reservist is concurrently enrolled in at least one course or subject offered by resident training during the entire period for which payment is being made for independent study;

(2) The independent study course or subject leads to a standard college degree; and

(3) The combined training time for the courses is at least one-half-time training. See § 21.7639(e) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(b); Pub. L. 98–525)

§ 21.7622 Courses precluded.

(a) *Unapproved courses.* The VA will not pay educational assistance for an enrollment in any course which has not been approved by a State approving agency or by the VA when that agency acts as a State approving agency. The VA will not pay educational assistance for a new enrollment in a course when a State approving agency has suspended the approval of the course for new enrollments, nor for any period within any enrollment after the date that the State approving agency disapproves a course. See § 21.7720 of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1772; Pub. L. 98–525)

(b) *Courses not part of a program of education.* The VA will not pay educational assistance for an enrollment in any course which is not part of a program of education.

(Authority: 38 U.S.C. 2131; Pub. L. 98–525)

(c) *Erroneous, deceptive, misleading practices.* The VA will not pay educational assistance for an enrollment in any course offered at an institution of higher learning which uses advertising sales, or enrollment practices which are erroneous, deceptive or misleading by actual statement, omission or intimation.The VA will apply the provisions of § 21.4252(h) of this part in making these decisions with regard to enrollments under 10 U.S.C. Ch. 106 in the same manner provided in making similar decisions with regard to enrollments under 38 U.S.C. Ch. 34.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1796; Pub. L. 98–525)

(d) *Avocational and recreational.* (1) The VA will not pay educational assistance for an enrollment in any course—

(i) Which is avocational or recreational in character, or

(ii) The advertising for which contains significant avocational or recreational themes.

(2) The VA presumes that the following courses are avocational or recreational in character unless the reservist justifies their pursuit to the VA as provided in paragraph (d)(3) of this section. The courses are:

(i) Any photography course or entertainment course; or

(ii) Any music course, instrumental or vocal, public speaking course, or course in dancing, sports or athletics, such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective; or

(iii) Any other type of course which the VA determines to be avocational or recreational.

(3) To overcome a presumption that a course is avocational or recreational in character, the reservist must establish that the course will be of bona fide use in the pursuit of his or her present or contemplated business or occupation.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1673(d); Pub. L. 98–525)

(e) *Mitigating circumstances.* The reservist is not entitled to receive payment of educational assistance from the VA for a course from which the reservist withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(1) There are mitigating circumstances, and

(2) The reservist submits the circumstances in writing to the VA within 1 year from the date the VA notifies the reservist that he or she must submit the mitigating circumstances.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(f) *Other courses.* The reservist is not entitled to receive payment of educational assistance from the VA for—

(1) An enrollment in a course leading to any degree or certificate above the baccalaureate level,

(2) An enrollment in a course not offered by an institution of higher learning,

(3) An audited course (see § 21.4252(i) of this part),

(4) New enrollments in a course during periods when approval has been suspended by a State approving agency,

(5) Certain courses being pursued by nonmatriculated students as provided in § 21.4252(1) of this part,

(6) Enrollment in a course pursued after the reservist has completed the course of instruction required for the award of a baccalaureate degree or the equivalent evidence of completion of study,

(7) Correspondence courses,

(8) An enrollment in a course offered by a proprietary school when the reservist is an official of the school authorized to sign certificates of enrollment or monthly certificates of attendance under 10 U.S.C. Ch. 106, an owner or an operator, or

(9) A new enrollment in a course which does not meet the veteran-nonveteran ratio requirement, as computed under § 21.4201 of this part.

(Authority: 10 U.S.C. 2131(c), 2136(b); 38 U.S.C. 1772(a), 1780(a); Pub. L. 98–525)

§ 21.7624 Overcharges-restrictions on enrollment.

(a) *Overcharges.* The VA may disapprove an institution of higher learning for further enrollments, when the institution of higher learning charges or receives from a reservist tuition and fees that exceed the established charges which the institution of higher learning requires from similarly circumstanced nonreservists enrolled in the same course.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1790; Pub. L. 98–525)

(b) *Restriction on enrollments.* In determining whether restrictions on approval of enrollments should exist at an institution of higher learning, the VA will apply the provisions of § 21.4202(b) of this part in the same manner as they are applied in the administration of 38 U.S.C. 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1790(b); Pub. L. 98–525)

Payments–Educational Assistance

§ 21.7630 Educational assistance.

The VA will pay educational assistance pursuant to 10 U.S.C. Ch. 106 to an eligible reservist while he or she is pursuing approved courses in a program of education at the rates specified in § 21.7636 and § 21.7639.

(Authority: 10 U.S.C. 2131(b); Pub. L. 98–525)

§ 21.7631 Commencing dates.

The commencing date of an award or increased award of educational assistance will be determined under this section.

(a) *Entrance or reentrance including training time change, change of program or educational institution.* When an eligible reservist enters or reenters into training or increases his or her rate of training, the commencing date of his or her award of educational assistance shall be the latest of the following dates—

(1) The date the institution of higher learning certifies under paragraph (b) or (c) of this section.

(2) The date one year before the date the VA receives the reservist's application or enrollment certification, whichever is later. (See § 21.7532 of this part).

(3) The effective date of the approval of the course, or one year before the

date the VA receives the approval notice, whichever is later.

(4) The date of reopened application under paragraph (d) of this section.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1772; Pub. L. 98–525)

(b) *Certification by the institution of higher learning—the course or subject leads to a standard college degree.* (1) When the student enrolls in any course or subject other than one described in paragraph (b) (2) and (3) of this section, the commencing date of the award or increased award of educational assistance will be—

(i) The date of registration in the term, quarter or semester.

(ii) The date of reporting when the individual is required by the published standards of the educational institution to report in advance of registration.

(2) When the student enrolls in a resident course or subject leading to a standard college degree and the first day of classes does not occur before the end of the first regularly scheduled calendar week of classes during a term, quarter or semester, the commencing date of the award or increased award of educational assistance will be the first day of classes.

(3) When the student enrolls in a resident course or subject leading to a standard college degree and the first day of classes is more than 14 days after the date of registration, the commencing date of the award or the increased award of educational assistance will be the first day of classes.

(Authority: 38 U.S.C. 1414, 1423; Pub. L. 98–525)

(c) *Certification by institution of higher learning-course does not lead to a standard college degree.* When a reservist enrolls in a course not leading to a standard college degree, the commencing date of the award of educational assistance shall be the first date of the reservist's class attendance.

(Authority: 38 U.S.C 1414, 1423; Pub. L. 98–525)

(d) *Reopened application after abandonment (§ 21.7532).* When the reservist reopens his or her claim after abandoning it, the commencing date of the award of educational assistance shall be the date the VA receives the reservist's application or enrollment certificate, whichever is later.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1671; Pub. L. 98–525)

(e) *Liberalizing laws and VA issues.* When a liberalizing law or VA issue affects the commencing date of a reservist's award of educational assistance, that commencing date shall be in accordance with facts found, but not earlier than the effective date of the act or administrative issue.

(Authority: 38 U.S.C. 3012(b), 3013; Pub. L. 98–525)

(f) *Individuals in a penal institution.* If a reservist is paid a reduced rate of educational assistance under § 21.7639 (d), (e), (f), (g) and (h) of this section, the rate will be increased or assistance will commence effective the earlier of the following dates:

(1) The date the tuition and fees are no longer being paid under another Federal program or a State or local program, or

(2) The date of the release from the prison or jail.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1682(g); Pub. L. 98–525)

§ 21.7633 Suspension or discontinuance of payments.

The VA may suspend or discontinue payments to reservists of educational assistance under the Selected Reserve Educational Assistance Program, and in such cases, the VA will apply §§ 21.4133, 21.4134 and 21.4207 of this part in the same manner as they are applied in the administration of chapters 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C.1790; Pub. L. 98–525)

§ 21.7635 Discontinuance dates.

The effective date of reduction or discontinuance of educational assistance will be as stated in this section. If more than one type of reduction or discontinuance is involved, the earliest date will control.

(a) *Death of reservist.* When a reservist dies, the effective date of discontinuance of educational assistance shall be the last date of attendance.

(Authority: 10 U.S.C. 2131; Pub. L. 98–525)

(b) *Course discontinued-course interrupted-course terminated-course not satisfactorily completed or withdrawn from.* (1) If the reservist withdraws from all courses or receives all nonpunitive grades, and in either case there are no mitigating circumstances, the VA will terminate or reduce educational assistance effective the first date of the term in which the withdrawal occurs or the first date of the term for which grades are assigned.

(2) If the reservist withdraws from all courses with mitigating circumstances or withdraws from all courses such that a punitive grade is or will be assigned for those courses, the VA will terminate educational assistance for—

(i) Residence training: Last date of attendance; and

(ii) Independent study: Official date of change in status under the practices of the institution of higher learning.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

(c) *Reduction in the rate of pursuit of the course.* (1) If the reservist reduces training by withdrawing from part of a course with mitigating circumstances, but continues training at least one-half-time in part of the course, the VA will reduce the reservist's educational assistance at the end of the month or the end of the term in which the withdrawal occurs, whichever is earlier; except, the VA will reduce educational assistance effective the first date of the term in which the reduction occurs, if the reduction occurs on that date.

(2) If the reservist reduces training by withdrawing from a part of a course, without mitigating circumstances, while continuing to train at least one-half-time, the VA will reduce the reservist's educational assistance effective the first date of the enrollment in which the reduction occurs.

(3) If the reservist reduces training by withdrawing from part of a course with mitigating circumstances, but continues less than one-half-time training in part of the course, the VA will terminate the reservist's educational assistance at the end of the month or the end of the term in which the withdrawal occurs, whichever is earlier; except the VA will terminate educational assistance effective the first date of the term in which the reduction occurs, if the reduction occurs on that date.

(4) If the reservist reduces training by withdrawing from a part of a course without mitigating circumstances while continuing to train less than one-half-time, the VA will terminate the reservist's educational assistance effective the first date of the enrollment in which the reduction occurs.

(5) A reservist, who enrolls in several subjects and reduces his or her rate of pursuit by completing one or more of them while continuing training in the others, may receive an interval payment based on the subjects completed if the requirements of § 21.7640(b) of this part are met. If those requirements are not met, the VA will reduce the reservist's educational assistance effective the date the subject or subjects were completed.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780; Pub. L. 98–525)

(d) *Nonpunitive grade.* (1) If the reservist does not withdraw, but nevertheless receives a nonpunitive grade in a particular course, the VA will take the following action when no mitigating circumstances are found:

(i) The VA will reduce his or her educational assistance effective the first date of enrollment for the term in which the grade applies, if the courses for which the reservist did not receive a nonpunitive grade constitute at least one-half time training.

(ii) The VA will terminate his or her educational assistance effective the first date of enrollment for the term in which the grade applies, if the courses for which the reservist did not receive a nonpunitive grade constitute less than one-half-time training.

(2) If a reservist receives a nonpunitive grade through nonattendance in a particular course, the VA will take the following action when mitigating circumstances are found:

(i) The VA will reduce the reservist's educational assistance effective the last date of attendance, when the courses for which the reservist did not receive a nonpunitive grade, and from which he or she did not withdraw constitute at least one-half-time training.

(ii) The VA will terminate the reservist's educational assistance effective the last date of attendance, when the courses for which the reservist did not receive a nonpunitive grade, and from which he or she did not withdraw constitute less than one-half-time training.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780; Pub. L. 98-525)

(e) *Discontinued by VA.* If the VA discontinues payment to a reservist following the procedures stated in § 21.4207 of this part, the date of discontinuance of payment of educational assistance will be—

(1) The date on which payments first were suspended by the Director of a VA field station as provided in § 21.4134 of this part, if the discontinuance was preceded by suspension.

(2) The end of the month in which the decision to discontinue, made by the VA under § 21.7633 or § 21.4207 of this part, is effective, if the Director of a VA field station did not suspend payments before the discontinuance.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1790; Pub. L. 98-525)

(f) *Disapproved by State approving agency.* If a State approving agency disapproves a course in which a reservist is enrolled, the date of discontinuance of payment of educational assistance will be—

(1) The date on which payments first were suspended by the Director of a VA field station as provided in § 21.4134 of this part if disapproval was preceded by such a suspension.

(2) The end of the month in which disapproval is effective or the VA receives notice of the disapproval, whichever is later, provided that the Director of a VA field station did not suspend payments before the disapproval.

(Authority: 10 U.S.C. 2131(b), 38 U.S.C. 1772(a), 1790; Pub. L. 98-525)

(g) *Disapproval by VA.* If the VA disapproves a course in which a reservist is enrolled, the effective date of discontinuance of payment of educational assistance will be—

(1) The date on which the Director of a VA field station first suspended payments, as provided in § 21.4134 of this part, if such a suspension preceded the disapproval.

(2) The end of the month in which the disapproval occurred, provided that the Director of a VA field station did not suspend payments before the disapproval.

