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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 AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. No. 299]

Food Stamp Program; Application Processing for Expedited Service

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: On January 12, 1987, the Department published an interim rule and correction in the **Federal Register** entitled "Food Stamp Program; Application Processing for Expedited Service". The rule was published in response to the decision in *Harley v. Lyng*, Civ. 84–4101 (E.D. Pa. October 10, 1986), which held that the Department's previous expedited service policy was inconsistent with the requirement of 7 U.S.C. 2020(e)(9) mandating the issuance of benefits within five days of the date of application for households entitled to expedited service. This rule implements as a final rule the January 12, interim rule. This rule also contains a technical amendment specifying that the five-day processing standard applies to residents of treatment facilities for drug addicts and alcoholics and group living arrangements

EFFECTIVE DATE: This final action is effective retroactive to January 12, 1987.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rulemaking should be addressed to Judith M. Seymour, Supervisor, Certification Rulemaking Section, Eligibility and Monitoring Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Va. 22302 or by telephone at (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This final action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The Department has classified this action as non-major. The effect of this action on the economy will be less than $100 million. This final action will have no effect on costs or prices. Competition, employment, investment, productivity, and innovation will remain unaffected. There will be no effect on the competition of United States-based enterprises with foreign-based enterprises.

Executive Order 12372

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

Regulatory Flexibility Act

This final action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, Stat. 1164, September 19, 1980). Anna Kondratas, Administrator of the Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. The action will primarily affect State and local welfare agencies and current and potential food stamp participants.

Paperwork Reduction Act

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

Background

On January 12, 1987, the Department published an interim rule at 52 FR 1298 implementing the decision in *Harley v. Lyng* Civ 84–4101 (E.D. Pa. October 10, 1986), which mandated the issuance of benefits to households entitled to expedited service no later than the fifth calendar day following the date of application. The lawsuit was precipitated by the failure of the Pennsylvania Department of Public Welfare to issue benefits within the five-day statutory time frame. The interim rule amended 7 CFR 273.2(i)(3)(i) by specifying that the State agency is required to issue coupons or ATP cards within five calendar days following the date of application. The regulatory provision in effect prior to the interim rule specified (1) if the fifth calendar day is Saturday, the ATP or coupons must be available for pickup or mailed on the previous Friday; (2) if the fifth calendar day is Sunday, the ATP coupons must be available for pickup on the following Monday or mailed in the earliest outgoing mail on Monday morning; (3) if the fifth calendar day is a holiday which falls on a Monday, the ATP or coupons must be available for pickup on the following Tuesday or mailed in the earliest outgoing mail on Tuesday morning; and (4) if the fourth or fifth calendar day is a holiday which falls on a Friday, the ATP or coupons must be available for pickup or mailed on the previous Thursday.

The Department accepted comments on the January 12, 1987 interim rulemaking through March 13, 1987. The Department received six comment letters in response to the interim rule. Commenters included four State agencies, one local agency and one public interest group. The major concerns raised by the commenters are discussed below. Comments which are not relevent to the final rulemaking process are not discussed. A complete explanation of the court's decision and the rationale of the rule are contained in the preamble of the interim rule. For a full understanding of the provisions of this final rule the reader should refer to the preamble of that rule.

Three commenters addressed the short implementation time frame mandated by the interim rule. Two of the commenters indicated that they had implemented or were in the processing of implementing the rule. One commenter expressed concern that the implementation time frame was extremely short. The Department recognizes that the implementation time frame contained in the interim rule may have imposed a burden on some State agencies, however, it should be noted that the period for implementation was consistent with the court order which mandated that the Department publish

rules implementing the decision within a very short time frame.

Several commenters addressed the five day time frame for application processing. While these commenters recognized that the Department cannot extend the five days processing time, they still raised several concerns. Two commenters expressed concern regarding the ability of county offices to comply with the processing standard. These commenters expressed the belief that the processing standard would result in program abuse and additional errors. One of the commenters also expressed concern that the rule does not provide exceptions when the fifth day falls on a weekend or holiday. Although an absolute five day time frame for processing applications may result in difficulty for some State agencies, the decision in *Harley* and a strict construction of the statute clearly provide no exceptions to the five day processing standard. Consequently, the final rule remains unchanged.

One commenter expressed the opinion that the interim rule should have prohibited mail issuance for households entitled to expedited service unless specifically requested by the household. The Department has elected not to prohibit mail issuance since many State agencies have experienced no problem with issuing coupons or authorization to participate (ATP) cards through the mail within the five calendar day processing period. If a State agency is not capable of providing benefits through its mail issuance system within the five calendar day period the Department expects the State agency to utilize an alternative method of issuance which will ensure compliance with the five day standard.

The same commenter also expressed concern that a general statement that benefits must be delivered within five days cannot be counted upon to ensure compliance without strong federal monitoring of States' compliance with the expedited service standards. Since October 1985 the Department has emphasized the importance of compliance with the expedited service requirements by targeting these requirements during all State agency operations reviews and management evaluation reviews. The Department has again targeted the expedited service requirements for fiscal year 1987 and will continue to emphasize this area during 1988. As a result, all States and project areas reviewed will be examined for compliance. Any problems identified during these reviews will continue to be addressed through State agencies' corrective action processes.

Two commenters addressed the issue of providing expedited service to residents of drug addiction and alcoholic treatment centers and to residents of group living arrangements. One commenter expressed the belief that applying the five calendar day standard to these applicants would be burdensome to the agency. Another commenter expressed the opposite view, noting that the Department failed to change the mail issuance time frames specified in 7 CFR 273.2(i)(3)(ii) for providing expedited service to such applicants. The interim rule specified a five day time frame for picking up or mailing coupons or an ATP. The Department agrees that the regulatory provisions concerning delivery of benefits to residents of treatment facilities entitled to expedited service must be exactly the same as the provisions governing the delivery of benefits to other households entitled to expedited service. To correct the inconsistency in the interim rule, this final rule changes the language in 7 CFR 273.2(i)(3)(ii) to conform to 7 CFR 273.2(i)(3)(i) to provide that the State agency make available to these recipients coupons or an ATP card not later than the fifth calendar day following the date the application is filed.

Implementation

The implementation section of the interim rule specified that the rule was effective upon publication and mandated implementation within 30 days of the date of publication. Since the provisions of the interim rule are unchanged by this final rule the implementation section of the interim rule is adopted in its entirety by this final rule. Implementation of the conforming amendment in this final action regarding residents of drug addiction and alcoholism treatment facilities and group living arrangements is also retroactive to February 11, 1987 to ensure consistent implementation of the decision in *Harley v. Lyng*.

List of Subjects

7 CFR Part 272

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

7 CFR Part 273

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

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

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

Authority: 7 U.S.C. 2011–2029.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. The amendment to § 272.1 to add a new paragraph (g)(83), as published at 52 FR 1298, January 12, 1987 is adopted as final and a new paragraph (g)(94) is added in numerical order to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(94) *Amendment No. 299.* The changes to § 273.2(i)(3)(ii) are effective January 12, 1987 and shall be implemented no later than February 11, 1987.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2:

a. Paragraph (i)(3)(i) as published at 52 FR 1300, January 12, 1987, is adopted as final without change.

b. Paragraph (i)(3)(ii) is revised to read as follows:

§ 273.2 Application processing.

* * * * *

(i) *Expedited service.* * * *

(3) *Processing standards.* * * *

(ii) *Drug addicts and alcoholics, group living arrangement facilities.* For residents of drug addiction or alcoholic treatment and rehabilitation centers and residents of group living arrangements who are entitled to expedited service, the State agency shall make available to the recipient coupons or an ATP card not later than the fifth calendar day following the date an application was filed.

* * * * *

Dated: September 24, 1987.

Anna Kondratas,

Administrator.

[FR Doc. 87–22536 Filed 9–29–87; 8:45 am]

BILLING CODE 3410-30-M

Farmers Home Administration

7 CFR Part 1944

Section 502 Rural Housing Loan Policies, Procedures, and Authorizations; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: FmHA corrects a final rule published March 13, 1987, (52 FR 7998). The reference to § 1924.9(d) of Subpart

A of Part 1924 in paragraph XIII of Exhibit F of Subpart A of Part 1944 was not changed to § 1924.12 of Subpart A of Part 1924. The intent of this action is to correct this error.

FOR FURTHER INFORMATION CONTACT: Ray McCracken, Senior Loan Specialist, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5346, South Agricultural Building, Washington, DC 20250. Telephone (202) 382-1486.

SUPPLEMENTARY INFORMATION: The following correction is made to 52 FR on page 8036 dated March 13, 1987, by adding the following amendment after amendment 44:

Subpart A—[Amended]

44a. In Exhibit F, Paragraph XIII is amended by changing the reference "§ 1924.9(d)" to "§ 1924.12."

Dated: September 4, 1987.

Eric P. Thor,

Associate Administrator, Farmers Home Administration.

[FR Doc. 87-22419 Filed 9-29-87; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-CE-28-AD; Amendment 39-5733]

Airworthiness Directives; Cessna Models 185, 185A, 185B, 185C, 185D, 185E, A185E and A185F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), which installs quick drains on the fuel reservoirs (accumulators) on early model Cessna 185 Series airplanes. The FAA has determined that many of the early model Cessna 185 series airplanes are not equipped with quick drains on the fuel reservoirs. This action is designed to preclude engine power loss caused by undrained fuel contamination.

DATES: *Effective date:* September 30, 1987.

Compliance: As prescribed in the body of the AD.

ADDRESSES: A copy of this information is contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Mike Kelley Aircraft Supplemental Type Certificate (STC) SA2272CE information may be obtained from Mr. Kent McIntyre, Vice President, Mike Kelley Aircraft, Inc., P.O. Box 541, Wellington, Kansas 67152, telephone (316) 326-8581. Safe Air Repair Supplemental Type Certificate (STC) SA2245CE information may be obtained from Mr. John T. Roscoe, President, Safe Air Repair, Inc., 3325 Bridge Avenue, Albert Lea, Minnesota 56007, telephone (507) 373-5408.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Office, ACE-140W, Federal Aviation Administration, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 946-4427.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 84-10-01 [Amendment 39-4863] (49 FR 21507; May 22, 1984) was issued to be effective on May 23, 1984, to require the installation of fuel system quick drain provisions on all fuel bladder equipped single engine Cessna airplanes. Fuel bladder and fuel reservoir (accumulator) quick drains were available for all airplanes affected by AD 84-10-01 from Cessna Aircraft Company except for their early model Cessna 185 Series airplanes. AD 84-10-01 also allowed the use of fuel system quick drains that were considered to be equivalent aircraft standard hardware. The FAA has been advised that not all owners and operators believed they were required to equip their early model Cessna 185 Series airplanes' fuel reservoirs (accumulators) with quick drains when they complied with AD 84-10-01.

During compliance with AD 86-19-11 [Amendment 39-5407] (51 FR 30853; August 29, 1986) the FAA discovered that owners of early model Cessna 185 Series airplanes could not comply with the requirements to drain the fuel reservoir (accumulator) during the preflight inspection because these airplanes were not equipped with fuel reservoir quick drains.