(Authority: 10 U.S.C. 2131(b), 38 U.S.C. 1771(b), 1772(a), 1790; Pub. L. 98-525)

(h) *Unsatisfactory progress.* If a reservist's progress is unsatisfactory, his or her educational assistance shall be discontinued effective the earlier of the following:

(1) The date the educational institution discontinues the reservist's enrollment, or

(2) The date on which the reservist's progress becomes unsatisfactory according to the educational institution's regularly established standards of progress.

(Authority: 10 U.S.C. 2131(b), 38 U.S.C. 1674; Pub. L. 98-525)

(i) *False or misleading statements.* If educational assistance is paid as the result of false or misleading statements, see § 21.7658 of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1790; Pub. L. 98-525)

(j) *Conflicting interests (not waived).* If an institution of higher learning and the VA have conflicting interests as provided in § 21.4005 and § 21.7805 of this part, and the VA does not grant the waiver, the date of discontinuance shall be 30 days after the date of the letter notifying the reservist.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1783; Pub. L. 98-525)

(k) *Incarceration in prison or penal institution for conviction of a felony.* (1) The provisions of this paragraph apply to a reservist whose educational assistance must be discontinued or who becomes restricted to payment of educational assistance at a reduced rate under § 21.7639(d) of this part.

(2) The reduced rate or discontinuance will be effective the latest of the following dates:

(i) The first day on which all or part of the reservist's tuition and fees were paid by a Federal, State or local program.

(ii) The date the reservist is incarcerated in prison or penal institution, or

(iii) The commencing date of the award as determined by § 21.7631 of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1682(g); Pub. L. 98-525)

(l) *Exhaustion of entitlement.* If a reservist exhausts his or her 36 months of entitlement, the discontinuance date shall be the date the entitlement is exhausted.

(Authority: 10 U.S.C. 2131(c); Pub. L. 98-525)

(m) *End of eligibility period.* If the reservist's eligibility period ends while the reservist is receiving educational assistance, the date of discontinuance shall be the date on which eligibility ends as determined by § 21.7550 and § 21.7551 of this part.

(Authority: 10 U.S.C. 2133; Pub. L. 98-525)

(n) *Required certifications not received after certification of enrollment.* (1) If the VA does not timely receive a required certification of attendance for a reservist enrolled in a course not leading to a standard college degree, the VA will terminate payments effective the last date of the last period for which a certification of the reservist's attendance was received. If the VA later receives the certification, the VA will make any adjustment on the basis of facts found.

(2) In the case of an advance payment, if the VA does not receive verification of enrollment and certificate of delivery of the check within 60 days of the first day of the term, quarter, semester, or course for which the advance payment was made, the VA will determine the actual facts and make an adjustment, if required. If the reservist failed to enroll, termination will be effective the beginning date of the enrollment period.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(d); Pub. L. 98-525)

(o) *Receipt of financial assistance under 10 U.S.C. 2107.* If the reservist receives financial assistance under 10 U.S.C. 2107, the effective date for discontinuance of payment of educational assistance shall be the first date for which the reservist receives such assistance.

(Authority: 10 U.S.C. 2134; Pub. L. 98-525)

(p) *Failure to participate satisfactorily in required training in Selected Reserve.* If the reservist fails to participate satisfactorily in required training in the Selected Reserve, the VA will discontinue payment of educational assistance allowance effective the first date certified by the Department of Defense or the Department of Transportation as the date on which the reservist fails to participate satisfactorily as a member of the Selected Reserve.

(Authority: 10 U.S.C. 2134; Pub. L. 98–525)

(q) *Error—payee's or administrative.* (1) When an act of commission or omission by a payee or with his or her knowledge results in an erroneous award of educational assistance, the effective date of the reduction or discontinuance will be the effective date of the award, or the day before the act, whichever is later, but not before the last date on which the reservist was entitled to payment of educational assistance.

(2) When an administrative error or error in judgment by the VA, the Department of Defense, or the Department of Transportation is the sole cause of an erroneous award, the award will be reduced or terminated effective the date of last payment.

(Authority: 38 U.S.C. 3012(b), 3013; Pub. L. 98–525)

(r) *Completion of baccalaureate instruction.* If the reservist completes a course of instruction required for the award of a baccalaureate degree or the equivalent evidence of completion of study, the VA will discontinue educational assistance effective the day after the date upon which the required course of instruction was completed.

(Authority: 10 U.S.C. 2131(c); Pub. L. 98–525)

(s) *Forfeiture for fraud.* If a reservist must forfeit his or her educational assistance due to fraud, the date of discontinuance of payment of educational assistance will be the later of—

(1) The effective date of the award, or

(2) The day before the date of the fraudulent act.

(Authority: 38 U.S.C. 3503, Pub. L. 98–525)

(t) *Forfeiture for treasonable acts or subversive activities.* If a reservist must forfeit his or her educational assistance due to treasonable acts or subversive activities, the date of discontinuance of payment of educational assistance will be the later of—

(1) The effective date of the award, or

(2) The day before the date the reservist committed the treasonable act or subversive activities for which he or she was convicted.

(Authority: 38 U.S.C. 3504, 3505; Pub. L. 98–525)

(u) *Change in law or VA issue or interpretation.* If there is a change in applicable law or VA issue, or in the Veterans Administration's application of the law or VA issue, the VA will use the provisions of § 3.114(b) of this chapter to determine the date of discontinuance of the reservist's educational assistance.

(Authority: 38 U.S.C. 3012, 3013; Pub. L. 98–525)

(v) *Except as otherwise provided.* If the reservist's educational assistance must be discontinued for any reason other than those stated in the other paragraphs of this section, the VA will determine the date of discontinuance of payment of educational assistance on the basis of facts found.

(Authority: 38 U.S.C. 3012(a), 3013; Pub. L. 98–525)

§ 21.7636 Rates of payment.

(a) *Monthly rates of educational assistance.* Except as provided in § 21.7639 of this part the monthly rate of educational assistance payable to a reservist is:

(1) $140 per month for each month of full-time pursuit of a program of education;

(2) $105 per month for each month of three-quarter-time pursuit of a program of education; and

(3) $70 per month for each month of half-time pursuit of a program of education.

(Authority: 10 U.S.C. 2131(b); Pub. L. 98–525)

(b) *Limitations on payments.* (1) No payments may be made to a reservist who is pursuing his or her program of education at less than the one-half-time rate.

(2) No payments may be made to a reservist who is pursuing independent study if he or she is not concurrently pursuing at one or more courses offered through resident training which when combined with independent study as provided in § 21.7520(b)(11) of this part, results in a training time of one-half-time or greater.

(3) The VA may withhold final payment until the VA receives proof of continued enrollment and adjusts the reservist's account.

(4) A reservist may not receive educational assistance for any period for which he or she receives financial assistance under 10 U.S.C. 2107 as a member of the Senior Reserve Officers' Training Corps scholarship program.

(5) A reservist may not receive educational assistance if he or she has completed the course of instruction required for the award of a baccalaureate degree or the equivalent evidence of completion of study.

(6) A reservist may only receive educational assistance for instruction in a program of education which is offered at an institution of higher learning. While the instruction does not have to lead to a standard college degree, it must lead to an identifiable educational, professional or vocational objective.

(Authority: 10 U.S.C. 2131(b), 2136(b), 38 U.S.C. 1780; Pub. L. 98–525)

§ 21.7639 Conditions which result in reduced rates.

The payment of educational assistance at the monthly rates established in § 21.7636 of this part shall be subject to reduction, whenever the circumstances described in this section arise.

(a) *Absences.* A reservist enrolled in a course not leading to a standard college degree will have his or her educational assistance reduced for any day of absence which exceeds the maximum allowable absences permitted in this paragraph.

(1) Absence will be charged for a full day when the reservist did not attend any scheduled class on that day. A partial day of absence will be charged for any period of absence during or at the end of a day. Partial days of absence during a month will be converted to full days in accordance with the following formula.

(i) The average hours of daily attendance will be computed by dividing the hours of required attendance per week by the days of required attendance per week.

(ii) The absences of less than a full day which occurred during the month will be totaled.

(iii) The total hours of absence for the month as determined by paragraph (a)(1)(ii) of this section will be divided by the average hours of daily attendance as determined by paragraph (a)(1)(i) of this section to determine the reservist's full days of absence. A fractional day in the result will be dropped if it is one-half day or less and increased to the next whole day if more than one-half day.

(iv) An occasional period of nonattendance (not more than two per week) of one-half hour or less will not be counted if it is excused by the institution of higher learning. Any period of nonattendance which is not excused and a period of nonattendance of more than one-half hour, whether excused or

not, will be counted as 1 or more hours of absence. Except for an occasional period of nonattendance of one-half hour or less which is excused by the institution of higher learning any absence of less than an hour will be counted as a full hour of absence.

(2) Maximum allowable absences are as follows:

(i) For a 12 month course requiring attendance for 5 or more days per week, 30 days.

(ii) For a 12 month course requiring attendance for less than 5 days per week, the pro rata part of 30 days which the number of days per week of scheduled attendance bears to 5.

(iii) If the length of the course is not 12 months or a multiple of 12, allowable absences will be figured separately for each 12-month period and pro rata for any period which is less than 12 months.

(iv) In computing pro rata allowable absences a fraction of one-half day or less will be disregarded. A fraction greater than one-half day will be counted as 1 day.

(v) Unused allowable absences may not be carried over from one 12-month period to another, or from one school year to another.

(3) Absences will be charged for—

(i) Days when the reservist is scheduled to attend (including Saturday and Sunday if classes are normally scheduled for those days), but he or she does not attend.

(ii) Days when the institution of higher learning is closed for local and school holidays.

(iii) Days which are part of intervals between terms, quarters and semesters, if the institution of higher learning is organized on a term, quarter or semester basis and has reported enrollment on an ordinary school year basis or for the complete course.

(iv) Days which are part of intervals between consecutive terms within the school year when the reservist transfers from one institution of higher learning to another, and receives payment for the interval.

(v) Days during a vacation period or days between periods of instruction when the institution of higher learning is organized on a year-round basis, and the vacation period is not one of those listed in paragraph (a)(4)(ii) of this section.

(4) Absences will not be charged for—

(i) Days when the institution of higher learning is closed for a weekend period provided classes normally are not scheduled for Saturday or Sunday.

(ii) Days when the institution of higher learning is closed for Federal or State legal holidays or customary, reasonable vacation periods connected with them which are identified as a holiday vacation in the institution of higher learning's approved literature. Generally, the VA will interpret a reasonable period as not more than one calendar week at Christmas and one calendar week at New Year's and shorter periods of time in connection with other legal holidays.

(iii) Days (not to exceed five in any 12-month period) when the institution of higher learning is not in session because of teacher conferences or teacher training sessions.

(iv) At the discretion of the Director of the VA field station of jurisdiction, days of nonattendance within a certified period of enrollment during which the institution of higher learning is closed under an Executive Order of the President or due to an emergency situation.

(5) The reduction in educational assistance payable will be determined by deducting from the month's educational assistance due the reservist that portion of the educational assistance otherwise payable as determined by the following table:

Days of scheduled attendance per week	Rate of reduction for each day of excessive absence
5 or more	1/25th.
4	1/20th.
3	1/15th.
2	1/10th.
1	1/5th.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780; Pub. L. 98-525)

(b) *Withdrawals and nonpunitive grades.* Withdrawal from a course or receipt of a nonpunitive grade may reduce the amount of educational assistance paid to a reservist. The VA is not authorized to pay benefits to a reservist for a course from which the reservist receives a nonpunitive grade which is not used in computing the requirements for graduation or from which he or she withdraws unless—

(1) There are mitigating circumstances, and

(2) The reservist submits the mitigating circumstances in writing to the VA within one year from the date the VA notifies the reservist that he or she must submit the mitigating circumstances.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98-525)

(c) *No educational assistance for some incarcerated reservists.* As is the case with reservists who are not incarcerated, the VA will pay no educational assistance to reservists who are incarcerated and who are training less than one-half time. In addition, the VA will pay no educational assistance to a reservist who—

(1) Is incarcerated in Federal, State or local penal institution for conviction of a felony, and

(2) Is enrolled in a course—

(i) For which there are no tuition and fees, or

(ii) For which tuition and fees are being paid by a Federal program (other than one administered by the VA) or by a State or local program, and

(3) Is incurring no charge for the books, supplies and equipment necessary for the course.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1682(g); Pub. L. 98-525)

(d) *Reduced educational assistance for some incarcerated reservists.* (1) The VA will pay reduced educational assistance to a reservist who—

(i) Is incarcerated in a Federal, State or local penal institution for conviction of a felony, and

(ii) Is enrolled in a course—

(A) For which the reservist pays some (but not all) of the charges for tuition and fees, or

(B) For which a Federal program (other than one administered by the VA) or a State or local program pays all the charges for tuition and fees, but for which the reservist must pay for books, supplies and equipment.

(2) The monthly rate of educational assistance payable to such a reservist is the lesser of the following:

(i) The monthly rate of the portion of tuition and fees that are not paid by a Federal program (other than one administered by the VA) or a State or local program plus the monthly rate of any charges to the reservist for the cost of necessary supplies, books and equipment, or

(ii) The monthly rate as stated in § 21.7636 of this part.

(3) In determining the monthly rate stated in paragraph (d)(2)(i) of this section, the VA will—

(i) Add the portion of tuition and fees that are not paid by a Federal program (other than one administered by the VA) for the reservist's enrollment period to the total cost to the reservist for the cost of necessary supplies, books and equipment, and

(ii) Divide the figure obtained in paragraph (d)(3)(i) of this section by the number of months and fractions of a month in the reservist's enrollment period.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1682(g); Pub. L. 98–525)

(e) *Payment for independent study-resident training.* A reservist who is pursuing independent study-resident training shall be paid based on the training time as determined in § 21.7672(a) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(b); Pub. L. 98–525)

(f) *Completion of baccalaureate requirements.* No educational assistance may be paid to a reservist who has completed a course of instruction required for baccalaureate degree or the equivalent evidence of completion of study. Equivalent evidence of completion of study may include, but is not limited to, a copy of the reservist's transcript showing that he or she has received passing grades in all courses needed to obtain a baccalaureate degree at the institution of higher learning which he or she has been attending.

(Authority: 10 U.S.C. 2131; Pub. L. 98–525)

§ 21.7640 Certifications and release of payments.

(a) *Payments are dependent upon certifications.* The VA will pay educational assistance to a reservist only after—

(1) The institution of higher learning has certified his or her enrollment, and

(2) In the case of a reservist pursuing a course not leading to a standard college degree, the VA receives a report from the reservist of each day of absence from scheduled attendance. The report will be endorsed by the educational institution.

(Authority: 10 U.S.C. 2131; Pub. L. 98–525)

(b) *Payment for intervals between terms.* (1) In administering 10 U.S.C. Ch. 106, the VA will apply the provisions of § 21.4138(f) of this part in the same manner as they are applied in the administration of 38 U.S.C. Ch. 34 when determining whether a reservist is entitled to payment for an interval between terms. References to § 21.4205 and § 21.4138(f) of this part shall be deemed to refer to § 21.7636.

(2) The Director of the VA field station of jurisdiction may authorize payment to be made for breaks, including intervals between terms within a certified period of enrollment, during which the educational institution is closed under an established policy based upon an order of the President or due to an emergency situation.

(i) If the Director has authorized payment due to an emergency school closing resulting from a strike by the faculty or staff of the educational institution, and the closing lasts more than 30 days, the Director, Vocational Rehabilitation and Education Service, will decide if payments may be continued. The decision will be based on a full assessment of the strike situation. Further payments will not be authorized if in his or her judgment the school closing will not be temporary.

(ii) An educational institution which disagrees with a decision made under this subparagraph by a Director of a VA field station, has 1 year from the date of the letter notifying the educational institution of the decision to request that the decision be reviewed. The request must be submitted in writing to the Director of the VA field station where the decision was made. The Director, Vocational Rehabilitation and Education Service shall review the evidence of record and any other pertinent evidence the educational institution may wish to submit. The Director, Vocational Rehabilitation and Education Service has the authority either to affirm or reverse a decision of the Director of a VA field station.

(3) A reservist, who is pursuing a course leading to a standard college degree, may transfer between consecutive school terms from one approved institution of higher learning to another for the purpose of enrolling in, and pursuing, a similar course at the second institution of higher learning. If the interval between terms does not exceed 30 days, the VA shall, for the purpose of paying educational assistance, consider the reservist to be enrolled in the first institution of higher learning during the interval.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780; Pub. L. 98–525)

(c) *Payee.* (1) The VA will make payment to the reservist or to a duly appointed fiduciary. The VA will make direct payment to the reservist even if he or she is a minor.

(2) The assignment of educational assistance is prohibited. In administering this provision, the VA will apply the provisions of § 21.4146 (a), (b), (c) and (e) of this part to 10 U.S.C. Ch. 106 in a manner not inconsistent with the way in which they are applied in the administration of 38 U.S.C. Chs. 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780, 3101(a); Pub. L. 98–525)

(d) *Advance payments.* The VA shall pay educational assistance in advance when the requirements of this paragraph are met.

(1) The reservist must request an advance payment. The request must be endorsed by the institution of higher learning, and must be accompanied by the enrollment certification or other document submitted by the institution of learning. That enrollment certification or other document must contain a certification showing the following information:

(i) The reservist is eligible for educational assistance;

(ii) He or she has been accepted by the educational institution or is eligible to continue his or her training there;

(iii) He or she has notified the educational institution of his or her intention to attend that institution or to reenroll in it;

(iv) The number of credit hours the reservist intends to pursue; and

(v) The beginning and ending dates of the enrollment period.

(2) The VA may pay educational assistance in advance only if—

(i) The reservist specifically requests such a payment;

(ii) The educational institution at which the reservist is accepted has agreed to, and can satisfactorily carry out the provisions of 38 U.S.C. 1780(d)(4) (B) and (C) and (5) pertaining to receipt, delivery or return of advance checks and certifications of delivery and enrollment, and

(iii) The Director of the VA field station of jurisdiction has not ruled under paragraph (d)(3) of this section that advance payments should not be made.

(3) The Director of a VA field station of jurisdiction may direct that advance payments not be made to reservists enrolled at an educational institution if—

(i) The educational institution demonstrates an inability to comply with the requirements of paragraph (d)(4) of this section, or

(ii) The educational institution fails to provide adequately for the safekeeping of the payment checks before delivery to the reservist or return to the VA, or

(iii) He or she determines, based upon compelling evidence, that the educational institution demonstrates its inability to discharge its responsibilities under advance payment program.

(4) The VA shall mail the advance payment check, made payable to the reservist, to the educational institution for delivery to the reservist upon registration. The educational institution shall not deliver the advance payment check to the reservist more than 30 days in advance of the commencement of his or her program. If delivery is not made within 30 days after the commencement of the program, the educational institution shall return the check to the VA.

(5) The advance payment shall be in an amount not to exceed the educational assistance due for the month or fraction thereof in which the course will begin plus the educational assistance for the following month.

(6) The VA will authorize advance payment only at the beginning—

(i) Of an ordinary school year, or

(ii) Of any other enrollment period which begins after a break of 30 days or more, provided the reservist is not eligible for payment for the break.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(d); Pub. L. 98–525)

(e) *Frequency of payment.* Except as provided in paragraph (d) of this section, the VA shall pay educational assistance in the month following the month for which training occurs. The VA may withhold payment to a reservist who is enrolled in a course not leading to a standard college degree for any month until the reservist's attendance has been reported for that month. The VA may withhold final payment in all cases until it both receives certification that the reservist pursued his or her course, and makes any necessary adjustments.
(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(g); Pub. L. 98–525)

(f) *Apportionments prohibited.* The VA will not apportion educational assistance.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780; Pub. L. 98–525)

§ 21.7642 Nonduplication of educational assistance.

(a) *Payments of educational assistance shall not be duplicated.* A reservist eligible to receive educational assistance under 38 U.S.C. Ch. 30 is barred from receiving educational assistance concurrently under 10 U.S.C. Ch. 106.

(Authority: 38 U.S.C. 1433(a), 1795; Pub. L. 98–525)

(b) *Election of benefits.* When paragraph (a) of this section applies, the reservist must elect in writing which benefit he or she wishes to receive. The reservist may make a new election at any time, but may not elect more than once in any calendar month.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1795; Pub. L. 98–525)

(c) *Senior Reserve Officers' Training Corps scholarship program.* Educational assistance may not be provided to a reservist receiving financial assistance under 10 U.S.C. 2107 as a member of the Senior Reserve Officers' Training Corps scholarship program.

(Authority: 10 U.S.C. 2134; Pub. L. 98–525)

(d) *Nonduplication—Federal program.* Payment of educational assistance is prohibited to an otherwise eligible reservist—

(1) For a unit course or courses which are being paid for entirely or partly by the Armed Forces during any period he or she is on active duty;

(2) For a unit course or courses which are being paid for entirely or partly by the Department of Health and Human Services during any period that he or she is on active duty with the Public Health Service; or

(3) For a unit course or courses which are being paid for entirely or partly by the United States under the Government Employees' Training Act during any period that full salary is being paid to him or her as an employee of the United States.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1781; Pub. L. 98–525)

§ 21.7644 Overpayments.

(a) *Prevention of overpayments.* In administering benefits payable under 10 U.S.C. Ch. 106, the VA will apply the provisions of §§ 21.4008 and 21.4009 of this part in the same manner as they are applied in the administration of 38 U.S.C. Chs. 34 and 36. See § 21.7633.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1790(b); Pub. L. 98–525)

(b) *Penalties are not overpayments.* The Secretary concerned may require a refund from an individual who fails to participate satisfactorily in required training as a member of the Selected Reserve. This refund is subject to waiver by the Secretary. However, this refund—

(1) Is not an overpayment for VA purposes, and

(2) Is not subject to waiver by the VA under § 1.957 of this chapter.

(Authority: 10 U.S.C. 2135: Pub. L. 98–525)

(c) *Liability for overpayments.* (1) The amount of the overpayment of educational assistance paid to a reservist constitutes a liability of that reservist unless—

(i) The overpayment is waived as provided in § 1.957 of this chapter, or

(ii) The overpayment results from an administrative error or an error in judgment. See § 21.7635(o) of this part.

(2) The amount of the overpayment of educational assistance paid to a reservist constitutes a liability of the educational institution if the VA determines that the overpayment was made as the result of—

(i) Willful or negligent false certification by the educational institution, or

(ii) Willful or negligent failure to certify excessive absences from a course, or discontinuance or interruption of a course by the reservist.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1785; Pub. L. 98–525)

(d) *Waiver or recovery of overpayments.* (1) Except as stated in paragraph (b) of this section in determining whether an overpayment should be waived or recovered from a reservist, the VA will apply the provisions of § 1.957 of this chapter.

(2) In determining whether an overpayment should be recovered from an educational institution, the VA will apply the provisions of § 21.4009(a) (2), (3), (4) and (5), (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this part to overpayments of educational assistance under 10 U.S.C. Ch. 106 in the same manner as they are applied to overpayments of educational assistance allowance under 38 U.S.C. Chs. 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1785, 3102; Pub. L. 98–525)

Cross-Reference: Entitlement charges. See § 21.7576(c) of this part offering training to veterans and servicemembers under 38 U.S.C. Ch. 34.

Pursuit of Courses and Required Reports

§ 21.7650 Pursuit.

The reservist is entitled to educational assistance only for actual pursuit of a program of education. Verification is accomplished by various certifications.

(Authority: 10 U.S.C. 2131(a); Pub. L. 98–525)

§ 21.7652 Certification of enrollment and verification of pursuit.

As stated in § 21.7640 of this part, the educational institution must certify the reservist's enrollment before he or she may receive educational assistance. Nothing in this section or in any section in part 21 shall be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.

(a) *Content of certification of entrance or reentrance.* The certification of entrance or reentrance must clearly specify:

(1) The course:

(2) The starting and ending dates of the enrollment period;

(3) The credit hours or clock hours being pursued by the reservist;

(4) The amount of tuition, fees and the cost of books, supplies and equipment charged to a reservist who is incarcerated in a Federal, State or local prison or jail for conviction of a felony; and

(5) Such other information as the Administrator may find is necessary to determine the reservist's monthly rate of educational assistance.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1682(g), 1780; Pub. L. 98-525)

(b) *Length of the enrollment period covered by the enrollment certification.* (1) Educational institutions organized on a term, quarter or semester basis generally shall report enrollment for the term, quarter, semester, ordinary school year or ordinary school year plus summer term. If the certification covers two or more terms, the educational institution will report the dates for the break between terms if a term ends and the following term does not begin in the same or the next calendar month, or if the reservist elects not to be paid for the intervals between terms. The educational institution must submit a separate enrollment certification for each term, quarter or semester when the certification is for a reservist who is incarcerated in a Federal, State or local prison or jail for conviction of a felony.

(2) Educational institutions organized on a year-round basis will report enrollment for the length of the course. The certification will include a report of the dates during which the educational institution closes for any interval designated in its approval data as breaks between school years.

(3) When a reservist enrolls in independent study leading to a standard college degree concurrently with resident training, the educational institution's certification will include—

(i) The enrollment date, and

(ii) The ending date for the period being certified. If the educational institution has not prescribed maximum time for completion of the independent study portion of the enrollment, the certification must include an ending date for the independent study based on the educational institution's estimate for completion.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1784; Pub. L. 98-525)

(c) *Verification of pursuit.* (1) A reservist who is pursuing a course leading to a standard college degree must have his or her continued enrollment in and pursuit of the course verified for the entire enrollment period. Verification of continued enrollment will be made at least once a year and in the last month of enrollment if the enrollment period ends more than 3 months after the last verification. In the case of a reservist who completed, interrupted or terminated his or her course, any communication from the reservist or other authorized person notifying the VA of the reservist's completion of a course as scheduled or an earlier termination date, will be accepted to terminate payments accordingly.

(2) The verification of pursuit will also include a report on the following items when applicable:

(i) Continued enrollment in and pursuit of the course,

(ii) Absences (See § 21.7654),

(iii) Conduct and progress (See § 21.7653(c)),

(iv) Date of interruption or termination of training (See § 21.7656(a)),

(v) Changes in number of credit hours or clock hours of attendance (See § 21.7656(a)), and

(vi) Any other changes of modifications in the course as certified at enrollment.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C.1780(g); Pub. L. 98-525)

§ 21.7653 Progress and conduct.