The FAA has issued Supplemental Type Certificates (STCS) SA2245CE to Safe Air Repair, Inc. and SA2272CE to Mike Kelley Aircraft, Inc. for installation of fuel reservior (accumulator) quick drains on certain Cessna 185 Series airplanes. The FAA has determined that there is sufficient confusion over the installation requirements of the fuel reservoir (accumulator) quick drains on early model Cessna 185 Series airplanes, that a new AD is needed. This AD does not increase the regulatory burden on the public because the installation of fuel reservoir quick drains was required by AD 84-10-01. Therefore, notice and public procedure hereon are unnecessary, contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is not a major rule under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedure of Order 12291 with respect to this rule. If this action is subsequently determined to involve a significant regulation a final regulatory evaluation or analysis as appropriate will be prepared and placed in the regulatory docket (otherwise an evaluation is not required). A copy of it when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Cessna: Applies to Model 185, 185A, 185B, 185C, 185D, 185E, A185E and A185F (Serial Numbers 185-0001 thru 18503153) airplanes certificated in any category.

Compliance: Within the next 50 hours of operation or before completion of the next annual inspection, whichever comes first, after the effective date of this AD, unless already accomplished per AD 84-10-01 (49 FR 21507; May 22, 1984).

To prevent power loss or engine stoppage due to water contamination of the fuel system, accomplish the following:

(a) Modify the aircraft fuel system using one of the options in the following subparagraph (a)(1), (a)(2), or (a)(3).

(1) Install fuel reservoir (accumulator) quick drains in accordance with STC SA2272CE. This STC is held by Mike Kelley Aircraft Inc., P.O. Box 541, Wellington, Kansas 67152, telephone (316) 326-8581. This STC is applicable to Cessna 185 and 185A thru 185E, A185E and A185F Serial Numbers 185-0001 thru 18503153.

(2) Install fuel reservoir (accumulator) quick drains in accordance with STC SA2245CE. This STC is held by Safe Air

Repair, Inc., 3325 Bridge Avenue, Albert Lea, Minnesota 56007, telephone (507) 373-5408. This STC is applicable to Cessna 185A thru 185E, A185E and A185F, Serial Numbers 185-0414 thru 18503153.

(3) Install quick drains in the fuel reservoir (accumulator) outlet line by using equivalent aircraft standard hardware.

Note: A one time inspection of the Cessna fuel line Part Number 0500106-329 which is used on Serial Number 185-0001 thru 185-0413 should be performed during installation of the fuel reservoir quick drains. This fuel line requires careful attention to routing in order to insure adequate clearance from moving control components located immediately adjacent to this fuel line.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished if it is determined that no water is present in the fuel reservoir (accumulator) or any other part of the fuel system from which fuel will be used.

(c) An equivalent means of compliance with this AD may be used, if approved by the Manager, Aircraft Certification Office, Federal Aviation Administration, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

All persons affected by this AD may obtain copies of the document(s) referred to herein upon request to FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on September 30, 1987.

Issued in Kansas City, Missouri, on September 15, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87-22468 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 45

[Docket No. 25033; Amdt. 45-17]

Aircraft Identification and Retention of Fuel System Modification Records; Correction

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Final rule; correction.

SUMMARY: In the September 9, 1987, issue of the **Federal Register** (52 FR 34096), the FAA published a final rule addressing the size of registration numbers, location of identification plates, and retention of FAA Form 337. The effective date of this rule is December 8, 1987. Application of this rule is to be 90 days after this effective date, or March 7, 1988. However, because of a miscalculation in the current amendatory language, §§ 45.11(d) and 45.29(h) do not reflect this date. This document serves to correct that error.

Correction of the Amendment

In consideration of the foregoing, §§ 45.11(d) and 45.29(h) of the Federal Aviation Regulations (14 CFR Part 45) are corrected as follows:

§ 45.11 [Corrected]

On p. 34101 in the third column, last paragraph, second line, "December 8, 1987," is corrected to read "March 7, 1988,".

§ 45.29 [Corrected]

On p. 34102 in the second column, first paragraph, first line, "December 8, 1987," is corrected to read "March 7, 1988,".

John H. Cassady,

Assistant Chief Counsel for Regulations and Enforcement.

[FR Doc. 87-22474 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ANM-10]

Revision of Transition Area, Evanston, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the transition area at Evanston, Wyoming, to accommodate a new VOR/DME-A approach procedure to the Evanston-Uinta County Airport. This action is necessary to ensure segregation of aircraft using the approach procedure in instrument weather conditions and other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, November 19, 1987.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM-535, Federal Aviation Administration, Docket No. 87-ANM-10, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

SUPPLEMENTARY INFORMATION:

History

On August 3, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the transition area at Evanston, Wyoming (52 FR 28725). This action was proposed to provide controlled airspace for a new instrument approach procedure to the Evanston-Uinta County Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revises the Evanston, Wyoming, transition by adding additional controlled airspace to accommodate a new VOR/DME-A approach procedure to the Evanston-Uinta County Airport. This action is necessary to ensure segregation of aircraft using the approach procedure in instrument weather conditions and other aircraft operating in visual weather conditions.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Evanston, Wyoming, Transition Area (Revised)

That airspace extending upward from 700 feet above the surface between lat. 41°18'30"N., long. 111°33'00"W., lat.

41°32'00"N., long. 110°47'00"W., lat. 41°27'00"N., long. 110°20'00"W., lat. 41°18'30"N., long. 110°24'00"W., lat. 41°15'00"N., long. 110°37'00"W., lat. 40°51'00"N., long. 111°05'30"W., lat. 41°05'00"N., long. 111°27'00"W., to point of beginning excluding that airspace within the Fort Bridger, Wyoming, 700 foot transition area; and that airspace extending upward from 1,200 feet above the surface between lat. 41°18'30"N., long. 111°33'00"W., lat. 41°24'00"N., long. 111°36'00"W., lat. 41°35'30"N., long. 110°56'00"W., lat. 41°32'00"N., long. 110°47'00"W., lat.41°27'00"N., long. 110°27'00"W., lat. 41°18'30"N., long. 110°24'00"W., lat. 41°15'00"N., long. 110°37'00"W., lat. 40°51'00"N., long. 111°05'30"W., lat. 41°05'00"N., long. 111°27'00"W., to point of beginning excluding the airspace within the Fort Bridger, Wyoming, 1,200 foot transition area.

Issued in Seattle, Washington, on September 21, 1987.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 87-22472 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-AGL-14]

Alteration to Transition Area, Austin, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Austin, MN, transition area to accommodate a new VOR/DME-A Standard Instrument Approach Procedure (SIAP) to Austin Municipal Airport. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 UTC, January 14, 1988.

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

SUPPLEMENTARY INFORMATION:

History

On Monday, August 3, 1987, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Austin, MN, transition area (52 FR 28726).

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

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

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Austin, MN, transition area to accommodate a new VOR/DME-A SIAP to Austin Municipal Airport.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Austin, MN [Revised]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Austin Municipal Airport (lat. 43°40'00" N., long. 92°56'00" W.); within 3 miles each side of the Austin VOR 350 radial extending from the 5 mile radius to 8 miles north of the VOR; and within 3 miles each side of the Austin VOR 175 radial extending from the 5 mile radius to 8 miles south of the VOR; and within 3 miles each side of the Rochester VOR/DME 240 radial extending from the Austin Municipal Airport 5 mile radius to 7 miles northeast of the airport.

Issued in Des Plaines, Illinois, on September 18, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-22579 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 374

[Docket No. 70876-7176]

Export Licensing; General License Baggage; Permissive Reexports

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration is adding General License Baggage to the other General Licenses specified in § 374.2(a)(1), which allows permissive reexport privileges. A commodity that may be exported under the provisions of General License Baggage (§ 371.6) may be permissively reexported to a new country of destination as long as the direct export would be authorized from the United States to that country(ies) under the provisions of General License Baggage (§ 371.6).

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Regulations Branch, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign affairs and military function 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 has to be or will be 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 is also exempt from these

APA requirements because it involves a foreign affairs and military 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. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are 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)) no initial or final Regulatory Flexibility Analysis has to be or will be 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 Part 374

Exports.

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

PART 374—[AMENDED]

1. The authority citation for 15 CFR 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; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. Paragraph (a)(1) of § 374.2 is revised to read as follows:

§ 374.2 Permissive reexports [2]

* * * * *

(a) * * *

(1) May be exported directly from the United States to the new country of destination under General License G–DEST, GTE, G–COM, G–CEU, GCG, G–NNR, G–FTZ or BAGGAGE;

* * * * *

Dated: September 25, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Trade Admininstration.

[FR Doc. 87–22524 Filed 9–29–87; 8:45 am]

BILLING CODE 3510-DT-M

[2] See § 374.9 for effect on foreign laws.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 790

[OPTS-42052D; FRL-3270-3]

Modification of Procedures Governing Two-Phase Test Rules Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: This immediately effective interim final rule amends EPA's regulations for developing and implementing testing requirements under section 4 of the Toxic Substances Control Act (TSCA). These amendments: (1) Modify the definition of the test standard for two-phase test rules; and (2) eliminate the requirement for the submission of final study plans for tests required under two-phase test rules. EPA believes that the amended regulations will eliminate unnecessary delays in the development of the required health or environmental effects data and reduce certain paperwork burdens associated with the current procedures.

EFFECTIVE DATE: September 30, 1987. Submit written comments on or before October 30, 1987.

ADDRESS: Written comments should bear the document control number OPTS–42052D, and should be submitted in triplicate to: TSCA Public Information Office (TS–793), Office of Toxic Substances, Environmental Protection Agency, Room NE–G004, 401 M Street SW., Washington, DC 20460.

All written comments filed under this proposal will be available for public inspection at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Room E–543, 401 M Street SW., Washington, DC 20460, (202) 554–1404.

SUPPLEMENTARY INFORMATION: This rule amends the procedural regulations in 40 CFR Part 790 which govern the development and implementation of testing requirements under section 4 of TSCA.

I. Amendments

These amendments are the outgrowth of EPA's increased experience with two-phase test rules, and are intended to simplify the two-phase rulemaking process and to decrease certain paperwork burdens associated with it for both test sponsors and the Agency.

The amendment to § 790.50 eliminates the requirement for test sponsors to submit final study plans no later than 45 days before the initiation of each test. This requirement was intended to provide EPA complete copies of the final approved study plan to facilitate review and audit of the studies. However, under the current process for adopting test standards and schedules for two-phase rules, for each required test EPA now incorporates the proposed study plan submitted by the test sponsor plus any revisions resulting from EPA review and public comment into one document. EPA now finds that this EPA-compiled document is sufficient for the purpose of a complete, approved final study plan and no longer finds a need for test sponsors to submit a separate final study plan. It should be noted, however, that this amendment does not nullify the reequirement pursuant to 40 CFR 790.50(c)(2) for test sponors to supply information on the testing facility and personnel utilized for each test before the initiation of testing, if it was not previously submitted with the proposed study plan or if it has changed since that submission.

The amendment to § 790.52 redefines the test standard to include only the revised study protocol section of the revised study plan. The test standard is currently defined as the entire revised study plan, excluding the revised schedule section. The revised schedule section remains the schedule for the required testing. This amendment will reduce the burden of testing required by two-phase test rules by eliminating the requirement for applications to modify the test stanard for all but the revised study protocol section of the revised study plan. Currently, for example, if a test sponsor changes the personnel conducting the test, the sponsor must submit an application for modification of the test standard to the Agency. In addition, although EPA may notify the test sponsor by telephone or letter of its approval of such a non-substantive change, the Ageny must publish a notice in the **Federal Register** announcing that EPA has approved this modification. The redefinition of the test standard for two-phase test rules also makes this definition more consistent with that utilized for single-phase test rules and testing consent order.