(a) *Satisfactory pursuit of program.* In order to receive educational assistance for pursuit of a program of education, a reservist must maintain satisfactory progress. Progress is unsatisfactory if the reservist does not satisfactorily progress according to the regularly prescribed standards of the educational institution he or she is attending.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1674; Pub. L. 98-525)

(b) *Satisfactory conduct.* In order to receive educational assistance for pursuit of a program of education, a reservist must maintain satisfactory conduct according to the regularly prescribed standards and practices of the educational institution in which he or she is enrolled. If the reservist will no longer be retained as a student or will not be readmitted as a student by the educational institution in which he or she is enrolled, the VA will discontinue educational assistance, unless further development establishes that the educational institution's action is retaliatory.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1674; Pub. L. 98-525)

(c) *Reports.* At times the unsatisfactory progress or conduct of a reservist is caused by or results in his or her interruption or termination of training. If this occurs, the interruption or termination shall be reported in accordance with § 21.7656(a) of this part. If the reservist continues in training despite making unsatisfactory progress, the fact of his or her unsatisfactory progress must be reported to the VA, within the time allowed by paragraphs (c) (1) and (2) of this section.

(1) A reservist's progress may become unsatisfactory as a result of the grades he or she receives. The institution of higher learning shall report such unsatisfactory progress to the VA in time for the VA to receive it before the earlier of the following dates is reached:

(i) Thirty days from the date on which the school official, who is responsible for determining whether a student is making progress, first received the final grade report which establishes that the reservist either is not progressing satisfactorily, or

(ii) Sixty days from the last day of the enrollment period during which the reservist earned the grades that caused him or her to meet the unsatisfactory progress standards.

(2) If the unsatisfactory progress or conduct of the reservist is caused by any factors other than the grades which he or she receives, the institution of higher learning shall report the unsatisfactory progress or conduct to the VA in time for the VA to receive it within 30 days of the date on which the progress or conduct of the reservist becomes unsatisfactory.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1674; Pub. L. 98-525)

(d) *Reentrance after discontinuance.* (1) A reservist may be reentered following discontinuance because of unsatisfactory conduct or progress only when the following conditions exist:

(i) The cause of unsatisfactory conduct or progress has been removed, and

(ii) The VA determines that the program which the reservist now proposes to pursue is suitable to his or her aptitudes, interests and abilities.

(2) Reentrance may be for the same program, for a revised program, or for an entirely different program depending on the cause of the discontinuance and the removal of that cause.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1674; Pub. L. 98-525)

§ 21.7654 Certification of attendance in courses not leading to a standard college degree.

When the reservist is enrolled in a course or courses which do not lead to a standard college degree, he or she must report each day of absence from scheduled attendance. Only those days defined as absences in § 21.7639(a) of this part will be reported. If the reservist is enrolled concurrently in two or more institutions of higher learning, a certification of attendance must be received from each institution of higher learning. The institution of higher learning will—

(a) Convert partial days of absence to full days of absence as provided in § 21.7639(a) of this part,

(b) Verify the full days of absence reported, and

(c) Endorse the report.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780(a); Pub. L. 98–525)

§ 21.7656 Other required reports from institutions of higher learning.

Each institution of higher learning and reservist must report without delay the entrance, reentrance, change in hours of credit or attendance, pursuit, interruption and termination of attendance of each reservist enrolled in an approved course.

(a) *Interruptions, terminations and changes in hours of credit or attendance.* When a reservist interrupts or terminates his or her training for any reason, including unsatisfactory conduct or progress, or when he or she changes the number of hours of credit or attendance, the educational institution must report this fact to the VA.

(1) If the change in status or change in number of hours of credit or attendance occurs on a day other than one indicated by paragraph (a) (2) or (3) of this section, the educational institution will initiate a report of the change in time for the VA to receive it within 30 days of the date on which the change occurs.

(2) If the educational institution has certified the reservist's enrollment for more than one term, quarter or semester and the reservist interrupts his or her training at the end of a term, quarter or semester within the certified enrollment period, the educational institution shall report the change in status to the VA in time for the VA to receive the report within 30 days of the last officially scheduled registration date for the next term, quarter or semester.

(3) If the change in status or change in the number of hours of credit or attendance occurs during the 30 days of a drop-add period, the educational institution must report the change in status or change in the number of hours of credit or attendance to the VA in time for the VA to receive the report within 30 days from the last date of the drop-add period or 60 days from the first day of the enrollment period, whichever occurs first.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1784; Pub. L. 98–525)

(b) *Nonpunitive grades.* An educational institution may assign a nonpunitive grade for a course or subject in which the reservist is enrolled even though the reservist does not withdraw from the course or subject. When this occurs, the educational institution must report the assignment of the nonpunitive grade in time for the VA to receive it before the earlier of the following dates is reached:

(1) 30 days from the date on which the educational institution assigns the grade, or

(2) 60 days from the last day of the enrollment period for which the nonpunitive grade is assigned.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1784; Pub. L. 98–525).

§ 21.7658 False, late or missing reports.

(a) *Reservist.* Payments may not be based on false or misleading statements, claims or reports. The VA will apply the provisions of §§ 21.4006 and 21.4007 of this part to a reservist or any other person who submits false or misleading claims, statements or reports in connection with benefits payable under 10 U.S.C. Ch. 106 in the same manner as they are applied to people who make similar false or misleading claims for benefits payable under 38 U.S.C. Ch. 34 or 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1780, 1790, 3503; Pub. L. 98–525)

(b) *Educational institution.* (1) The VA may hold an educational institution liable for overpayments which result from a willful or negligent—

(i) Failure of the institution of higher learning to report, excessive absences from a course or discontinuance or interruption of a course by a reservist, or

(ii) False certification by the educational institution. See § 21.7644(b) of this part.

(2) When an educational institution willfully and knowingly submits a false report or certification, the VA may disapprove a course for further enrollments and may discontinue educational assistance to reservists already enrolled. The VA will apply the provisions of § 21.4202(b), § 21.4207 and § 21.4208 of this part in the same manner as they are applied in making similar determinations regarding enrollments under 38 U.S.C. Ch. 34.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1790; Pub. L. 98–525).

§ 21.7659 Reporting fee.

In determining the amount of the reporting fee payable to institutions of higher learning for furnishing required reports, the VA will apply the provisions of the introductory portion of § 21.4206 and § 21.4206 (a), (c), (d), and (e) of this part in the same manner as they are applied in the administration of 38 U.S.C. Chs. 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1784; Pub. L. 98–525)

Course Assessment

§ 21.7670 Measurement of courses leading to a standard college degree.

Except as provided in § 21.7672 of this part the VA will measure a reservist's courses as stated in this section.

(a) *Fourteen semester hours are full time.* Unless 12 or 13 semester hours are full time as provided in paragraphs (b) and (c) of this section, or unless paragraphs (d) or (e) of this section apply to measurement of the reservist's enrollment the VA will measure a reservist's enrollment as follows:

(1) 14 or more semester hours or the equivalent are full-time training,

(2) 10 through 13 semester hours or the equivalent are three-quarter-time training, and

(3) 7 through 9 semester hours or the equivalent are half-time training.

(Authority: 10 U.S.C. 2131(b), 38 U.S.C. 1788(a); Pub. L. 98–525)

(b) *Thirteen semester hours are full time.* (1) The VA will consider that 13 semester hours or the equivalent are full-time training when the educational institution certifies that all undergraduate students enrolled for 13 semester hours or the equivalent are—

(i) Charged full-time tuition, or

(ii) Considered full-time for other administrative purposes.

(2) When 13 semester hours or the equivalent are full-time training—

(i) 10 through 12 semester hours or the equivalent are three-quarter-time training, and

(ii) 7 through 9 semester hours or the equivalent are half-time training.

(Authority: 10 U.S.C. 1031(b), 38 U.S.C. 1788(a); Pub. L. 98–525)

(c) *Twelve semester hours are full time.* (1) The VA will consider that 12 semester hours or the equivalent are full-time training when the educational institution certifies that all undergraduate students enrolled for 12 semester hours or the equivalent are—

(i) Charged full-time tuition, or

(ii) Considered full time for other administrative purposes.

(2) When 12 semester hours or the equivalent are full-time training—

(i) 9 through 11 semester hours or the equivalent are three-quarter-time training, and

(ii) 6 through 8 semester hours or the equivalent are half-time training.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(a); Pub. L. 98–525)

(d) *Course measurement: Combined independent study-resident training.* (1)

Notwithstanding the provisions of paragraph (a), (b) or (c) of this section if a reservist pursues independent study concurrently with resident training, the VA will determine training time as follows:

(i) If the credit hours of independent study would equal one-half time or more, according to paragraph (a), (b), or (c) of this section, as appropriate, the VA shall convert them to one hour less than the lowest number of credit hours considered to be one-half-time training. If the credit hours of independent study are less than one-half-time according to paragraph (a), (b), or (c) of this section, as appropriate, they shall not be converted. If the independent study is not measured on a credit-hour basis, the VA will assign a credit-hour evaluation to independent study of one hour less than the lowest number of credit hours that constitute one-half-time training.

(ii) The VA will add the number of independent study credit hours as determined in paragraph (d)(1)(i) of this section to the number of credit hours of resident training.

(iii) The VA will use the total credit hours computed in paragraph (d)(1)(ii) of this section to determine the training time based on the measurement criteria found in paragraph (a), (b), or (c) of this section, as appropriate.

(2) When the reservist pursues a course or subject of independent study and resident training sequentially,

(i) The VA will treat the course or subject as independent study, and will not pay any educational assistance, during any week in which the course or subject meets the definition of independent study found in § 21.7520(b)(11) of this part, and

(ii) The VA will treat the course or subject as resident training during weeks in which regularly scheduled classroom sessions meet.

(Authority: 10 U.S.C. 1788(b); Pub. L. 98-525)

(e) *Concurrent enrollment.* If the reservist is enrolled concurrently in two or more institutions of higher learning and some of his or her courses are measured on a credit-hour basis and some are measured on a clock-hour basis as provided in § 21.7672 of this part, the VA will measure his or her courses by converting the clock hours to credit hour equivalents as follows.

(1) The VA will divide the number of credit hours considered full-time at the institution of higher learning which is measuring the reservist's training on a credit-hour basis (as provided in paragraphs (a), (b) and (c) of this section) by the number of clock hours which is full-time at the institution of higher learning which is measuring the reservist's course on a clock-hour basis.

(2) The VA will multiply the figure obtained in paragraph (e)(1) of this section by the number of clock hours in which the reservist is enrolled.

(3) The VA will add the figure obtained in paragraph (e)(2) of this section to the number of credit hours in which the reservist is enrolled.

(4) The VA will apply the provisions obtained in paragraph (e)(3) of this section to the provisions of paragraphs (a), (b) or (c) of this section, as appropriate.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(b); Pub. L. 98-525)

(f) *Other requirements.* Notwithstanding any other provision of this section in administering benefits payable under 10 U.S.C. Ch. 106, the VA shall apply the provisions of § 21.4272 (a), (b), (d), (e) (except paragraph (4)), (f), (g) and (k) of this part in the same manner as they are applied in the administration of 38 U.S.C. Chs. 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788(b); Pub. L. 98-525)

§ 21.7672 Measurement of courses not leading to a standard college degree.

(a) *Nonaccredited.* The VA shall measure a nonaccredited course not leading to a standard college degree as follows. For the purposes of this paragraph clock hours and class sessions mean clock hours and class sessions per week.

(1) Except as provided in paragraph (a)(3) of this section, if shop practice is an integral part of the course—

(i) Full-time training shall be 30 clock hours attendance with not more than 2½ hours rest period allowance and not more than 5 hours of supervised study,

(ii) Three-quarter-time training shall be 22 through 29 clock hours attendance with not more than 2 hours rest period allowance and not more than 3¾ hours of supervised study,

(iii) Half-time training shall be 15 through 21 clock hours attendance with not more than 1¼ hours rest period allowance and not more than 2½ hours of supervised study.

(2) Except as provided in paragraph (a)(3) of this section, if theory and classroom instruction predominates in a course—

(i) Full-time training is 25 clock hours net instruction and not more than 5 hours of supervised study,

(ii) Three-quarter-time training is 18 through 24 clock hours net instruction and not more than 3¾ hours of supervised study, and

(iii) Half-time training is 12 through 17 hours net instruction and not more than 2½ hours of supervised study. In measuring net instruction for the purposes of this paragraph there will be included customary intervals not exceeding 10 minutes between classes.