EPA is promulgating these amendments as an immediately effective interim final rule so that the current requirements for test sponsors to apply for non-substantive modifications of test standards for two-phase test

rules and the submission of final study plans may be quickly rescinded. This will result in an immediate savings in time and resources for both Agency and regulated industries, and ongoing testing will not be delayed. These amendments represent only procedural changes, and do not impose any substantive requirements on manufacturers or processors subject to TSCA section 4(a) test rules. Further, EPA finds that providing for comment before making these changes would be contrary to the public interest and that good cause exists to make the changes effective immediately.

However, EPA is inviting comment on these changes and will take any comments into consideration when promulgating a final rule on procedures governing modification of test standards or schedules.

II. Rulemaking Record

EPA has established a record for this rulemaking, docket number [OPTS-42052D]. This record, which includes basic information considered by the Agency in developing this rule and appropriate **Federal Register** Notices, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in Rm. G-004, NE Mall, 401 M St., SW., Washington, DC 20460.

III. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This rule on procedures governing two-phase test rule development and implementation under section 4 of TSCA is not major because it does not meet any of the criteria set forth in section 1(b) of the Order.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, are included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (U.S.C. 601, Pub. L. 96-354, September 19, 1980), EPA is certifying that this rule will not have a significant impact on a substantial number of small business entities.

The procedural amendments described in this rule are expected to reduce the administrative and financial burdens which two-phase test rules might otherwise impose on regulated industries.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2070-0033.

List of Subjects in 40 CFR Part 790

Test procedures, Environmental protection, Hazardous substances, Chemicals.

Dated: September 22, 1987.

V.J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Part 790 is amended as follows:

PART 790—[AMENDED]

1. The authority citation of Part 790 continues to read as follows:

Authority: 15 U.S.C. 2603.

§ 790.50 [Amended]

2. In § 790.50 by removing and reserving paragraph (a)(2)(ii).

3. In § 790.52 by revising paragraph (c) to read as follows:

§ 790.52 Phase II test rule.

* * * * *

(c) After receiving and considering public comments on the study plan, EPA will adopt, as proposed or as modified in response to EPA review and public comments, the study protocol section of the study plan, as defined by § 790.50(c)(1)(v) of this chapter, as the test standard for the required testing, and the schedule section of the study plan, as defined by § 790.50(c)(1)(vi) of this chapter, as the schedule for the required testing in a final Phase II test rule.

[FR Doc. 87-22521 Filed 9-29-87; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 790

[OPTS-42052E; FRL-3270-2]

Procedures Governing Modification of Test Standards and Schedules for Tests Required Under Test Rules and Testing Consent Agreements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: EPA is amending the procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements under the authority of section 4 of the Toxic Substances Control Act (TSCA). EPA believes that the amended procedures will eliminate unnecessary delays in the development of the required health or environmental effects data and reduce certain paperwork burdens associated with the current procedures.

DATES: Effective on October 30, 1987. Submit written comments on or before October 30, 1987.

ADDRESS: Submit written comments, identified by the document control number (OPTS-42052E), in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room NE-G004, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Room 543, 401 M Street SW., Washington, DC 20460, (202) 554-1401.

SUPPLEMENTARY INFORMATION: This rule amends the procedural regulations in 40 CFR Part 790.

I. Statutory Background

Section 4(a) of TSCA, 15 U.S.C. 2603(a), authorizes EPA to require manufacturers (including importers) and/or processors of chemical substances and mixtures (chemicals) to conduct tests on those chemicals to determine whether they have adverse health or environmental effects. EPA exercises this authority by promulgating test rules or issuing testing consent agreements. Each test rule or testing consent agreement includes the identity of the chemical to be tested, specifies the studies to be performed, provides standards for the development of test data, and establishes deadlines for the submission of test results.

II. Procedures Governing Modification of Test Standards and Schedules

A. Current Procedures

Under EPA's current procedures governing test rules and testing consent agreements in 40 CFR Part 790, any test sponsor who wishes to modify the test standards or schedules for any test required under a test rule or testing consent agreement must submit an application in accordance with § 790.55 or § 790.68. The application must include an appropriate explanation of why the modification is necessary.

The procedures specify that EPA, to the extent feasible, will seek public comment on all substantive changes in the test standards and schedules. EPA

will issue a notice in the **Federal Register** seeking comments on requested modifications. However, EPA will act on the requested modification without seeking public comment if either: (1) EPA believes that an immediate modification to a test standard is necessary to preserve the accuracy or validity of an ongoing study, or (2) EPA determines that a modification clearly does not pose any substantive issues. When EPA approves a modification, it will publish a notice in the **Federal Register** indicating that the test standard or schedule has been modified.

B. Amended Procedures

EPA has received requests for modifications of test standards and schedules for several test rules in the past year. Based on its consideration of these requests under the existing procedures, EPA has concluded that the current procedures are unduly cumbersome, require a considerable expenditure of EPA resources, and are likely to result in unavoidable delays of testing under test rules and testing consent agreements. Accordingly, EPA is amending the current procedures for approving modifications of test standards and schedules for tests required under test rules and testing consent agreements. The amended procedures will allow requested modifications, which do not alter the scope of a test or significantly change the schedule for completing the test, to be approved by letter without the need for public comment. Letters approving such modifications will be placed in EPA's public files immediately. In addition, EPA will publish a notice of such modifications in the **Federal Register** on an annual basis.

Requests for modifications of test standards and schedules likely will fall into two categories: (1) Those which would alter the scope of a required test or significantly change the schedule for completing it and (2) those which would not. EPA believes that it is appropriate to continue to approve modifications falling into the first category through notice and comment procedures in the **Federal Register.** The current procedures for both test rules and testing consent agreements call for such notice and comment, because such modifications may lead to a test which provides quite different data in relation to its original purpose.

EPA has found that the requested modifications to date fall into the second category and would not alter the scope of the tests in question or significantly delay completion of the tests. Some recent examples include changing the purity of the test substance used in a study from 99 percent to 97 percent because 99 percent pure substance is no longer being manufactured, adjusting the study protocol to change the temperature at which a study is conducted, and slight extensions of schedules of less than six months to deal with technical difficulties encountered during preliminary phases such as problems with volatility or solubility of the test substance. In such cases, EPA believes that the modifications, while often substantive in nature, are necessary and very unlikely to be controversial. Yet, by making such modifications only through notice and comment procedures, EPA likely would have to further extend the testing schedule to account for the delays resulting from such procedures.

Under the current procedures, EPA is committed to using notice and comment procedures to adopt modifications except in two circumstances: (1) When immediate modification is necessary to preserve the accuracy or validity of an ongoing study and (2) when the modification clearly does not pose any substantive issues. None of the requested modifications to date have fit the first of these categories because they have been encountered at the beginning of a test. While the modifications that have been granted were determined to fit the second category, EPA finds that such determinations may be seen as somewhat ambiguous in the future unless the language used in this category is stated in more specific terms.

The current procedures, to the extent that they require a notice and comment process to adopt modifications that do not affect the scope of the test or significantly change the timing of the test, serve to delay testing. A test sponsor cannot make a change in how it conducts the test until EPA has completed the notice and comment process for approving the change. Consequently, because of the relatively tight schedules for submission of test data in EPA test rules and consent agreements, EPA would have to extend those submission dates by an amount equal to that taken up by the notice and comment process, further delaying receipt of test data. Thus, following these procedures is contrary to the public interest in expeditious completion of the required toxicity testing.

To deal with these problems, EPA is amending the current procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements to allow EPA to respond more quickly and efficiently to such requests, to minimize delays in completion of testing and receipt of results, and to reduce paperwork burdens.

Section 790.55, which governs modifications of test standards and schedules for tests required under test rules, is amended to allow EPA to approve modifications of test standards and schedules for tests required under test rules by letter without seeking public comment, where EPA determines that the modifications would not alter the scope of the test or significantly change the schedule for completing the test. All other modifications will continue to be made after providing for public comment through a notice in the **Federal Register**, except where immediate modification of a test standard is necessary to preserve the accuracy or validity of the test. Modifications which would alter the scope of the test or significantly change the schedule for completing it are described in § 790.55(b)(4). EPA believes that this new approach is consistent with the language of the existing rule, which refers to modifications that do not raise substantive issues, but is clearer.

To reduce the cost and burden of publishing notices in the **Federal Register** describing modifications of this type, § 790.55 is also amended to provide that EPA will publish a notice once a year describing all of the modifications approved during the previous year. EPA will place copies of the modification applications and EPA's approvals in the rulemaking records for the applicable test rules immediately. These will be available to the public in EPA's public files, in Room G-004, NE-Mall, 401 M St. SW., Washington, DC 20460, to the extent they do not contain confidential business information. Finally, until EPA has published the annual notice, each modification will apply only to the test sponsor who made the application.

The changes to § 790.68 for modifications of test standards and schedules for tests required under testing consent agreements are virtually the same. There are two minor differences from the procedures in § 790.55. First, EPA's approval letter will be sent not only to the test sponsor who requested the modification but also to any other persons who have signed the consent order. Second, the modification will apply only to the testing conducted by that test sponsor, even after publication of the annual notice in the **Federal Register**, because consent agreements apply only to those persons who sign consent orders.

EPA is promulgating these amendments as an interim final rule so that they may be used immediately. The

amendments are to procedural rules and, thus, do not require public comment. However, EPA requests comment on this approach to modification of test standards and schedules for tests required under test rules and testing consent agreements and will consider such comments when promulgating a final rule on procedures governing test rules and testing consent agreements.

III. Rulemaking Record

EPA has established a record for this rulemaking, docket number [OPTS-42052E]. This record, which includes basic information considered by the Agency in developing this rule and appropriate **Federal Register** notices, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in Rm. G-004, NE Mall, 401 M St., SW., Washington, DC 20460.

IV. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This rule on procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements under the authority of section 4 of TSCA is not major because it does not meet any of the criteria set forth in section 1(b) of the Order.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA responses to those comments, are included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, (5 U.S.C. 601, Pub. L. 96-354, September 19, 1980), EPA is certifying that this rule will not have a significant impact on a substantial number of small business entities.

The procedural amendments described in this rule are expected to expedite the development of test data and to reduce certain paperwork burdens associated with current regulations.

List of Subjects in 40 CFR Part 790

Test procedures, Environmental protection, Hazardous substances, Chemicals.

Dated: September 23, 1987.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Part 790 is amended as follows:

PART 790—[AMENDED]

1. The authority citation for Part 790 continues to read as follows:

Authority: 15 U.S.C. 2603.

2. In § 790.55 by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 790.55 Modification of test standards or schedules during conduct of test.

* * * * *

(b) *Adoption.* (1) Where EPA concludes that the requested modification of a test standard or schedule for a test required under a test rule is appropriate, EPA will proceed in accordance with this paragraph (b).

(2) Where, in EPA's judgment, the requested modification of the test standard or schedule would not alter the scope of the test or significantly change the schedule for completing the test, EPA will not ask for public comment before approving the modification. EPA will notify the test sponsor by letter of EPA's approval. EPA will place copies of each application and EPA approval letter in the rulemaking record for the test rule in question. EPA will publish a notice annually in the **Federal Register** indicating the test standards or schedules for tests required in test rules which have been modified under this paragraph (b)(2) and describing the nature of the modifications. Until the **Federal Register** notice is published, any modification approved by EPA under this paragraph (b)(2) shall apply only to the test sponsor who applied for the modification under this paragraph (a) of this section.

(3) Where, in EPA's judgment, the requested modification of a test standard or schedule would alter the scope of the test or significantly change the schedule for completing the test, EPA will publish a notice in the **Federal Register** requesting comment on the proposed modification. However, EPA will approve a requested modification of a test standard under this paragraph (b)(3) without first seeking public comment if EPA believes that an immediate modification to the test standard is necessary to preserve the accuracy or validity of an ongoing test. EPA will publish a notice in the **Federal Register** approving any modification under this paragraph (b)(3).

(4) For purposes of this paragraph (b), a requested modification of a test standard or schedule for a test required under a test rule would alter the scope of the test or significantly change the schedule for completing the test if the modification would:

(i) Change the test species.

(ii) Change the route of administration of the test chemical.

(iii) Change the period of time during which the test species is exposed to the test chemical.

(iv) Result in a delay of over six months in receiving the final report of the test.

(c) *Disapproval.* Where EPA concludes that the requested modification of a test standard or schedule for a test required under a test rule is not appropriate, EPA will so notify the test sponsor in writing.

3. In § 790.68 by revising paragraphs (b)(2) and (3) to read as follows:

§ 790.68 Modification of consent agreements.

* * * * *

(b) * * *

(2)(i) Where EPA concludes that the requested modification of a test standard or schedule for a test required under a consent agreement is appropriate, EPA will proceed in accordance with this paragraph (b)(2).

(ii) Where, in EPA's judgment, the requested modification of a test standard or schedule would not alter the scope of the test or significantly change the schedule for completing the test, EPA will not ask for public comment before approving the modification. EPA will notify the test sponsor, and any other persons who have signed the consent agreement, by letter of EPA's approval. EPA will place copies of each application and EPA approval letter in the administrative record maintained for the consent agreement in question. EPA will publish a notice annually in the **Federal Register** indicating the test standards or schedules for test required in consent agreements which have been modified under this paragraph (b)(2)(ii) and describing the nature of the modifications.

(iii) Where, in EPA's judgment, the requested modification of a test standard or schedule would alter the scope of the test or significantly change the schedule for completing the test, EPA will publish a notice in the **Federal Register** requesting comment on the proposed modification. However, EPA will approval a requested modification of a test standard under this paragraph (b)(2)(iii) without first seeking public comment if EPA believes that an immediate modification to the test standard is necessary to preserve the

accuracy or validity of an ongoing test. EPA will publish a notice in the **Federal Register** approving any modification under this paragraph (b)(2)(iii).

(iv) For purposes of this paragraph (b)(2), a requested modification of a test standard of schedule for a test required under a consent agreement would alter the scope of the test or significantly change the schedule for completing the test if the modification would:

(A) Change the test species.

(B) Change the route of administration of the test chemical.

(C) Change the period of time during which the test species is exposed to the test chemical.

(D) Result in a delay of over six months in receiving final report of the test.

(3) Where EPA concludes that the requested modification of a test standard or schedule for a test requirement under a consent agreement is not appropriate, EPA will so notify the test sponsor in writing.

[FR Doc. 87-22520 Filed 9-29-87; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Temp. Reg. G-50]

Use of Cash for Official Travel

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation temporarily amends the Federal Property Management Regulations (FPMR) by raising the monetary limit on cash purchases of official passenger transportation services from $100 to $500. This increase will eliminate the requirement for agencies to request a written exemption from the General Services Administration (GSA) before reimbursing travelers for nonemergency cash purchases up to $500. Prior to the expiration date of this regulation, GSA will determine whether to make this increase permanent. This regulation also changes the correspondence symbol for submissions to ensure better monitoring and changes agencies' submission requirements concerning cash purchases of passenger transportation services costing more than $10.

DATES: *Effective date:* September 30, 1987.

Expiration date: September 30, 1988.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Collections, Accounts, and Procedures Division, Office of Transportation Audits, (202) 786-3014 or FTS 786-3014.

SUPPLEMENTARY INFORMATION: This revised cash policy requires agencies to make Code E submissions of all cash purchases of passenger transportation services costing more than $10 (§ 101-41.203-2(b)(3)). Also, § 101-41.203-2(a)(1) specifically prohibits the use of cash in excess of $10 to circumvent the regulations governing the contract airline program.

GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a regulatory impact analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Pursuant to the provisions of section 3 of the Regulatory Flexibility Act [5 U.S.C. 605(b)], GSA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis has been prepared.

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Maritime carriers, Passenger services, Railroads, Transportation.

Authority: 31 U.S.C. 3726; Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter G to read as follows:

[Federal Property Management Regulations Temporary Regulation G-50]

August 27, 1987.

To: Heads of Federal agencies.

Subject: Use of cash for official travel.

1. *Purpose.* This temporary regulation modifies FPMR 101-41.203-2 by raising the monetary limit on cash purchases of official passenger transportation services from $100 to $500.

2. *Effective date.* This regulation is effective September 30, 1987.

3. *Expiration date.* This regulation expires on September 30, 1988, unless sooner revised or superseded.

4. *Applicability.* This regulation applies to all Government agencies that are subject to the audit authority of GSA under 31 U.S.C. 3726.

5. *Background.* FPMR Amendment G-72, published May 14, 1985 (50 FR 20101), prescribes the policy and procedures for the cash purchase of passenger transportation services. Normally, the Government Transportation Request (GTR), Government Travel System account, or a Government-issued charge card is used to purchase these services; however, agencies may require travelers to use cash instead of the prescribed methods when transportation services cost more than $10 but do not exceed $100. This regulation temporarily raises the cash limit from $100 to $500. This regulation also requires the submission of documentation relating to all cash purchases of passenger transportation services exceeding $10.

6. *Revised policy.* Section 101-41.203-2 is revised to read as follows:

§ 101-41.203-2 Use of cash.

(a) Cash shall be used to procure all passenger transportation services costing $10 or less, exclusive of Federal transportation tax, and to pay air excess baggage charges of $15 or less for each leg of a trip (see § 101-41.203-6), unless special circumstances justify the use of a GTR or Government Excess Baggage Authorization Ticket (GEBAT). Agencies have the option of requiring travelers to use cash to procure passenger transportation services from, to, or between points in the United States, including Alaska and Hawaii, and its possessions or trust territories, where such services cost more than $10, but do not exceed $500; exclusive of Federal transportation tax, for each trip authorized on an official travel authorization. GTR's shall be used to procure all passenger transportation services costing in excess of $500, excluding Federal transportation tax, unless otherwise exempted herein. For the purpose of this subpart, references made to GTR's also apply to Government Travel System (GTS) accounts and Government-issued charge cards. For cash purchased tickets costing more than $10, ticket coupons, travel authorizations, or SF 1170's shall be forwarded for audit to General Services Administration (FWCPR), Attention: CODE E, Washington, DC 20405.

(1) Approval for the use of cash in excess of $500 should be obtained prior to travel. In the absence of advance written authorization or approval, passenger transportation services shall be purchased in accordance with

policies and procedures prescribed in the Federal Travel Regulations (FTR), FPMR 101-7. The traveler shall be responsible for any additional costs incurred when cash is used to procure transportation services, such as the use of foreign-flag carriers, first-class travel, or more costly modes, unless such use is approved on the travel voucher in accordance with the governing provisions of the FTR. The traveler should be aware that the use of a GTR may be required to obtain certain discount fares and to comply with the mandatory provisions of FPMR Temporary Regulations (A Series) governing the use of contract airline services between designated city-pairs. Cash shall not be used to circumvent the regulations governing airline city-pair contracts.

(2) Agencies shall not impose a financial hardship on travelers by requiring their use of personal funds to purchase the services set forth in paragraph (a) of this section but should provide the funds through travel advances.

(3) Use of credit cards, other than the GSA contractor-issued charge cards, and all travelers checks to purchase passenger transportation services shall be considered the equivalent of cash and subject to the $500 limitation provided in paragraph (a) of this section.

(4) Passenger transportation services procured with GSA contractor-issued charge cards or under Government Travel System accounts are not subject to the $500 cash limitation.

(5) Passenger transportation services procured in accordance with the group or charter provisions of section 1-3.4(2)(a) of the FTR are not subject to the provisions of this subpart.

(b) Under emergency circumstances, where the use of GTR's is not possible, heads of agencies, or their designated representatives, may authorize travelers to exceed the $500 limitation when procuring passengers transportation services.

(1) Delegation of authority for authorizing and approving the use of cash in excess of $500 for the procurement of emergency transportation services shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances. These delegations of authority shall be made in writing and copies retained to permit monitoring of the system. These records of delegations of authority shall be available for examination by GSA auditors.

(2) To justify the use of cash in excess of $500 instead of GTR's when procuring passenger transportation services, both the Government agency head, or his/her designated representative, and the traveler shall certify on the travel voucher the reasons for this use.

(3) After the traveler has been reimbursed for an emergency cash purchase in excess of $10, copies of travel authorizations, ticket coupons, and any ticket refunds applications, or SF 1170's, Redemption of Unused Tickets shall be forwarded for audit to the General Services Administration (FWCP/R), Attention: Code E, Washington, DC 20405.

(4) Travel vouchers shall be maintained by the agency and be made available for site audit by GSA auditors. General Records Schedule 9, Travel and Transportation Records (see 36 CFR 1228.22) provides instructions for the disposal of these travel vouchers.

(c) Under nonemergency circumstances, where use of a GTR is possible, heads of agencies, or their designated representatives, shall request an exemption from the Assistant Commissioner, Officer of Transportation Audits (FW), GSA, Washington, DC 20405, for cash purchases exceeding the $500 limitation.

(1) Requests shall be made in writing, shall only be for individual travel itineraries, and shall fully explain why an exemption should be granted. Traveler convenience will not be cause for GSA approval. For the purpose of performing a fare audit, requests shall also include copies of travel authorizations, ticket coupons, and any ticket refund applications, or SF 1170's associated with the travel in question.

(2) Travelers shall not be reimbursed for the nonemergency use of cash to procure passenger transportation services costing more than $500 unless written approval is granted by GSA.

(d) Suspected travel management errors and/or misroutings which result in higher travel costs to the U.S. Government will be reported by GSA (FWCA) to the appropriate military or civil agency travel manager for corrective action with the violating agency.

(e) Travelers using cash to purchase individual passenger transportation services shall procure such services directly from carriers, travel agents under GSA contract (see § 101-41.203-1), or SATO's and shall account for those expenses on their travel vouchers, furnishing passenger coupons or other evidence as appropriate in support thereof. Moreover, travelers shall assign to the Government the right to recover any excess payments involving carriers' use of improper rates. That assignment is preprinted on the travel voucher and shall be initiated by the traveler.