(3) An institution of higher learning offering courses not leading to a standard college degree may measure those courses on a quarter- or semester-hour basis as indicated for collegiate courses in § 21.7670 of this part provided—

(i) The academic portions of the courses require outside preparation and be measured on a minimum of 50 minutes net of instruction per week for each quarter or semester hour of credit,

(ii) The laboratory portions of the courses are measured on a minimum of 2 hours of attendance per week for each quarter or semester hour of credit,

(iii) The shop portion of the courses are measured on a minimum of 3 hours of attendance per week for each quarter or semester hour of credit. In no event shall the courses be considered a full-time course when less than 22 hours per week of attendance is required. Not more than 2 hours rest period shall be allowed per week for courses in which shop practice is an integral part of full-time courses; 1½ hours for three-quarter-time courses of 16–21 clock hours; 1 hour for one-half-time courses of 11–15 clock hours.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788; Pub. L. 98-525)

(b) *Accredited courses.* Accredited courses not leading to a standard college degree shall be measured as follows:

(1) Except as provided in paragraph (b)(3) of this section if shop practice is an integral part of the course—

(i) Full-time training shall be 22 clock hours attendance with not more than 2½ hours rest period allowance,

(ii) Three-quarter-time training shall be 16 through 21 clock hours attendance with not more than 2 hours rest period allowance,

(iii) Half-time training shall be 11 through 15 clock hours attendance with not more than 1¼ hours rest period allowance. Supervised study shall be excluded from measurement of all courses to which this paragraph applies.

(2) If theory and class instruction predominates—

(i) Full-time training is 18 clock hours net instruction,

(ii) Three-quarter-time training is 13 through 17 clock hours net instruction, and

(iii) Half-time training is 9 through 12 clock hours net instruction. In measuring net instruction for this subparagraph there will be included customary intervals not to exceed 10 minutes between classes; however, supervised study must be excluded.

(3) An institution of higher learning offering courses not leading to a standard college degree may measure those courses on a quarter- or semester-hour basis as indicated for collegiate courses in § 21.7670 of this part provided—

(i) The academic portions of the courses must require outside preparation and be measured on a minimum of 50 minutes net of instruction per week for each quarter or semester hour of credit,

(ii) The laboratory portions of such courses are measured on a minimum of 2 hours of attendance per week for each quarter or semester hour of credit.

(iii) The shop portions of such courses must be measured on a minimum of 3 hours of attendance per week for each quarter or semester hour of credit. In no event shall these courses be considered a full-time course when less than 22 hours per week of attendance is required. Not more than 2 hours rest period shall be allowed per week for courses in which shop practice is an integral part of full-time courses; 1½ hours for three-quarter-time courses of 16–21 clock hours; and 1 hour for one-half-time courses of 11–15 clock hours.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 1788; Pub. L. 98–525)

§ 21.7674 Measurement of practical training courses.

(a) *Nursing courses.* (1) Courses for the objective or registered nurse or registered professional nurse will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. The clock hours of attendance may include academic class time, clinical training, and supervised study periods.

(2) Courses offered by institutions of higher learning which lead to the objective of practical nurse, practical trained nurse, or licensed practical nurse will be measured on credit hours or clock hours of attendance per week, whichever is appropriate.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 1788; Pub. L. 98–525)

(b) *Medical and dental assistants courses for VA.* Programs approved in accordance with the provisions of § 21.7720(b)(3) of this part will be measured on a clock-hour basis as provided in § 21.7672 of this part. However, the program will be regarded as full-time institutional training, provided the combined total of the classroom and other formal instruction portion of the program and the on-the-job portion of the program requires 30 or more clock hours of attendance per week.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 1788; Pub. L. 98–525)

(c) *Other practical training courses.* These courses will be measured in semester hours of credit or clock hours of attendance per week, whichever is appropriate, if approved under § 21.7720(b)(4) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1788; Pub. L. 98–525)

State Approving Agencies

§21.7700 State approving agencies.

The VA and State approving agencies have the same general responsibilities for approving courses for training under 10 U.S.C. Ch. 106 as they do for approving courses for training under 38 U.S.C. Ch. 34. Accordingly, in administering 10 U.S.C. Ch. 106, the VA will apply the provisions of the following sections and paragraphs in the same manner as they are applied for the administration of 38 U.S.C. Chs. 34 and 36:

(a) § 21.4150 (except paragraph (e))—Designation.

(b) § 21.4151—Cooperation.

(c) § 21.4152—Control by agencies of the United States.

(d) § 21.4153—Reimbursement of expenses.

(e) § 21.4154—Report of activities; and

(f) § 21.4280(h) (except in those instances described in § 21.7720).

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1770, 1771, 1772, 1774; Pub. L. 98–525)

Approval of Courses

§ 21.7720 Course approval.

(a) *Courses must be approved.* (1) A course of education offered by an institution of higher learning must be approved by—

(i) The State approving agency for the State in which the institution of higher learning is located, or

(ii) The State approving agency which has appropriate approval authority, or

(iii) The VA, where appropriate. In determining when it is appropriate for the VA to approve a course, the VA will apply the provisions of § 21.4250 (b)(3) and (c)(2) (i), (ii), (iii), and (iv) of this part.

(2) A course approved under 38 U.S.C. Ch. 36 is approved for the purposes of 10 U.S.C. Ch. 106 provided it is offered by an institution of higher learning.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 1772; Pub. L. 98–525)

(b) *Course approval criteria.* (1) In administering benefits payable under 10 U.S.C. Ch. 106, the VA and, where appropriate, the State approving agencies, shall apply the following sections in the same manner as they are applied for the administration of 38 U.S.C. Chs. 34 and 36:

(i) § 21.4250 (except paragraphs (c)(1) and (c)(2)(v))—Approval of courses.

(ii) § 21.4251—Period of operation of course.

(iii) § 21.4253 (except those portions of paragraphs (b) and (f) that permit approval of a course leading to a high school diploma)—Accredited courses.

(iv) § 21.4254—Nonaccredited courses.

(v) § 21.4255—Refund policy—nonaccredited courses.

(vi) § 21.4258 (except paragraph (c))—Notice of approval.

(vii) § 21.4259—Suspension or disapproval.

(viii) § 21.4260—Courses in foreign countries.

(ix) § 21.4266—Courses offered at subsidiary branches or extensions.

(2) The following criteria apply to approval of nursing courses.

(i) Courses for the objective of registered nurse or registered professional nurse will be approved when they are provided by institutions of higher learning. The hospital or fieldwork phase of a nursing course, including a course leading to a degree in nursing, will be included in the approval when—

(A) The hospital or fieldwork phase is an integral part of the course,

(B) Completion of the hospital or fieldwork phase of the course is a prerequisite to the successful completion of the course,

(C) The student remains enrolled in the institution of higher learning during the hospital or fieldwork phase of the course, and

(D) The training is under the direction and supervision of the institution of higher learning.

(ii) Both the clinical training and the academic subjects of a course which leads to the objective of practical nurse, practical trained nurse, or licensed practical nurse may be approved when—

(A) The clinical training is offered by an affiliated or cooperating hospital,

(B) The student is enrolled in and supervised by the institution of higher learning during the period of clinical training, and

(C) The course is accredited by a nationally recognized accrediting agency or meets the requirements of the

licensing body of the State in which the institution of higher learning is located.

(3) A course prescribed by the Administrator under 38 U.S.C. 4114(e) for full-time physicians' assistants or for full-time expanded-function dental auxiliaries (formerly referred to as dental assistants) may be approved if the course is conducted by an institution of higher learning at VA facilities or in facilities operated by hospitals, medical schools or in medical installations pursuant to a contract with the VA.

(4) An off-campus job experience included in a course offered by an institution of higher learning may be approved only when it meets the requirements for resident training found in § 21.7520(b)(22)(vi) of this part.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1676, 1772, 1775, 1776, 1778, 1779, 1789, 1789(c), 4004(e); Pub. L. 98-525)

§ 21.7722 Courses and enrollments which may not be approved.

The Administrator may not approve an enrollment by a reservist in, and a State approving agency may not approve for training under 10 U.S.C. Ch. 106 in—

(a) A bartending or personality development course;

(b) A flight training course unless the course is offered by an institution of higher learning for credit toward a standard college degree;

(c) A course offered by radio;

(d) A correspondence course;

(e) A course, or combination of courses to the extent that they consist of instruction offered by an educational institution alternating with instruction in a business or industrial establishment, commonly called a cooperative course;

(f) A course, or a combination of courses consisting of institutional agricultural courses and concurrent agricultural employment, commonly called a farm cooperative course;

(g) An apprenticeship or other program of on-job training;

(h) A course offered by an entity which is not an institution of higher learning;

(i) A course offered by a graduate school leading towards a graduate degree or a graduate certificate;

(j) A medical, dental, or an osteopathic internship or residency;

(k) A nursing course offered by an autonomous school of nursing;

(l) A medical or dental specialty course unless it is offered by a hospital which qualifies as an institution of higher learning;

(m) A refresher, remedial, or deficiency course;

(n) A course or combination of courses consisting solely of independent study; or

(o) An institutional course for the objective of nurse's aid or a nonaccredited nursing course which does not meet the licensing requirements in the State where the course is offered.

(Authority: 10 U.S.C. 2131, 2136(b), 38 U.S.C. 1673; Pub. L. 98-525)

Administrative

§ 21.7801 Delegation of authority.

(a) *General delegation of authority.* Except as otherwise provided, authority is delegated to the Chief Benefits Director of the VA, and to supervisory or adjudication personnel within the jurisdiction of the Vocational Rehabilitation and Education Service of the VA designated by the Chief Benefits Director to make findings and decisions under 10 U.S.C. Ch. 106 and the applicable regulations, precedents and instructions concerning the program authorized by that chapter to the extent that the program is administered by the VA.

(Authority: 10 U.S.C. 2136(a), 38 U.S.C. 212(a); Pub. L. 98-525)

(b) *Other delegations of authority.* In administering benefits payable under 10 U.S.C. Ch. 106, the VA shall apply § 21.4001 (b), (c) (1), (2), and (3) (in part), and (f) of this part in the same manner as those paragraphs are applied in the administration of 38 U.S.C. Ch. 34.

(Authority: 10 U.S.C. 2136(b), (38 U.S.C. 212(a), 1796; Pub. L. 98-525)

§ 21.7802 Finality of decisions.

(a) *Agency decisions generally are binding.* The decision of a VA field station original jurisdiction on which an action is based—

(1) Will be final,

(2) Will be binding upon all field stations of the VA as to conclusions based on evidence on file at that time, and

(3) Will not be subject to revision on the same factual grounds except by duly constituted appellate authorities or except as provided in § 21.7803 of this part. (See §§ 19.192 and 19.193 of this chapter).

(Authority: 38 U.S.C. 211)

(b) *Decisions of an activity within the VA.* Current determinations of pertinent elements of eligibility for a program of education made by a VA adjudicative activity by application of the same criteria and based on the same facts are binding one upon the other in the absence of clear and unmistakable error.

(Authority: 38 U.S.C. 211)

(c) *Determinations of satisfactory participation.* A determination made by a competent military or naval authority or by the Coast Guard as to whether or not an individual is participating satisfactorily in required training as a member of the Selected Reserve is binding upon the VA.

(Authority: 10 U.S.C. 2134; Pub. L. 98-525)

§ 21.7803 Revision of decisions.

The revision of a decision on which an action was predicated is subject to the following sections:

(a) Clear and unmistakable error, § 3.105(a) of this chapter; and

(b) Difference of opinion, § 3.105(b) of this chapter.

(Authority: 38 U.S.C. 211)

§ 21.7805 Conflicting interests.

In administering benefits payable under 10 U.S.C. Ch. 106, the VA will apply the provisions of § 21.4005 of this part in the same manner as they are applied in the administration of 38 U.S.C. Chs. 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1783; Pub. L. 98-525)

§ 21.7807 Examination of records.

In administering benefits payable under 10 U.S.C. Ch. 106, the VA will apply the provisions of § 21.4209 in the same manner as they are applied in the administration of 38 U.S.C. Chs. 34 and 36.

(Authority: 10 U.S.C. 2136(b), 38 U.S.C. 1790; Pub. L. 98-525)

§ 21.7810 Civil rights.

(a) *Delegations of authority concerning Federal equal opportunity laws.* (1) The Chief Benefits Director is delegated the responsibility to obtain evidence of voluntary compliance with Federal equal opportunity laws from educational institutions and from recognized national organizations whose representatives are afforded space and office facilities under his or her jurisdiction. See § 18.1 et seq. of this chapter. These equal opportunity laws are:

(i) Title VI, Civil Rights Act of 1964,

(ii) Title IX, Education Amendments of 1972, as amended,

(iii) Section 504, Rehabilitation Act of 1973, and

(iv) The Age Discrimination Act of 1975.

(2) In obtaining evidence from educational institutions of compliance with Federal equal opportunity laws, the Chief Benefits Director may use the

State approving agencies as provided in § 21.4258(d) in this part.

(Authority: 42 U.S.C. 2000)

(b) *Nondiscrimination in educational programs.* In administering benefits payable under 10 U.S.C. Ch. 106, the VA shall apply the following sections in the same manner as they are applied to the administration of 38 U.S.C. Chs. 34 and 36:

(1) § 21.4300—Civil rights assurances—Title VI, Public Law 88-352,

(2) § 21.4301 (with the exception of references to elementary and secondary schools and medical institutions)—Institutions of higher learning; elementary and secondary schools; medical institutions,

(3) § 21.4304 (with the exception of references to elementary and secondary schools and medical institutions)—Assurance of compliance received—i.h.l.'s; elementary and secondary schools; medical facilities,

(4) § 21.4305—Noncompliance—complaints—initial action,

(5) § 21.4306—Payments after final agency action, and

(6) § 21.4307—Posttermination compliance.