(f) Travelers using cash to procure passenger transportation services shall be made aware of the provisions of § 101-41.209-4 concerning a carrier's liability for liquidated damages because of failure to provide confirmed reserved space. Also, travelers using cash shall adhere to the regulations of the General Accounting Office (4 CFR 52.2) regarding the use of U.S.-flag vessels and air carriers (see § 101-41.203-1(b)).

Paul Trause,

Acting Administrator of General Services.

[FR Doc. 87-22433 Filed 9-29-87; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BERC-403-CN]

Capital Payments Under the Inpatient Hospital Prospective Payment System; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of correction.

SUMMARY: In the September 1, 1987 issue of the **Federal Register** (FR Doc. 87-20081), beginning on page 33168, we amended the Medicare regulations governing the inpatient hospital prospective payment system to incorporate capital costs into that system. This notice corrects inadvertent errors we made in the preamble and regulations text of that document. We note that the change in the regulations text of 42 CFR 412.92 is necessary because of the interaction of the mandatory language concerning § 412.92 that was issued in the final rule with comment period published on August 14, 1987 (52 FR 30367) and in the subject final rule.

FOR FURTHER INFORMATION CONTACT: Mike Fiore, (301) 594-4269.

SUPPLEMENTARY INFORMATION: We are making the following corrections to the September 1, 1987 document:

1. On page 33181, in the second column, beginning with the first full paragraph and proceeding through the sixth step of the example ending in the second column on page 33182, the entire day outlier example and the entire cost outlier example are corrected to read as follows:

The following is an example of how additional payment would be

determined for a day outlier (which does not qualify as a cost outlier) in FY 1988.

Hospital X is a small central city teaching hospital located in the San Francisco MSA. Hospital X is entitled to an indirect medical education adjustment of 7.871 percent as well as a disproportionate share adjustment of five percent. Mrs. Smith is admitted to hospital X on October 3, 1987 and is discharged October 31, 1987. Mrs. Smith's stay is classified in DRG 31. Because Mrs. Smith's 28 day stay exceeds the 22 day length-of-stay outlier threshold for DRG 31, hospital X is eligible for payment for six outlier days in addition to the otherwise applicable prospective payment. The amount of Hospital X's outlier payment (excluding the usual Federal payment that applies to both outliers and non-outlier cases) is calculated as follows:

Step 1: Computation of Federal Rate (excludes capital, indirect medical education (IME), and disproportionate share hospital (DSH) payments)

National Urban Standardized Amounts:

Labor-related: $2337.09
Nonlabor-related: 828.12
San Francisco Wage Index: 1.4946
DRG 31 Relative Weight: .6550
.6550×(2337.09×1/4946+828.12)=$2830.34

Step 2: Computation of Federal Capital Payments

A. Plant/fixed Equipment:
Federal Rate: $180.03
San Francisco Construction Cost Index: 1.043
DRG 31 Relative Weight: .6550
Federal Portion of Plant/Fixed Equipment Capital Rate: 5%
.6550×(180.03×1.043)×.05=$6.15

B. Movable Equipment:
Federal Rate: $122.39
DRG 31 Relative Weight: .6550
Federal Portion of Movable Equipment Capital Rate: 5%
.6550×(122.39)×.05=$4.01

C. Capital Outlier Payment Amount
6.15+4.01=$10.16

Step 3. Payment Amount, Including Capital:

DRG 31 2830.34+10.16=$2840.50

Step 4. Computation of Day Outlier Payments

DRG 31 Geometric Length of Stay: 4.2 days
Outlier Threshold: 22 days
Outlier Days: 28 day length of stay minus 22 day threshold=6 days
Marginal Cost Factor: .60
Outlier Payment (excluding IME & DSH adjustment)= # of outlier days×(Total Federal Payment÷Geometric length of stay for DRG)×Marginal cost factor
6×(2840.50÷4.2)×.60=$2434.71

Step 5: Computation of IME and DSH adjustment for Day Outliers

IME Adjustment Factor: .07871
DSH Adjustment Factor: .05
Outlier Payment: $2434.71
IME Outlier Adjustment:
2434.71×.07871=$191.64
DSH Outlier Adjustment:
2434.71×.05=$121.74

Step 6: Total Day Outlier Payments

Regular	2434.71
IME	191.64
DSH	121.74
Total	2748.09

Step 7: Total payment for DRG 31 including day outlier payment.

Federal Payment Including Capital	$2,840.50
IME Adjustment	223.58
DSH Adjustment	142.03
Total Day Outlier Payment	2,748.09
Total	5,954.20

The following is an example of how the additional payment would be determined for a high cost outlier in FY 1988. Same facts as in the day outlier example with the exception that Mrs. Smith's length of stay was 16 days and she incurred total billed charges of $100,000.

Step 1: Computation of Hospital X's Standardized Costs (Includes Capital)

Billed charges—$100,000
National Ratio of cost to Charges[2]—.71
IME Ajustment Factor —07871
DSH Adjustment Factor—.05

Standardized Cost =

$$\frac{\$100,000}{1 + (.07871 + .05)} \times .71 = \$62,903.67$$

Step 2: Determination of Cost Outlier Thresholds

Computation 1—(Based on Federal Rate) DRG 31 Federal rate excluding capital—$2830.34

DRG 31 Federal capital payment rate:

DRG 31 relative weight: .6550
Plant/fixed Equipment Federal Rate: $180.03

Construction Cost Index (San Francisco): 1.043

Movable Equipment Federal Rate: $122.39

Federal Capital Rate = (180.03 × 1.043 +122.39)×.6550=$203.16

Federal Rate including capital for threshold computation—$2830.34 + 203.16 = $3033.50

Federal Rate, doubled = 2 × $3033.50 = $6067.00

[2] This factor reflects the inclusion of capital costs and the exclusion of interest income on funded depreciation as described in the June 3, 1986 NPRM (51 FR 20029).

Computation 2—Based on Adjusted Standard Cost Outlier Threshold:

Standard Cost Outlier Threshold—$14,000

Labor-related share [3]—68.632%

San Francisco MSA wage index—1.4946

Nonlabor-related share, excluding capital [3]—23.628%

Nonlabor-related share, capital only [3]—

Plant/Fixed Equipment Share—5.761%

Movable Equipment Share—1.979%

Construction Cost Index (San Francisco)—1.043

Adjusted Cost Outlier Threshold including capital = (14,000 × .68632 × 1.4946) + (14,000 × .23628) + (14,000 x .05761 x 1.043) + (14,000 × .01979) = $18,787.03

Computation 1 result—$6,067.00

Computation 2 result—$18,787.03

Applicable cost outlier threshold—$18,787.03

Step 3: Calculation of Cost Outlier Payment

Outlier Cost—$62,903.67 − 18,787.03 = $44,116.64

Capital portion of outlier cost

—Plant/Fixed Equipment:

$44,116.64 × .05761 = $2,541.56

Federal portion of Plant/Fixed Equipment Rate: 5%

Federal Plant/Fixed Equipment Portion of Outlier Cost:

$2,541.56 × .05 = $127.08

—Movable Equipment

$44,116.64 × .01979 = $873.07

Federal Portion of Movable Equipment Rate: 5%

Federal Movable Equipment Portion of Outlier Cost: $873.07 × .05 = $43.65

Outlier Cost Excluding Capital

$44,116.64 − (2,541.56 + 873.07) = $40,702.01

Marginal Cost factor—.60

Outlier payment—capital and noncapital portions

($127.08 + 43.65 + 40,702.01) × .60 = $24,523.64

Stept 4: Indirect medical education adjustment for cost outlier payment

Percent add-on for indirect medical education–7.871%

Indirect medical education cost outlier payment–$24,523.64 × .07871 = $1,930.26

Step 5: Disproportionate share hospital (DSH) adjustment for cost outlier payment

DSH percentage add-on–5%

DSH outlier payment

$24,523.64 × .05 = $1,226.18

[3] These market basket weights reflect updated 1986 market basket components, including capital, which are based on 1982 cost data as described in the June 3, 1986 proposed rule (51 FR 19985–19988).

Step 6: Total cost outlier payments

Regular	$24,523.64
Indirect Medical Education	1,930.26
Disproportionate Share	1,226.18
Total	27,680.08

Step 7: Total payment for DRG 31 including cost outlier payment

Federal Payment Including Capital	$2,840.50
IME Adjustment	223.58
DSH Adjustment	142.03
Total Cost Outlier Payment	27,680.08
Total	30,886.19

2. On page 33184, in the second column, in the eleventh line from the bottom of the page, the phrase "100 percent of its Federal rate" is corrected to read "50 percent of its hospital-specific costs and 50 percent of its Federal rate".

§ 412.65 [Corrected]

3. On page 33187, in the first column, in § 412.65(b), the date "*September 30, 1987*" in the title is corrected to read "*September 30, 1997*".

4. On page 33189, in the second column, paragraph (d) of § 412.92 is correctly revised to read as follows:

§ 412.92 Special treatment: Sole community hospitals.

* * * * *

(d) *Determining prospective payments for sole community hospitals.*

(1) *General rule.* For all cost reporting periods beginning on or after October 1, 1983, the prospective payment rates for sole community hospitals equal the sum total of the following payment rates:

(i) 75 percent of the hospital-specific base payment rate as determined under § 412.73;

(ii) 25 percent of the appropriate regional prospective payment rate as determined under Subpart D of this part; and

(iii) The capital payment as determined under § 412.67(f).

(2) *Adjustments to payments.* A sole community hospital may receive an adjustment to its payments to take into account a significant decrease in number of discharges or significant increase in inpatient operating costs, as described in paragraphs (e) and (f) of this section, respectively.

* * * * *

(Secs. 1102, 1122, 1871, and 1886 of the Social Security Act, as amended; 42 U.S.C 1302, 1320a–1, 1395hh, and 1395ww; 42 CFR 412.65 and 412.92)

Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare-Hospital Insurance Program)

Dated: September 24, 1987.

James F. Trickett,

Deputy Assistant Secretary for Administrative and Management Services.

[FR Doc. 87–22491 Filed 9–29–87; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2090

[AA-320-87-4220]

Special Laws and Rules; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The final rulemaking providing a restatement of procedures for the segregation and opening of public lands under 43 CFR Part 2090, Special Laws and Rules, that appeared on pages 12171 through 12178 of the **Federal Register** of April 15, 1987 (52 FR 12171), contained a typographical error in two citations that appeared on page 12178, column two. These citations are hereby corrected by replacing the citation "part 2470" in the two places it appears in § 2091.7–1(b)(1) (i) and (ii) with the citation "part 2740".

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Claire Newcomer, (202) 343–6489.

James. E. Cason,

Deputy Assistant Secretary of the Interior.

September 23, 1987.

[FR Doc. 87–22547 Filed 9–29–87; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Parts 2800 and 2880

[AA-330-07-02-NCPF-2410]

Rights-of-Way, Principles and Procedures and Rights-of-Way Under the Mineral Leasing Act; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: Two final rulemakings amending the existing regulations on Rights-of-Way, Principles and Procedures—43 CFR Part 2800—and Rights-of-Way Under the Mineral Leasing Act—43 CFR Part 2880—were

published on pages 25802 through 25823 of the **Federal Register** of July 8, 1987 (52 FR 25802). Several errors were found in the final rulemakings and are corrected by this correction notice.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Theodore Bingham, (202) 343-5441.

SUPPLEMENTARY INFORMATION: The corrections to the final rulemakings are as follows:

§ 2808.4 [Corrected]

1. On page 25810, column 1, § 2808.4(a)(1), the citation "§ 2802.2-2" is corrected to read "§ 2808.2-2".

2. On page 25810, column 2, § 2808.4(a)(1), the table is corrected by removing footnote 1 which reads "[1] Shall be included with costs determined under § 2802.3" because the footnote is no longer needed.

§ 2808.6 [Corrected]

3. On page 25811, column 1, § 2808.6(b), the citation "§ 2808.5(d)" is corrected to read "§ 2808.5(c)".

§ 2803.1-2 [Corrected]

4. On page 25818, column 3, § 2803.1-2(a), the third sentence thereof is corrected by removing the phrase "that the minimum rental under paragraph (c)(1) shall not be less than the annual payment required by the schedule for 1 acre; provided, further," because its retention in the final rulemaking was an oversight. The preamble to the final rulemaking discusses its removal.

5. On page 25819, column 3, § 2803.1-2(c)(3)(i), the phrase "under paragraph (c)(1)(v) of this section. And for non-linear right-of-way grants and temporary use permits (e.g., communications sites," is corrected to read "under paragraph (c)(1)(v) of this section, and for non-linear right-of-way grants and temporary use permits (e.g., communication sites,".

6. On page 25820, column 1, § 2803.1-2(c)(3)(i), in the last sentence thereof the phrase "communications sites," is corrected to read "communication sites,".

8. On page 25820, column 1, § 2803.1-2(d), the phrase "and such default for nonpayment default continues" is corrected to read "and such default for nonpayment continues".

James E. Cason,

Deputy Assistant Secretary of the Interior.

September 23, 1987.

[FR Doc. 87-22546 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Part 3160

[AA-630-07-4111-02]

Onshore Oil and Gas Operations; Final Rulemaking Changing a Form Number

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: A final rulemaking was published in the **Federal Register** on February 20, 1987 (52 FR 5384), which, among other things, corrected Operating Form numbers for several forms used by the Bureau of Land Management. That final rulemaking did not change the number for Operating Form "Form 9-331" to "Form 3160-5" in the Note at the beginning of 43 CFR Part 3160. The final rulemaking did, however, correct various provisions of 43 CFR Part 3160 to change "Form 9-331" to "Form 3160-5". This final rulemaking will amend the note at the beginning of 43 CFR Part 3160 to correct "Form 9-331" to "Form 3160-5".

EFFECTIVE DATE: September 30, 1987.

ADDRESS: Any inquiries or suggestions should be sent to: Director (630), Bureau of Land Management, Room 5647, Main Interior Bldg., 1800 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Stephen Spector (202) 653-2147.

SUPPLEMENTARY INFORMATION: The change made by this final rulemaking is an administrative change designed to conform the Operating Form numbers in the Note at the beginning of 43 CFR Part 3160 with the changes in Operating Form Numbers already made in 43 CFR Part 3160. The amendment will have no impact other than clarification of the Operating Form numbers as they are set forth in the regulations. Therefore, this final rulemaking making this administrative change is being published as a final rulemaking, with no comment period, and is being made effective upon publication.

The principal author of this final rulemaking is Stephen Spector, Division of Fluid Mineral Operations, Bureau of Land Management, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

There are no information collection requirements in this final rulemaking requiring the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 3160

Government contracts, Indian lands—mineral resources, Mineral royalties, Oil and gas production, Public lands—mineral resources, Reporting and recordkeeping requirements.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359), the Act of March 3, 1909, as amended (25 U.S.C. 396), the Act of May 11, 1938, as amended (25 U.S.C. 396a-396q), the Act of February 28, 1891, as amended (25 U.S.C. 397), the Act of May 29, 1924 (25 U.S.C. 398), the Act of March 3, 1927 (25 U.S.C. 398a-398e), the Act of June 30, 1919, as amended (25 U.S.C. 399), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), and the Indian Mineral Development Act of 1982 (25 U.S.C. 2102 et seq.) Part 3160, Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

J. Steven Griles,

Assistant Secretary of the Interior.

September 25, 1987.

PART 3160—[AMENDED]

1. The authority citation for Part 3160 continues to read:

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359), the Act of March 3, 1909, as amended (25 U.S.C. 396), the Act of May 11, 1938, as amended (25 U.S.C. 396a-396q), the Act of February 28, 1891, as amended (25 U.S.C. 397), the Act of May 29, 1924 (25 U.S.C. 398), the Act of March 3, 1927 (25 U.S.C. 398a-398e), the Act of June 30, 1919, as amended (25 U.S.C. 399), R.S. 441 (43 U.S.C. 1457), see also Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41), the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Act of December 12, 1980 (42 U.S.C. 6508), the Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97-78), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), and the Indian Mineral

Development Act of 1982 (25 U.S.C. 2102 et seq.).

2. Note 1, *Operating Forms*, is amended as follows:

A. In the first column, the number "9–331" is removed and replaced with the number "3160–5"; and

B. In the third column, the number "1010–0002" is removed and replaced with the number "1004–0135".

[FR Doc. 87–22545 Filed 9–29–87; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6658

[ID-943-07-4220-10; I-4966]

Withdrawal of Land for Roadless Recreation Area; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 183.47 acres of National Forest land for 20 years in order to protect one of the few remaining stands of old-growth western red cedar as a roadless recreation area. This action will close the land to mining, but not to surface entry or mineral leasing.

EFFECTIVE DATE: September 30. 1987.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334–1735.

By virtue of the authority vested in the Secretary of the Interior, by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714 it is ordered as follows:

1. Subject to valid existing rights, the following-described National Forest lands, which are under jurisdiction of the Secretary of Agriculture, are hereby withdrawn from appropriation under the general mining laws, 30 U.S.C. Chapter 2, but not from leasing under the mineral leasing laws, for protection of the Settler's Grove of Ancient Cedars Roadless Recreation Area.

Boise Meridan, Idaho, Coeur d'Alene National Forest

T. 50 N., R. 5 E.,
Sec. 4, NW¼NE¼ of lot 1, NW¼ of lot 1, SW¼SW¼ of lot 1, N½SW¼ of lot 1, SE¼NE¼ of lot 2, SE¼ of lot 2, NE½SW¼NE¼, NW¼SE¼SW¼NE¼, E½ NW¼SW¼NE¼, SW¼ NW¼SW¼ NE¼, SW¼SW¼NE¼, E½SE¼NW¼, SW¼NW¼SE¼ NW¼, SE¼SW¼SE¼ NW¼, NW¼NE¼SW¼, NE¼NE¼S W¼, S½NE¼ NW¼SW¼, SE¼ NW¼ NW¼SW¼, NE¼SW¼ NW¼SW¼, N½SE¼ NW¼SW¼, W½ NW¼ NW¼SE¼.
T. 51 N., R. 5 E.,
Sec. 33, S½SE¼ NE¼SE¼, SE¼SW¼ NE¼SE¼, NE¼SE¼SE¼,E½ NW¼SE¼SE¼, W½SE¼SE¼SE¼, SW¼SE¼SE¼, NE¼SE¼SE¼SE¼;
Sec. 34, SW¼NW¼SW¼, NW¼SW¼ SW¼, S½ NW¼ NW¼SW¼.

The area described aggregates 183.47 acres in Shoshone County.

2. The withdrawal made by this order does not alter that applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their nonlocatable mineral or vegetative resources.

3. This withdrawal with expire 20 years from the effective date of this order unless, as a result of the review conducted before the expiration date, pursuant, to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

September 21, 1987.

J. Steven Griles,

Assistant Secretary of the Interior.

[FR Doc. 87–22450 Filed 9–29–87; 8:45 am]

BILLING CODE 4310–GG–M

43 CFR Public Land Order 6659

[ES-960-07-4220-10; ES-11592]

Withdrawal of Public Land for Buffalo National River; Arkansas

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 723.05 acres of public lands from surface entry and mining for the National Park Service for protection of Buffalo National River. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Mary Weaver, BLM, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, 703–274–0083.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. chapter 2), but not from leasing under the mineral leasing laws, and are reserved for use by the National Park Service as part of the Buffalo National River.

Fifth Principal Meridian

T. 15 N., R. 17 W.,
Sec. 3, NE¼NE¼.
T. 15 N., R. 18 W.,
Sec. 8, NW¼NW¼;
Sec. 10, NW¼NE¼.
T. 16 N., R. 19 W.,
Sec. 25, SW¼SE¼.
T. 16 N., R. 22 W.,
Sec. 1, S½SW¼, SW¼SE¼, and NE¼SE¼;
Sec. 2, S½SE¼;
Sec. 7, SE¼NW¼, and SW½NE¼;
Sec. 12, NE¼NW¼, and SW¼SE¼;
Sec. 17, NW¼SE¼.
T. 17 N., R. 14 W.,
Sec. 2, S½SW¼.
T. 17 N., R. 21 W.,
Sec. 29, SW¼SW¼.
T. 18 N., R. 14 W.,
Sec. 34, SE¼SE¼.

The areas described aggregate 723.05 acres in Marion, Searcy, and Newton Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

J. Steven Griles,

Assistant Secretary of the Interior.

September 21, 1987.

[FR Doc. 87–22451 Filed 9–29–87; 8:45 am]

BILLING CODE 4310–GJ–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-303; RM-5236]

Radio Broadcasting Services; Pleasant Hope, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 238C2 to Pleasant Hope, Missouri, as that community's first broadcast service, in response to a petition filed by Charles Williams. A counterproposal to allot a higher class channel at Aurora, Missouri and a lower class channel at Pleasant Hope was denied. With this action, this proceeding is terminated.

DATES: Effective November 9, 1987; the window period for filing applications will open on November 10, 1987, and close on December 10, 1987.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-303, adopted August 20, 1987, and released September 24, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73—[Amended]

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

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended under Missouri by adding Channel 238C2 at Pleasant Hope.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-22448 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 630

[Docket No. 70990-7190]

Atlantic Swordfish Fishery; Foreign Fishing

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

ACTION: Final rule; technical amendment.

SUMMARY: This rule corrects the effective dates of two sections of the foreign fishing regulations in subpart D, Part 611, and provisions of the Atlantic swordfish regulations, Part 630, to avoid their unintentional expiration at the end of this year.

EFFECTIVE DATE: September 30, 1987, except for § 611.61(b)(4); § 630.7(a) (5), (7), and (8), 630.21, and 630.23, which are removed and reserved effective January 1, 1988.

FOR FURTHER INFORMATION CONTACT: W. Perry Allen (Regulatory Coordinator), 813-893-3722.

SUPPLEMENTARY INFORMATION: The effective date section of the notice of the final rule (50 FR 33952, August 22, 1985) implementing the Fishery Management Plan for the Atlantic Swordfish Fishery (FMP) indicated that § 611.60(a)(3), § 611.61(b)(3), and all of Part 630 would expire December 31, 1987. This was an error. In approving the FMP, NOAA specified that only its provisions for seasonal closures (implemented by § 630.7(a) (5), (7), and (8), § 630.21, and § 630.23 of the regulations) would expire on December 31, 1987. This technical amendment removes the time limitation of December 31, 1987, from § 611.60(a)(3), § 611.61(b)(3), and the remaining sections of 50 CFR Part 630. This notice conforms the appropriate sections of 50 CFR Parts 611 and 630 with the original intent of the agency.