(Authority: 42 U.S.C. 2000)

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Tuesday
November 17, 1987

Part IV

Department of the Treasury

Office of Foreign Assets Control

31 CFR Part 560

Iranian Transactions Regulations; Final Rule

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 560

Iranian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: On October 29, 1987, the President issued Executive Order No. 12613, invoking the authority, *inter alia*, of section 505 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–9), prohibiting Iranian imports and delegating his authority under that Act to the Secretary of the Treasury. In implementation of that Order, the Treasury Department is issuing the Iranian Transactions Regulations. These Regulations prohibit importation into the United States of goods and services of Iranian origin, and certain related transactions.

EFFECTIVE DATE: 12:01 p.m., Eastern Standard Time, October 29, 1987.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Muench, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, DC Tel.: (202) 376–0392.

SUPPLEMENTARY INFORMATION: The Government of Iran is actively supporting terrorism as an instrument of state policy, and has conducted aggressive and unlawful military action against U.S. flag vessels and merchant vessels of other non-belligerent nations engaged in lawful and peaceful commerce in international waters of the Persian Gulf and territorial waters of non-belligerent nations of that region. These transactions controls are being implemented to ensure that United States import of Iranian goods and services will not contribute financial support to terrorism or to further aggressive actions against non-belligerent shipping. The measures set forth in these regulations are in response to actions of the Iranian government occurring after the conclusion of the 1981 Algiers Accords, and are intended solely as a response to those actions.

Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply. Because the regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations. The information collection requests contained in §§ 560.601 and 560.602 of this document are being submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Notice of OMB action on these requests will be published in the **Federal Register.**

List of Subjects in 31 CFR Part 560

Imports, Reporting and recordkeeping requirements, Iran.

For the reasons set forth in the preamble, 31 CFR Part 560 is added as follows:

PART 560—IRANIAN TRANSACTIONS REGULATIONS

The "Authority" citation for Part 560 reads as follows:

Authority: 22 U.S.C. 2349aa–9; E.O. No. 12613, 52 FR 41940, October 30, 1987.

The table of contents reads as follows:

Subpart A—Relation of this Part to Other Laws and Regulations

Sec.
560.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

560.201 Prohibited importation of goods and services from Iran.
560.202 Prohibited related transactions.
560.203 Evasions.

Subpart C—General Definitions

560.301 Effective date.
560.302 The Act.
560.303 Iran; Iranian.
560.304 Government of Iran.
560.305 Person.
560.306 Iranian origin goods and services.
560.307 United States.
560.308 Importation.
560.309 Publications.
560.310 License.
560.311 General license.
560.312 Specific license.

Subpart D—Interpretations

560.401 Reference to amended sections.
560.402 Effect of amendment of sections of this part or of other orders, etc.
560.403 Exports from Iran prior to the effective date.
560.404 Certain offshore transactions, and other transactions related thereto.
560.405 Goods; technical data.
560.406 Transshipment through United States prohibited.
560.407 Importation from third countries; transshipment.
560.408 Importation into and release from a bonded warehouse or foreign trade zone.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

560.501 Effect of license or authorization.
560.502 Exclusion from licenses and authorizations.
560.503 Importation pursuant to prior contractual agreements.
560.504 Iranian goods in third countries prior to effective date.
560.505 Certain services relating to participation in various events authorized.
560.506 Importation of certain gifts authorized.
560.507 Importation of accompanied baggage authorized.
560.508 Telecommunications and mail transactions authorized.
560.509 Certain services performed in Iran with respect to patents, trademarks and copyrights.
560.510 Certain goods and services relating to legal proceedings.
560.511 Importation of goods awarded by the Hague Tribunal.
560.512 Certain imports for diplomatic or official personnel authorized.

Subpart F—Reports

560.601 Required records.
560.602 Reports to be furnished on demand.

Subpart G—Penalties

560.701 Penalties.
560.702 Detention of shipments.

Subpart H—Procedures

560.801 Licensing.
560.802 Decisions.
560.803 Amendment, modification, or revocation.
560.804 Rulemaking.
560.805 Delegation by the Secretary of the Treasury.
560.806 Customs procedures: goods specified in § 560.201.
560.807 Rules governing availability of information.

New Part 560 reads as follows:

Subpart A—Relation of This Part to Other Laws and Regulations

§ 560.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter, including Part 535, "Iranian Assets Control Regulations." No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulations authorizes any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 560.201 Prohibited importation of goods and services from Iran.

Except as authorized by regulations, rulings, instructions, licenses, or otherwise, no goods or services of Iranian origin may be imported into the United States, with the following exceptions:

(a) Iranian-origin publications and materials imported for news publications or news broadcast dissemina ion;

(b) Petrc .eum products refined from Iranian crude oil in a third country; and

(c) Articles imported directly from Iran prior to the effective date.

§ 560.202 Prohibited related transactions.

No person may order, buy, act as broker or facilitator for, receive, conceal, store, use, sell, loan, dispose of, transfer, transport, finance, forward, or otherwise service, in whole or in part, any goods or services subject to the prohibitions of this part, with knowledge or reason to know that a violation of this part, or any regulation, order, or license issued pursuant hereto or to Section 505 of the Act, has occurred, is about to occur, or is intended to occur with respect to such goods or services.

§ 560.203 Evasions.

Any transaction for the purpose of, or which has the effect of, evading or avoiding any of the prohibitions set forth in this subpart is hereby prohibited.

Subpart C—General Definitions

§ 560.301 Effective date.

The term "effective date" means 12:01 p.m., Eastern Standard Time, October 29, 1987.

§ 560.302 The Act.

For purposes of this part, the term "Act" means the International Security and Development Cooperation Act of 1985 (Pub. L. 99-83).

§ 560.303 Iran; Iranian.

The term "Iran" means the country of Iran and any Iranian territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof, or any territory which, at the time of the relevant transaction, is controlled or occupied by the military, naval or police forces or other authorities of Iran. The term "Iranian" means pertaining to Iran as defined in this section.

§ 560.304 Government of Iran.

(a) The "Government of Iran" includes:

(1) The state and the Government of Iran, as well as any political subdivision, agency, or instrumentality thereof;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date acting or purporting to act directly or indirectly on behalf of any of the foregoing.

§ 560.305 Person.

The term "person" means an individual, partnership, association, corporation or other organization.

§ 560.306 Iranian origin goods and services.

The term "goods or services of Iranian origin" includes:

(a) Goods grown, produced, manufactured, extracted, or processed in Iran;

(b) Goods which have entered into Iranian commerce; and

(c) Services performed in Iran or by the Government of Iran, as defined in § 560.304, where the benefit of such services will be received in the United States. Services of Iranian origin are not imported into the United States when such services are provided in the United States by an Iranian national resident in the United States. The term "services of Iranian origin" does not include:

(1) Diplomatic and consular services performed by or on behalf of the Government of Iran, or

(2) Diplomatic and consular services performed by or on behalf of the Government of the United States.

§ 560.307 United States.

The term "United States" means the United States, including its territories and possessions.

§ 560.308 Importation.

The term "importation" means the bringing of any goods into the United States, except that in the case of goods transported by vessel, "importation" shall mean the bringing of any goods into the United States with the intent to unlade it.

§ 560.309 Publications.

The term "publications" includes, but is not limited to, books, newspapers, magazines, films, phonograph records, tape recordings, photographs, microfilm, microfiche, videotapes, and posters, as well as items described in the following:

(a) 15 CFR 399.1, Commodity Control List, Group 5, CCL No. 7599I: microfilm that reproduces the content of certain publications, and similar materials.

(b) 15 CFR 399.1, Commodity Control List, Group 9, CCL No. 7999I: certain publications and related materials.

§ 560.310 License.

Except as otherwise specified, the term "license" means any license or authorization contained in or issued pursuant to this part.

§ 560.311 General license.

The term "general license" means any license or authorization the terms of which are set forth in this part.

§ 560.312 Specific license.

The term "specific license" means any license or authorization not set forth in this part but issued pursuant to this part in response to a written application.

Subpart D—Interpretations

§ 560.401 Reference to amended sections.

Reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 560.402 Effect of amendment of sections of this part or of other orders, etc.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Secretary of the Treasury pursuant to section 505 of the Act shall not, unless otherwise specifically provided, be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 560.403 Exports from Iran prior to the effective date.

Goods may be imported pursuant to exception (c) in § 560.201 if, prior to the effective date, the goods were loaded on board a vessel or aircraft in Iran or a third country ready for export to the United States, or were in transit from Iran or a third country for direct importation into the United States.

§ 560.404 Certain offshore transactions and other transactions related thereto.

The prohibitions contained in § 560.201 do not apply to the importation into locations outside the United States

of goods or services of Iranian origin. The prohibitions also do not extend to payments or other transactions, wherever concluded, by any person relating to such transactions outside the United States, such as U.S. financial, service, or brokerage transactions involving offshore transactions with Iran. Payments relating to such non-prohibited transactions, and payments relating to the exceptions designated in § 560.201, are not prohibited.

§ 560.405 Goods; technical data.

The term "goods" shall include merchandise; articles; and technical data in tangible form including, but not limited to, a model, prototype, blueprint, drawing, operating manual, computer software, tape recording, microfiche, or other material in machine readable form. The term "goods" does not apply to oral transmission of technical data in the course of performance of services, telephone communications, lectures, seminars, or plant visits.

§ 560.406 Transshipment through United States prohibited.

The prohibitions in § 560.201 apply to the importation into the United States, for transshipment or transit, of goods of Iranian origin which are intended or destined for third countries.

§ 560.407 Importation from third countries; transshipment.

(a) Importation into the United States from third countries of goods containing raw materials or components of Iranian origin is not prohibited if those raw materials or components have been incorporated into manufactured products or substantially transformed in a third country.

(b) Importation into the United States of goods of Iranian origin that have been transshipped through a third country without being incorporated into manufactured products or substantially transformed in a third country is prohibited.

§ 560.408 Importation into and release from a bonded warehouse or foreign trade zone.

The prohibitions in § 560.201 apply to importation into a bonded warehouse or a foreign trade zone of the United States. However, § 560.201 does not prohibit the release from a bonded warehouse or a foreign trade zone of goods of Iranian origin imported into a bonded warehouse or a foreign trade zone prior to the effective date.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 560.501 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Secretary of the Treasury pursuant to section 505 of the Act, shall be deemed to authorize or validate any transaction effected prior to the issuance of the license, unless specifically provided in such license or other authorization.

(b) No regulation, ruling, instruction, or license authorizes a transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Treasury Department and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transactions prohibited by any provision of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

(c) Any regulation, ruling, instruction or license authorizing a transaction otherwise prohibited under this part has the effect of removing a prohibition or prohibitions in Subpart B from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

§ 560.502 Exclusion from licenses and authorizations.

The Secretary of the Treasury reserves the right to exclude any person from the operation of any license, or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual or constructive notice thereof.

§ 560.503 Importation pursuant to prior contractual agreements.

Specific licenses may be issued, on a case-by-case basis, authorizing the importation of goods of Iranian origin into the United States after the effective date and before January 1, 1988, if the importer furnishes the Office with a certification supported by written evidence establishing that—

(a) Payment for the goods was made, or payment was irrevocably committed to be made, prior to the effective date, *or*

(b) A written agreement to purchase the goods was entered into prior to the effective date; *and*

(c) Prior to the effective date, the goods were intended for importation into the United States.

§ 560.504 Iranian goods in third countries prior to effective date.

(a) Specific licenses may be issued authorizing the importation of non-fungible goods of Iranian origin, such as carpets and artwork, provided the applicant submits satisfactory documentary proof that the goods are located outside Iran prior to the effective date and that no payment or other benefit has accrued or will accrue to Iran after the effective date. For purposes of this section, a payment or other benefit to Iran includes a payment or other economic benefit accruing to the Government of Iran or to a person or persons residing or located in Iran.

(b) Fungible goods of Iranian origin, such as oil and agricultural products, may qualify for importation after the effective date only under the provisions of §§ 560.201 and 560.503.

(c) The type of documentation that would constitute satisfactory proof of the location of non-fungible goods outside Iran as of the effective date may vary depending upon the facts of a particular case. However, independent corroborating documentary evidence issued and certified by a disinterested party will be required. This might include contracts, insurance documents, shipping documents, warehouse receipts, and appropriate customs documents, accompanied by a certification of an insurance agent, warehouse agent, or other appropriate person, identifying with particularity the goods sought to be imported and attesting that the goods concerned were located outside Iran at a time prior to the effective date. In general, affidavits, statements, and other documents prepared by the applicant or another interested party will not, by themselves, constitute satisfactory proof.

Example: A Persian carpet stored in a warehouse in Europe since January 1986, and purchased by a U.S. resident in November 1987, may be licensed for importation into the United States if the importer provides, for example, (1) a warehouse receipt dated prior to the effective date, and a certification from the warehouse that the carpet sought to be imported is the same carpet that was in storage, identifying such characteristics as predominant colors and design by description or photograph; and (2) insurance documents dated prior to the effective date and containing sufficient information to identify the specific carpet insured in a location outside Iran.