This correction will be reflected in the next printing of the Code of Federal Regulations.

It is noted that this action has no effect on the October 31, 1987, expiration date of § 630.5 (Reporting requirements). This is being addressed in a separate action.

Classification

The Assistant Administrator for Fisheries finds for good cause that because this rule only corrects an error and the change will have no substantive effect, it is unnecessary to seek prior public comment or to delay the effective date of this rule under 5 U.S.C. 553 (b) and (c). As no notice of proposed rulemaking is required, this rule is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 603).

This rule merely corrects an error and therefore is not a major rule under Executive Order 12291. There will be no change in the impacts analyzed in the regulatory impact review prepared for the implementing regulations.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act (44 U.S.C. 3501).

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

Dated: September 25, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Parts 611 and 630 of the Code of Federal Regulations are amended as follows:

1. The authority citation for Parts 611 and 630 continues to read as follows:

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

PART 611—FOREIGN FISHING

§§ 611.60 and 611.61 [Amended]

2. The effectiveness of § 611.60(a)(3) and § 611.61(b)(3) is extended indefinitely and on January 1, 1988, § 611.61(b)(4) is removed and reserved.

PART 630—ATLANTIC SWORDFISH FISHERY

§§ 630.5, 630.7, 630.21 and 630.23 [Amended]

3. The effectiveness of Part 630, except for §§ 630.5, 630.7(a)(5), (7), and (8), 630.21, and 630.23, is extended indefinitely.

§ 630.7 [Amended]

4. Effective January 1, 1988, § 630.7(a)(5), (7), and (8) are removed and reserved.

§§ 630.21 and 630.23 [Amended]

5. Effective January 1, 1988, §§ 630.21 and 630.23 are removed and reserved.

[FR Doc. 87-22532 Filed 9-29-87; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 642

[Docket No. 70993-7193]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Final rule; technical amendment.

SUMMARY: NOAA issues this final rule to implement a technical amendment to the regulations for the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). This is a housekeeping rule which corrects two definitions, clarifies the participants in State/Federal agreements for data collection, corrects a reference in the prohibitions section, removes inappropriate and surplus wording, and clarifies the catch allowance for undersized Spanish mackerel. The intended effect is to clarify the regulations and conform them with current usage.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: W. Perry Allen (Regulatory Coordinator), 813-893-3722.

SUPPLEMENTARY INFORMATION: The mackerel fishery is managed under the FMP and its implementing regulations at 50 CFR Part 642.

This rule revises the definition of Authorized officer to remove obsolete language, corrects the telephone number of Center Director, clarifies that the U.S. Coast Guard is not a party to a State/Federal agreement for data collection, corrects a reference in one of the prohibitions, removes the term "allocation" where it is inappropriately inserted in connection with zone quotas, clarifies the catch allowance of undersized Spanish mackerel, replaces "FCZ" with "EEZ" where it was not changed in a previous amendment, and removes "State of" as surplus language before "Florida".

Other Matters

This technical amendment is taken under the authority of 50 CFR Part 642 and in compliance with Executive Order 12291. Because this action only makes minor corrections, in which the public is not particularly interested, the Assistant Administrator for Fisheries, NOAA, finds that it is unnecessary under 5 U.S.C. 553(b)(B) to provide for prior public comment on this rule and that there is good cause under 5 U.S.C. 553(d) not to delay for 30 days its effective date.

Because notice and a comment for this action are not required by 5 U.S.C. 553 or any other law, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. 603) and none has been prepared.

This rules does not contain a collection of information requirements for purposes of the Paperwork Reduction Act (44 U.S.C. 3501).

This rule will have no effect on any person or any fishing practice; therefore no supplementary reports have been prepared.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 25, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 642 is amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for Part 642 continues to read as follows:

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

2. In § 642.2, introductory text, the word "shall" is removed; in the definition fot *Total length* the word "laying" is revised to read "lying"; and paragraph (b) under *Authorized officer* and the telephone number under *Center Director* are revised to read as follows:

§ 642.2 Definitions.

* * * * *

Authorized officer means;

* * * * *

(b) Any special agent of NMFS;

* * * * *

Center Director * * * telephone 305-361-4200 * * *

* * * * *

3. In § 642.3, paragraph (b) is revised to read as follows:

§ 642.3 Relation to other laws.

* * * * *

(b) Certain responsibilities relating to data collection and enforcement may be performed by authorized State personnel under a State/Federal agreement for data collection and a tripartite agreement among the State, the U.S. Coast Guard, and the Secretary for enforcement.

* * * * *

§ 642.7 [Amended]

4. In § 642.7(a)(9), the reference to paragraph "(h)" is removed and "(a)(8)" is added in its place.

§ 642.21 [Amended]

5. In § 642.21(a)(1)(i) and (ii), the word "allocation" is removed.

6. In § 642.23, paragraph (a)(2) is revised to read as follows:

§ 642.23 Size restrictions.

(a) * * *

(2) *Catch allowance.* A catch of Spanish mackerel under the minimum size limit is allowed equal to five percent by weight of the total catch of Spanish mackerel on board.

* * * * *

§ 642.26 [Amended]

7. In § 642.26, in paragraph (a)(1), introductory text, the latitude "27°0.6′ N." is revised to read "27°00.6′ N." and the words "the State of" before "Florida" are removed; in paragraph (a)(1)(ii), the initials "FCZ" are revised to read "EEZ" and the word "a" is added between "of" and "line"; in paragraphs (b) (1) and (2), (c)(3)(i) (B) and (E), and (c)(4), the words "State of" before "Florida" are removed; in paragraph (c)(4) the word "Chairman" is twice revised to read "Chairmen" and the word "Council" is revised to read "Councils"; and in Table 1, under Point 3 and Point 4, the latitude "27°0.6′ N." is revised to read "27°00.6′ N." and under Point 3 the longitude "80°2.6′ W." is revised to read "80°02.6′ W.".

[FR Doc. 87-22587 Filed 9-28-87; 9:01 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 189
Wednesday, September 30, 1987

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Administrative Regulations; Privacy Act Regulations

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that the Department of Agriculture (USDA) proposes to amend 7 CFR 1.123 by adding three systems of records to those exempted from certain sections of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to 5 U.S.C. 552a(k). The USDA also will amend the existing list of exempt systems it maintains to reflect changes in the numbering and names of those systems.

DATE: Comments must be received on or before October 30, 1987.

ADDRESS: Interested persons may submit written comments to: Kenneth E. Cohen, Assistant General Counsel, Research and Operations Division, Office of the General Counsel, United States Department of Agriculture, Washington, DC 20250, (202) 447-5565.

FOR FURTHER INFORMATION CONTACT: Paul E. Jordan, Office of the General Counsel, USDA, (202) 447-3564.

SUPPLEMENTARY INFORMATION: These amendments are necessary to provide for exemption of a Privacy Act system of records entitled "AMS Office of Compliance Review Cases, USDA/AMS-11" and for the exemption of two existing systems of records, "Administrative proceedings brought by the Department, court cases in which the Government is plaintiff and the court cases in which the Government is a defendant brought pursuant to the United States Warehouse Act, USDA/OGC-43" and "Investigations Undertaken by the Government Pursuant to the U.S. Grain Standards Act of 1976, as amended, or the Agricultural Marketing Act of 1946, as amended, USDA/FGIS-2." A separate notice regarding USDA/AMS-11 will be published in the **Federal Register.** This system will contain detailed information pertaining to cases in which the Agricultural Marketing Service (AMS) Office of Compliance is involved. The authority for maintenance of this system is found in the legislation listed in 7 CFR 2.50. The legislation enumerated in that section, authorizes AMS to be responsible for compliance activities pertaining to the various programs administered by AMS. System notices for USDA/OGC-43 and USDA/FGIS-2 already have been published, but they inadvertently were left off the list of exempt systems. USDA/OGC-43 contains information from investigations conducted pursuant to 7 U.S.C. 243, which authorizes both the investigation of storage, warehousing, weighing, classifying, and certification of agricultural products, and the inspections of warehouses. In accordance with 7 U.S.C. 71 et seq. and 7 U.S.C. 1621, et seq., USDA/FGIS-2 consists of investigatory material pertaining to alleged violations of the subject Acts. They, therefore, contain "investigatory material compiled for law enforcement purposes * * *" and may be exmpted from certain sections of the Privacy Act of 1974 pursuant to 5 U.S.C. 552a(k)(2). Amendments to the existing list of systems maintained by USDA are necessary to reflect changes made in the numbering of systems, the restructuring of some systems, and the transfer of a system. The system formerly entitled "Court cases brought by the Government pursuant to either the Naval Stores Act, the Honeybee Act, the Virus-Serum-Toxin Act or the Tobacco Seed and Plant Exportation Act, USDA/OGC-33" has been split into two systems: "Court cases brought by the Government pursuant to either the Naval Stores Act or the Tobacco Seed and Plant Exportation Act, USDA/OGC-29" and "Cases by and against the Department under the Virus-Serum-Toxin Act, USDA/OGC-44"; both of which are exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). A system formerly maintained by the Animal and Plant Health Inspection Service and entitled, "Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industrial Compliance Records System, USDA/APHIS-1," has been transferred to the Food Safety and Inspection Service and is entitled "Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/FSIS-1."

This rule has been reviewed under the Secretary's Memorandum 1512-1 and Executive Order No. 12291 and has been determined not to be a "major rule" since it will not have an annual effect on the economy of $100 million or more.

In addition, it has been determined that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 1

Privacy.

For the reasons set out in the preamble, 7 CFR, Subtittle A, Part 1, Subpart G, § 1.123 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for Part 1, Subpart G, reads as follows:

Authority: 5 U.S.C. 552a.

2. Part 1, Subpart G—Privacy Act Regulations, § 1.123 is amended by revising the list of exempt systems to read as follows:

§ 1.123 Specific exemptions.

* * * * *

Agricultural Marketing Service

AMS Office of Compliance Review Cases, USDA/AMS-11.

Agricultural Stabilizations and Conservation Service

EEO Complaints and Discrimination Investigation Reports, USDA/ASCS-12.

Investigation and Audit Reports, USDA/ASCS-18.

Producer Appeals, USDA/ASCS-21.

Animal and Plant Health Inspection Service

Plant Protection and Quarantine Program—Regulatory Actions, USDA/APHIS-1.

Veterinary Services Programs—Records of Accredited Veterinarians, USDA/APHIS-2.

Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS-3.

Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS-4.

Farmers Home Administration

Credit Report File, USDA/FmHA-3.

Federal Grain Inspection Service

Investigations Undertaken by the Government Pursuant to the United States Grain Standards Act of 1976, as amended, or

the Agricultural Marketing Act of 1946, as amended, USDA/FGIS-2.

Food and Nutrition Service

Civil Rights Complaints and Investigations, USDA/FNS-1.

Claims Against Food Stamp Recipients, USDA/FNS-3.

Investigations of Fraud, Theft, or Other unlawful Activities of Individuals Involving Food Stamps, USDA/FNS-5.

Food Safety and Inspection Service

Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/FSIS-1.

Office of the General Counsel

Regulatory Division

Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agriculture Marketing Act of 1946, USDA/OGC-6.