§ 560.505 Certain services relating to participation in various events authorized.

The importation of services of Iranian origin into the United States is authorized where an Iranian national enters the United States on a visa issued by the State Department for the purpose of participating in a public conference, performance, exhibition or similar event.

§ 560.506 Importation of certain gifts authorized.

The importation into the United States is authorized for goods of Iranian origin sent as gifts to persons in the United States where the value of the gift is not more than $100.

§ 560.507 Importation of accompanied baggage authorized.

Persons entering the United States directly or indirectly from Iran are authorized to import into the United States Iranian-origin accompanied baggage normally incident to travel. This authorization does not extend to Iranian-origin goods the value of which exceeds the personal exemption from Customs duty, currently at $400 per individual, or for Iranian-origin goods brought to the United States from third countries as accompanied baggage.

Example: Under this section, a U.S. resident returning from Iran may import personal effects acquired in Iran such as clothing and small purchases, provided their value is below the personal exemption amount, currently $400. A U.S. tourist returning from a vacation in Canada with a Persian carpet purchased there is not eligible for the general license in this section, as the individual would not be entering the United States directly or indirectly from Iran. In the latter case, the carpet could be imported only under a specific license issued pursuant to another section, such as §§ 560.503 or 560.504.

§ 560.508 Telecommunications and mail transactions authorized.

All transactions of common carriers incident to the receipt or transmission of telecommunications and mail between the United States and Iran are authorized. For purposes of this section, the term "mail" shall include parcels only to the extent the parcels contain goods excepted from these Regulations or otherwise eligible for importation from Iran under a general or specific license.

§ 560.509 Certain services performed in Iran with respect to patents, trademarks and copyrights.

(a) All transactions incident to the following services rendered by a resident of Iran to or on behalf of a U.S. person are hereby authorized:

(1) The filing and prosecution of any application in Iran to obtain a patent, trademark, copyright or other form of intellectual property protection.

(2) The receipt of an Iranian patent, trademark, copyright or other form of intellectual property protection.

(3) The renewal of maintenance of a patent, trademark, copyright or other form of intellectual property protection in Iran.

(4) The filing and prosecution of opposition or infringement proceedings in Iran with respect to a patent, trademark, copyright or other form of intellectual property protection; or the entrance of a defense to any such proceedings.

(b) Nothing in this section affects obligations under any other provision of law.

§ 560.510 Certain goods and services relating to legal proceedings.

All transactions are authorized pertaining to the importation of goods and services necessary for the conduct of legal proceedings, including administrative, judicial, and arbitral proceedings.

§ 560.511 Importation of goods awarded by the Hague Tribunal.

(a) Specific licenses will be issued on a case-by-case basis to permit the importation of goods of Iranian origin in connection with awards, decisons, or orders of the Iran-United States Claims Tribunal in the Hague, established pursuant to the Algiers Accords of January 19, 1981.

(b) Specific licenses may be issued on a case-by-case basis to permit the importation of Iranian origin goods in connection with agreements settling claims brought before the Iran-United States Claims Tribunal.

§ 560.512 Certain imports for diplomatic or official personnel authorized.

All transactions ordinarily incident to the importation of any goods or services into the United States from Iran are authorized if such imports are destined for official or personal use by personnel employed by Iranian missions to international organizations located in the United States, and such imports are not for resale.

Subpart F—Reports

§ 560.601 Required records.

Every person engaging in any transaction subject to the provisons of this part shall keep a full and accurate record of each transaction in which he engages, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least two years after the date of such transaction.

§ 560.602 Reports to be furnished on demand.

Every person is required to furnish, under oath, in the form of reports or otherwise, from time to time and at any time as may be required, complete information relative to any transaction, regardless of whether such transaction is effected pursuant to license or otherwise, subject to the provisions of this part. Such reports may be required to include the production of any books of account, contracts, letters or other papers, connected with any such transaction or property, in the custody of control of the persons required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Secretary of the Treasury may, through any person or agency, conduct investigations, hold hearings, administers oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation, regardless of whether any report has been required or filed in connection therewith.

Subpart G—Penalties

§ 560.701 Penalties.

(a) Attention is directed to 18 U.S.C. 545, which provides:

Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or

Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law—

Shall be fined not more that $10,000 or imprisoned not more than five years, or both.

Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction for violation of this section.

Merchandise introduced into the United States in violation of this section, or the value thereof, to be recovered from any person described in the first or second paragraph of this section, shall be forfeited to the United States.

(b) Attention is directed to 18 U.S.C. 1001, which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Attention is directed to 19 U.S.C. 1592, which provides, in part:

(a) Prohibition.—

(1) General rule.—Without regard to whether the United States is or may be deprived of all or a portion of any lawful duty thereby, no person, by fraud, gross negligence, or negligence—

(A) may enter, introduce, or attempt to enter or introduce any merchandise into the commerce of the United States by means of—

(i) any document, written or oral statement, or act which is material and false, or

(ii) any omission which is material, or

(B) may aid or abet any other person to violate subparagraph (A) * * *.

(c) Maximum penalties.—

(1) Fraud.—A fraudulent violation of subsection (a) of this section is punishable by a civil penalty in an amount not to exceed the domestic value of the merchandise.

(2) Gross negligence.—A grossly negligent violation of subsection (a) of this section is punishable by a civil penalty in an amount not to exceed—

(A) the lesser of—

(i) the domestic value of the merchandise, or

(ii) four times the lawful duties of which the United States is or may be deprived, or

(B) if the violation did not affect the assessment of duties, 40 percent of the dutiable value of the merchandise.

(3) Negligence.—A negligent violation of subsection (a) of this section is punishable by a civil penalty in an amount not to exceed—

(A) the lesser of—

(i) the domestic value of the merchandise, or

(ii) two times the lawful duties of which the United States is or may be deprived, or

(B) if the violation did not affect the assessment of duties, 20 percent of the dutiable value of the merchandise.

(d) Attention is also directed to 19 U.S.C. 1595a, which provides:

(a) * * * [E]very vessel, vehicle, animal, aircraft, or other thing used in, to aid in, or to facilitate, by obtaining information or in any other way, the importation, bringing in, unloading, landing, removal, concealing, harboring, or subsequent transportation of any article which is being or has been introduced, or attempted to be introduced, into the United States contrary to law, whether upon such vessel, vehicle, animal, aircraft or other thing or otherwise, may be seized and forfeited together with its tackle, apparel, furniture, harness, or equipment.

(b) Every person who directs, assists financially or otherwise, or is in any way concerned in any unlawful activity mentioned in the preceding subsection shall be liable to a penalty equal to the value of the article or articles introduced or attempted to be introduced.

(c) Any merchandise that is introduced or attempted to be introduced into the United States contrary to law (other than in violation of section 1592 of this title) may be seized and forfeited.

§ 560.702 Detention of shipments.

Import shipments into the United States of goods of Iranian origin in violation of § 560.201 shall be detained. No such import shall be permitted to proceed, except as specifically authorized by the Secretary of the Treasury. Such shipments shall be subject to licensing, penalties, or seizure and forfeiture action, under the Customs laws or other applicable provisions of law, depending on the circumstances.

Subpart H—Procedures

§ 560.801 Licensing.

(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions certain types of transactions which are subject to the prohibitions contained in Subpart B of this part. All such licenses are set forth in Subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses may be required to file reports and statements in accordance with the instructions specified in those licenses.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific licenses. The specific licensing activities of the Office of Foreign Assets Control are performed by its Washington Office and by the Foreign Assets Control Division of the Federal Reserve Bank of New York.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transactions prohibited by or pursuant to this part may be filed in duplicate by letter or on an application form with the Office of Foreign Assets Control or the Federal Reserve Bank of New York. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction, and there is no requirement that any other person having an interest in such transaction shall or should join in making or filing such application.

(3) *Information to be supplied.* The applicant must supply all information specified by relevant instructions and/or forms. Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Office of Foreign Assets Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury, or by the Federal Reserve Bank of New York acting in accordance with such regulations, rulings and instructions as the Secretary of the Treasury or the Office of Foreign Assets Control may from time to time prescribe, or licenses may be issued by the Secretary of the Treasury acting directly or through any specifically designated person, agency, or instrumentality.

§ 560.802 Decisions.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 560.803 Amendment, modification, or revocation.

The provisions of this part and any rulings; licenses, whether general or specific; authorizations; instructions; orders; or forms issued hereunder may be amended, modified, or revoked at any time.

§ 560.804 Rulemaking.

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control. In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the United States, and for that reason is exempt from the requirements under the Administrative Procedure Act (5 U.S.C. 553) for notice of proposed rulemaking, opportunity for public comment, and delay in effective date. Wherever possible, however, it is the practice of the Office of Foreign Assets Control to receive written submissions or hold informal consultations with interested parties before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment, or repeal of any rule.

§ 560.805 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order No. 12613 or section 505 of the Act may be taken by the Director, Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 560.806 Customs procedures: Goods specified in § 560.201.

(a) With respect to goods specified in Section 560.201, and not otherwise licensed or excepted from the scope of that section, appropriate Customs officers shall not accept or allow any:

(1) Entry for consumption or warehouse (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Admission, entry, transfer or withdrawal to or from a foreign trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign trade zone.

(b) Customs officers shall accept or allow the importation of Iranian-origin goods under the procedures listed in subsection (a) if:

(1) The merchandise was imported prior to 12:01 p.m., October 29, 1987,

(2) A specific license pursuant to this part is presented, or

(3) Instructions authorizing the transaction are received from the Office of Foreign Assets Control, either directly or through the Federal Reserve Bank of New York.

(c) Whenever a specific license is presented to an appropriate Customs officer in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the appropriate Customs officers at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The orignial copy of the specific license shall be presented to the appropriate Customs officers in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation shall be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal, or other transaction with regard to the merchandise, the appropriate Customs officer, or other authorized Customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the appropriate Customs officer to the Office of Foreign Assets Control.

(d) If it is unclear whether an entry, withdrawal or other action affected by this section requires a specific Foreign Assets Control license, the appropriate Customs officer shall withhold any action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York, Foreign Assets Control Division, 33 Liberty Street, New York, New York 10045, to request that instructions be sent to the Customs officer to authorize him to take action with regard thereto.

§ 560.807 Rules governing availability of information

(a) The records of the Office of Foreign Assets Control which are required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department isssued under 5 U.S.C. 552 and published as Part 1 of this Title 31 of the Code of Federal Regulations.

(b) Any form issued for use in connection with the Iranian Transactions Regulations may be obtained in person or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, DC 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045.

Dated: November 13, 1987.

R. Richard Newcomb,

Director Office of Foreign Assets Control.

Approved: November 13, 1987.

Francis A. Keating II,

Assistant Secretary, (Enforcement).

[FR Doc. 87-26594 Filed 11-13-87; 4:55 pm]

BILLING CODE 4810-25-M

federal register

Tuesday
November 17, 1987

Part V

Congressional Budget Office

Sequestration Report for Fiscal Year 1988

CONGRESSIONAL BUDGET OFFICE

Sequestration Report for Fiscal Year 1988

AGENCY: Congressional Budget Office.

ACTION: Report transmittal.

SUMMARY: This notice transmits the revised sequestration report for Fiscal Year 1988 to the Office of Management and Budget and the Congress in accordance with the new procedures of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Pub. L. 100–119.

Stanley L. Greigg,

Director, Office of Intergovernmental Relations, Congressional Budget Office.

BILLING CODE 1450-01-M

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

November 16, 1987

Honorable James C. Miller III
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Miller:

In accordance with the new procedures of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Public Law 100-119, I herewith transmit to you my revised sequestration report for fiscal year 1988.

The purpose of this report is to indicate whether and to what extent, as a result of laws enacted and regulations promulgated since October 10, 1987, the Congressional Budget Office estimates for the budget baseline deficit for 1988 and the required amount of outlay reductions have changed from my initial sequestration report. This report is based on the same economic and technical assumptions, employs the same methodologies, and uses the same definition of the budget baselines and the same criteria and guidelines as those used for my initial sequestration report.

As of the close of business November 13, 1987, our estimate of the baseline deficit for 1988 is $179.9 billion. This is $0.6 billion higher than our estimate as of October 10, 1987, as a result of the enactment of Public Law 100-136. This legislation requires that certain veterans housing loans be sold with recourse to the federal government. Under our scoring conventions, the receipts from such sales are not counted as offsetting collections, which raises our baseline outlay estimates for the Veterans Administration.

The increase in our estimate of the baseline deficit does not change the required amount of outlay reductions to be obtained through sequestration, which by law is limited to $23 billion for 1988. Accordingly, the sequestration calculations required for this revised report, with certain minor exceptions, are identical to those contained in my initial report. These calculations were printed in the *Federal Register* of October 16, 1987 (Vol. 52, No. 200, Part VI, pages 38682-38737) and are submitted again by reference to this earlier report, with certain changes as set forth in Attachment A to this letter.

With best wishes,

Sincerely yours,

Edward M. Gramlich
Acting Director

Enclosure

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

November 16, 1987

Honorable George Bush
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

In accordance with the new procedures of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Public Law 100-119, I herewith submit to the Congress my revised sequestration report for fiscal year 1988.

The purpose of this report is to indicate whether and to what extent, as a result of laws enacted and regulations promulgated since October 10, 1987, the Congressional Budget Office estimates for the budget baseline deficit for 1988 and the required amount of outlay reductions have changed from my initial sequestration report. This report is based on the same economic and technical assumptions, employs the same methodologies, and uses the same definition of the budget baselines and the same criteria and guidelines as those used for my initial sequestration report.

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With best wishes,

Sincerely yours,

Edward M. Gramlich
Acting Director

Enclosure

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

November 16, 1987

Honorable James C. Wright, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

In accordance with the new procedures of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Public Law 100-119, I herewith submit to the Congress my revised sequestration report for fiscal year 1988.

The purpose of this report is to indicate whether and to what extent, as a result of laws enacted and regulations promulgated since October 10, 1987, the Congressional Budget Office estimates for the budget baseline deficit for 1988 and the required amount of outlay reductions have changed from my initial sequestration report. This report is based on the same economic and technical assumptions, employs the same methodologies, and uses the same definition of the budget baselines and the same criteria and guidelines as those used for my initial sequestration report.

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With best wishes,

Sincerely yours,

Edward M. Gramlich
Acting Director

Enclosure

ATTACHMENT A

REVISIONS TO THE INITIAL SEQUESTRATION REPORT
FOR FISCAL YEAR 1988 (In thousands of dollars)

In a few instances, the amounts shown in the appendix to CBO's October 15 report were incorrect. Listed below are the initial and revised sequestration calculations for the affected accounts.

	Initial		Revised	
	Base	Sequester	Base	Sequester
Department of Agriculture				
Agricultural Research Service				
Buildings and facilities				
(12 1401 01 352)				
Budget authority	32,510	2,829	1,042	91
Cooperative State Research Service				
Cooperative State Research Service				
(12 1500 01 352)				
Budget authority	317,200	27,597	392,034	34,107
401 (c) authority	9,170	798	0	0
Outlays	177,514	15,444	214,848	18,692
Agricultural Stabilization and Conservation Service				
Conservation reserve program				
(12 3319 01 302)				
Budget authority and outlays	560,700	48,781	584,250	50,830
Department of the Interior				
Bureau of Reclamation				
Working capital fund				
(14 4524 04 301)				
Budget authority	6,400	557	6,669	580
Outlays	4,480	390	4,668	406
National Park Service				
Operation of the national park system				
(14 1036 01 303)				
Budget authority	758,367	65,995	749,559	65,212
Office of Territorial Affairs				
Administration of territories				
(14 0412 01 806)				
Budget authority	81,637	7,102	44,782	3,896
Department of Labor				
Employment and Training Administration				
Unemployment trust fund (training and employment)				
(20 8042 07 504)				
Obligation limitation	361,157	31,421	630,535	54,857
Department of Housing and Urban Development				
Housing Programs				
Nonprofit sponsor assistance				
(86 4042 03 604)				
Direct loan limitation	1,000	87	1,042	91
Federal Housing Administration fund				
(86 4070 03 371)				
Direct loan limitation	73,800	6,421	76,900	6,690
Guaranteed loan limitation	100,000,000	8,700,000	104,200,000	9,065,400
Obligation limitation	306,962	26,706	334,555	29,106

Attachment A
page 2

	Initial		Revised	
	Base	Sequester	Base	Sequester
Housing for the elderly or handicapped fund (86 4115 03 371)				
Budget authority	3,907	340	4,071	354
Direct loan limitation	621,700	54,088	617,553	53,727
Government National Mortgage Association				
Guarantees of mortgage-backed securities (86 4238 03 371)				
Guaranteed loan limitation	150,000,000	13,050,000	156,300,000	13,598,100
Department of Transportation				
Coast Guard				
Offshore oil pollution compensation fund (69 5167 02 304)				
Obligation limitation	60,000	5,220	62,520	5,439
Deepwater port liability fund (69 5170 02 304)				
Obligation limitation	50,000	4,350	52,100	4,533
Independent Agencies				
Environmental Protection Agency				
Advances to the hazardous substance superfund (68 0250 01 304)				
Budget authority	0	0	167,000	14,529
Veterans Administration				
Direct loan revolving fund (36 4024 03 704)				
Direct loan limitation	1,000	87	1,042	91
Loan guarantee revolving fund (36 4025 03 704)				
Guaranteed loan limitation	31,622,000	2,751,114	32,700,000	2,844,900

[FR Doc. 87-26852 Filed 11-16-87; 10:45 am]
BILLING CODE 1450-01-C

Reader Aids

Federal Register

Vol. 52, No. 221

Tuesday, November 17, 1987

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Corrections	523-5237
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Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, NOVEMBER

41943-42072.....2
42073-42268.....3
42269-42420.....4
42421-42528.....5
42529-43040.....6
43041-43182.....9
43183-43314.....10
43315-43546.....12
43547-43718.....13
43719-43842.....16
43843-44090.....17

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....41998

3 CFR

Proclamations:
5631 (*See* U.S. Trade Representative notice of November 9, 1987).....43146
5734.....41943
5735.....42629
5736.....43041
5737.....43043
5738.....43185
5739.....43187
5740.....43547
5741.....43719
Executive Orders:
12614.....43045
Administrative Orders:
Memorandums:
November 6, 1987.....43183
Presidential Determinations
No. 88-1 of October 5, 1987.....42073
Notices:
November 10, 1987.....43549

5 CFR

213.....43721
315.....43721
737.....43442
831.....43047
870.....42761
871.....42761
872.....42761
873.....42761
890.....42761
1260.....42421
1261.....42421
1690.....43315

7 CFR

59.....42423
250.....42632
251.....42632
301.....43048, 43049
354.....41945
907.....42269, 42631, 43723
910.....42632, 43723
946.....41946
1030.....42760
1124.....43315
1137.....42269
1468.....42075
1472.....42075
1610.....43551
1901.....41947
1942.....41947, 43724
1951.....42271
1955.....41956
3305.....43189
Proposed Rules:
59.....42297
225.....43200
401.....43080
984.....42298
989.....43338
1032.....43590
1240.....42300
1421.....43766
1924.....43766
1941.....43766
1962.....43766
1965.....43766

8 CFR

245a.....43843
274a.....43050

9 CFR

312.....41957
318.....43316
381.....41957

10 CFR

40.....43553
50.....42078
Proposed Rules:
1015.....43168

12 CFR

35.....41959
207.....41962
208.....42087
220.....41962
221.....41962
224.....41962
226.....43178
265.....43317
324.....41966, 43190
325.....41969
563b.....42091
614.....43733
624.....43733
701.....43316, 43568
703.....43568
721.....43568
Proposed Rules:
208.....42301
225.....42301
332.....42304
501.....42116
543.....42116
544.....42116
545.....42116
546.....42116
551.....42116
611.....43081
701.....43340, 43342

748.....43342

13 CFR

121.....42093

Proposed Rules:

120.....42305

14 CFR

21.....42093, 43846
23.....42093, 43846
25.....43152
39.....41973, 41975, 42397, 42526, 43054, 43190, 43318, 43741, 43742, 43744, 43745, 43849
71.....42272-42274, 43055
73.....42397
75.....42274, 42275, 43056
97.....43746
1245.....43748

Proposed Rules:

39.....42001, 42002, 42308, 43342, 43769-43771
71.....42176, 42309
121.....42512
135.....42512

15 CFR

371.....43851
374.....43851
399.....43951
806.....42275

Proposed Rules:

Ch. III.....42663
806.....42447

17 CFR

3.....41975, 43827
4.....41975, 43827
140.....41975, 43827
240.....42277
270.....42280, 42426
274.....42280

Proposed Rules:

275.....43343

18 CFR

11.....43320
154.....43854
270.....43854
273.....43854
375.....43854
381.....43854
389.....43191

Proposed Rules:

3.....43612
4.....43612
37.....42003
157.....43612
292.....43612
375.....43612
381.....43612

19 CFR

103.....43192

Proposed Rules:

19.....43434
112.....43434
141.....42310, 43827
146.....43434
178.....42310, 43827

20 CFR

Proposed Rules:

200.....43620

21 CFR

5.....41986
73.....42428
81.....42096, 42097
175.....41987
176.....43057
177.....42760
178.....43058, 43323
184.....42429
193.....42760, 43324
430.....42287, 42431
436.....42431, 43966
440.....42287
442.....42431 43966
455.....42287
510.....41987
520.....43059
546.....43059, 43060
556.....43061
558.....41988, 43061

Proposed Rules:

101.....42003, 43772

22 CFR

31.....43193
40.....42590
41.....42590, 43894
42.....42590, 43894
502.....43753
512.....43897

Proposed Rules:

303.....43772

24 CFR

24.....42634
201.....42634
203.....42634
232.....41988
234.....42634
235.....41988
885.....41989

Proposed Rules:

24.....42004
575.....42664
576.....42664
888.....43486

25 CFR

Proposed Rules:

2.....43006

26 CFR

1.....42098, 43434
602.....42098, 43434

Proposed Rules:

1.....42116, 42681
602.....42116, 42681

27 CFR

5.....42100
19.....42100

28 CFR

Proposed Rules:

700.....42314

29 CFR

2676.....43571

Proposed Rules:

103.....43919
1615.....42450
1910.....42321
2550.....42322
2640.....43082
2642.....43082

30 CFR

925.....43757, 43758
934.....43759
946.....43572

Proposed Rules:

57.....43345
202.....43919
203.....43919
206.....43919
212.....43919
218.....43919
701.....42258
773.....43174
780.....42258
784.....42258
815.....42258
816.....42258
817.....42258
944.....43622

31 CFR

358.....41990
560.....44076

32 CFR

226.....42636
361.....41993
706.....42102-42103

33 CFR

60.....42639
62.....42639
66.....42639
100.....42639, 43573
117.....42646-42649
122.....42649
162.....42650
165.....41995, 42651

Proposed Rules:

110.....42682
117.....43623, 43624
165.....42683, 43205

34 CFR

324.....43482
637.....43544

Proposed Rules:

304.....43312
602.....42684
603.....42684
674.....42460
675.....42460
676.....42460
682.....42460

36 CFR

223.....43324
1120.....43193

Proposed Rules:

223.....43020

37 CFR

Proposed Rules:

1.....42016

38 CFR

1.....42104
3.....43062
21.....42113
36.....43761

Proposed Rules:

1.....43625
21.....44054

39 CFR

20.....43334
447.....43335

Proposed Rules:

111.....43089

40 CFR

52.....43574
60.....42061, 42114, 42434
61.....43196
85.....43827
180.....42290, 42291, 42651, 43336
271.....41996, 43903
403.....42434
414.....42522
416.....42522
600.....43827
799.....43762

Proposed Rules:

27.....42030
52.....42019, 42323, 42325
60.....42326
141.....42178, 42224
142.....42178, 42224
180.....42684, 42685
795.....43346
799.....43346

41 CFR

101-7.....43063
201-38.....42292

42 CFR

2.....41996, 42061
435.....43063
436.....43063

43 CFR

11.....43763
5460.....42586
5470.....42586

Proposed Rules:

4.....43009

44 CFR

Proposed Rules:

59.....42117
60.....42117
61.....42117
62.....42117
65.....42117
67.....42687
70.....42117
72.....42117

45 CFR

3.....43336
5.....43575
612.....47073

Proposed Rules:

1157.....42687
1607.....42460, 42760

46 CFR

558.....43906
559.....43906
560.....43906
561.....43906
562.....43906
564.....43906
566.....43906
569.....43906

47 CFR

0.....42437

2..... 43588
18..... 43197
21..... 43588
32..... 43916
68..... 43077
73..... 42438, 42439, 43078, 43198, 43336, 43589, 43764
74..... 43588
78..... 43588
94..... 43588

Proposed Rules:
2..... 43205
36..... 43206
73..... 42460–42465, 43091, 43208–43210, 43626, 43627, 43775–43776, 43920
80..... 42465

48 CFR

815..... 42439
849..... 42439
2806..... 42295

Proposed Rules:
5..... 42519
525..... 42125
552..... 42125

49 CFR

571..... 42440

Proposed Rules:
7..... 42772
171..... 42772
172..... 42772
173..... 42772
174..... 42772
175..... 42772
176..... 42772
177..... 42772
178..... 42772
179..... 42772
533..... 43366
571..... 43628
1150..... 42466
1312..... 43091

50 CFR

14..... 43274
17..... 42063, 42067, 42652, 42658
20..... 43308
611..... 43199
630..... 42295
642..... 42296
663..... 42445
672..... 42114, 43199, 43917

Proposed Rules:
17..... 43921
23..... 43924
611..... 42408
646..... 42125
657..... 43925

LIST OF PUBLIC LAWS

Last List November 16, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

S.J. Res. 154/Pub. L. 100-163

To designate the period commencing on November 15, 1987, and ending on November 22, 1987, as "National Arts Week." (Nov. 12, 1987; 101 Stat. 904; 1 page) Price: $1.00