Cases by the Department under the Human Methods of Livestock Slaugter Law (i.e., the Act of August 27, 1958), USDA/OGC-7.

Cases by the Department under the 28 Hour Law, as amended, USDA/OGC-8.

Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC-9.

Cases by the Department under the various Plant Protection and Quarantine and related laws, USDA/OBC-10.

Cases by the Department under the Horse Protection Act of 1970, USDA/OGC-41.

Cases by the Department under the Laboratory Animal Welfare Act, USDA/OGC-42.

Community Development Division

Community Development Division Litigation, USDA/OGC-11.

Farmers Home Administration (FmHA) General Case Files, USDA/OGC-12.

Foods and Nutrition Division

Claims by and against USDA Under the Food Assistance Legislation, USDA/OGC-13.

Perishable Agricultral Commodities, USDA/OGC-14.

Foreign Agriculture and Commodity Stabilization Division

Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation Cases, USDA/OGC-15.

Federal Crop Insurance Corporation (FCIC) Cases, USDA/OGC-16.

Administrative proceedings brought by the Department, court cases in which the government is plaintiff and court cases in which the government is a defendant brought pursuant to the United States Warehouse Act, USDA/OGC-43.

Marketing Division

Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA/OGC-18.

Cases brought by the Government pursuant to the Cotton Futures provisions of the Internal Revenue Code of 1954, USDA/OGC-22.

Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA/OGC-24.

Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended, or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC-25.

Court ceases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC-26.

Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC-27.

Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC-28.

Court cases brought by the Government pursuant to either the Naval Stores Act, or the Tobacco Seed and Plant Exportation Act, USDA/OGC-29.

Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC-30.

Court cases brought by the Government pursuant to either the Plant Variety Protection Act or the Egg Products Inspection Act, USDA/OGC-31.

Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process of Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA/OGC-32.

Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC-33.

Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC-34.

Cases by and against the Department under the Virus-Serum Toxin Act, USDA/OGC-44.

Packers and Stockyards Division

Packers and Stockyards Act, Administrative Cases, USDA/OGC-69.

Packers and Stockyards Act, Civil and Criminal Cases, USDA/OGC-70.

Research and Operations Division

Personnel Irregularities, USDA/OGC-75.

Office of Inspector General

Intelligence Records, USDA/OIG-2.

Investigative Files and Subject/Title Index, USDA/OIG-3.

Office of the Secretary

Non-Career Applicant File, USDA/SEC-1.

Done this 24th day of September 1987, at Washington, DC.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 87-22482 Filed 9-29-87; 8:45 am]

BILLING CODE 3410-01-M

Food and Nutrition Service

7 CFR Part 275

[Amdt. No. 296]

Food Stamp Program; Quality Control Arbitration Process Technical Amendment

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend Food Stamp Program regulations pertaining to the quality control arbitration process. It would limit the scope of arbitration to the issue or issues in dispute between the State agency and the Food and Nutrition Service (FNS) regional quality control findings. The intent of the proposed rule is to enhance efficiency of the quality control arbitration process.

DATE: Comments on this proposed rulemaking must be received on or before November 30, 1987 to be assured of consideration.

ADDRESS: Comments should be submitted to Joseph Pinto, Supervisor, Certification Policy and Quality Control Section, Eligibility and Monitoring Branch, Program Development Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302. All written comments will be available for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 am to 5:00 pm, Monday through Friday) at 3101 Park Center Drive, Alexandria, VA, Room 706.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rulemaking should be directed to Mr. Pinto at the above address or by telephone at (703) 756-3471.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The Department has classified this action as nonmajor. The annual effect of this action on the economy will be less than $100 million. This action will have no effect on costs or prices. Competition, employment, investment, productivity, and innovation will remain unaffected. There will be no effect on the competition of United States-based

enterprises with foreign-based enterprises.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final rule related Notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980, Pub. L. 96-354, 94 Stat. 1164 (1980). Anna Kondratas, Administrator of the Food and Nutrition Service, has certified that his action will not have a significant economic impact on a substantial number of small entities.

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

Background

Regulations issued on January 23, 1981, at 46 FR 7257, allowed State agencies to have quality control cases arbitrated when the State disputed the Federal review findings. Informally, procedures were developed at the regional and national levels to arbitrate disputes about case findings. Under these procedures, arbitration comprises review of the entire case and the arbitrator is responsible for evaluating the accuracy of the entire case.

In response to the proposed rulemaking on arbitration issued on March 21, 1986 (51 FR 9821), one State agency recommended that arbitration be limited to only the issues raised by the State agency in its request for arbitration. We have decided to consider this recommendaion and therefore are issuing this proposed rulemaking.

Limiting the review to the issues in dispute would be advantageous in several ways. It would save time and resources for both the State agencies and FNS as only arguments and material pertinent to the dispute would need to be submitted and reviewed by the arbitrator instead of the entire quality control case record. For example, if a State were contesting a sampling procedure or an implementation date which affected a large number of cases, each case affected by the decision would not have to be submitted for an individual decision. However, this proposed rule would not preclude the arbitrator from requesting portions of the quality control case record or the entire case record if necessary to properly evaluate the issue(s) under dispute. The proposed rule would eliminate determinations concerning undisputed aspects of the case. Under current arbitration procedures, the entire case record is submitted for each case and all aspects of the case are reviewed and evaluated separately. Under an issue-only review, only the issue(s) in dispute would be addressed.

Implementation

The Department proposes that this rulemaking become effective 30 days after publication as a final rule. State agencies may opt for either an entire case review or an issue only review for all cases for which an arbitration request was submitted before the effective date, provided that the arbitration decision has not already been made.

List of Subjects in 7 CFR Part 275

Administrative practice and procedures, Food Stamps, Reporting and recordkeeping requirements.

Accordingly, 7 CFR Part 275 is amended as follows:

1. The authority citation for Part 275 continues to read as follows:

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

PART 275—PERFORMANCE REPORTING SYSTEM

2. Section 275.3 is amended by adding a sentence to the end of paragraph (c)(4). The sentence reads as follows:

§ 275.3 Federal monitoring.

* * * * *

(c) Validation of State Agency Error Rates. * * *

(4) *Arbitration.* * * * The arbitration review shall be limited to the point(s) within the Federal findings that the State agency disputes.

* * * * *

Date: September 27, 1987.

Anna Kondratas,

Administrator, Food and Nutrition Service.

[FR Doc. 87-22535 Filed 9-29-87; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245a

[INS Number: 1052-87]

Definitions of Felony and Misdemeanor

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service is proposing to amend the definitions of the terms "felony" and "misdemeanor" that are set forth at 8 CFR 245a.1(o) and 8 CFR 245a.1(p), respectively. This proposal is being made to alleviate the effects that the application of the current definition is causing on certain otherwise eligible aliens who apply for temporary resident status under section 245A of the Immigration and Nationality Act.

DATES: Written comments must be submitted on or before October 30, 1987.

ADDRESS: Please submit comments, in triplicate, to Director, Policy, Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Room 2011, Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Director Policy, Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3291

For Specific Information: Francesco Isgro, Associate General Counsel, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-2895

SUPPLEMENTARY INFORMATION: The Immigration Reform and Control Act of 1986 (IRCA) established a program whereby certain aliens who have been residing unlawfully in the United States since January 1, 1982, would be permitted to legalize their status. IRCA set forth a number of statutory criteria that an alien would have to meet in order to legalize his or her status. One of these criteria is that the alien must establish that he or she "has not been convicted of any felony or of three or more misdemeanors committed in the United States." 8 U.S.C. 1255a(a)(4)(B). After a notice and comment period the Immigration and Naturalization Service (Service) promulgated final regulations implementing the legalization program and defining the terms "felony" and

"misdemeanor" for purposes of the eligibility criteria under the legalization program. See 52 **Federal Register** 16205–16216 (May 1, 1987).

The term "felony" has been defined as "a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any." 8 CFR 245a.1(p). The term "misdemeanor" has been defined as "a crime committed in the United States punishable by imprisonment for a term of one year or less but more than five days, regardless of the term such alien actually served, if any." 8 CFR 245a.1(o).

Since May 5, 1987, aliens have had the opportunity to apply for temporary resident status under the legalization program. The Service has also had an opportunity to review the effects of the regulations implementing this provision. To determine whether an alien has been convicted of a "felony" or "misdemeanor" the Service looks at the maximum term of imprisonment provided in that particular criminal statute. If the statute provides a term of imprisonment of more than one year, an alien convicted under that statute would be ineligible for legalization regardless of the sentence imposed. The Service has determined that certain States' criminal statutes provide possible terms of imprisonment for more than one year for certain offenses, while other States provide possible terms of imprisonment for less than one year for the same offenses. Thus, aliens who would be eligible for legalization, had they been convicted in one State of a particular offense, would be ineligible if they were convicted in another State for the same offense.

Accordingly, consistent with the spirit of the legalization program and in order to uniformly treat aliens who apply for legalization, the Service is proposing an exception to the definition of "felony". That exception will provide that in the case of an alien who is convicted under a state law that defines the offense as a "misdemeanor" *and* the sentence imposed is less than one year, the crime shall be treated as a misdemeanor for purposes of legalization. The definition of "misdemeanor" is also amended to include crimes that are treated as misdemeanors under the exception to the definition of felony.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule would not, if promulgated, have a significant 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.

List of Subjects in 8 CFR Part 245a

Aliens, Temporary resident status and Permanent resident status.

PART 245a—[AMENDED]

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

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

2. In § 245a.1, paragraphs (o) and (p) are revised to read as follows:

§ 245a.1 Definitions.

* * * * *

(o) "Misdemeanor" means a crime committed in the United States, either (1) punishable by imprisonment for a term of one year or less but more than five days, regardless of the term such alien actually served, if any, or (2) a crime treated as a misdemeanor under 8 CFR 245a.1(p).

(p) "Felony" means a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any, except: when the State law on which the conviction is based is defined as a misdemeanor and the sentence imposed is less than one year. Under this exception, for purposes of 8 CFR Part 245a, the crime shall be treated as a misdemeanor.

* * * * *

Dated: September 8, 1987.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 87–22425 Filed 9–29–87; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

High-Level Waste Licensing Support System Advisory Committee (Negotiated Rulemaking); Second Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of second meeting.

SUMMARY: The Nuclear Regulatory Commission will hold the second meeting of the High-Level Waste Licensing Support System Advisory Committee on October 15–16, 1987. The committee, established under authority of the Federal Advisory Committee Act (FACA), is tasked with developing recommendations for revision of the Commission's Rules of Practice in 10 CFR Part 2 related to the adjudicatory proceeding for the issuance of a license for a geologic repository for the disposal of high-level waste (HLW). The Committee is attempting to negotiate a consensus on proposed revisions related to the submission and management of records and documents for the HLW licensing proceeding.

DATE: The second meeting of the HLW Licensing Support System Advisory Committee will be held October 15–16, 1987, beginning at 9:30 a.m.

ADDRESS: The location of the October 15–16, 1987 meeting of the HLW Licensing Support System Advisory Committee is the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA.

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

SUPPLEMENTARY INFORMATION: The second meeting of the HLW Licensing Support System Advisory Committee ("negotiating committee") is scheduled to include: (1) A review of the legal and technical aspects of this rulemaking on the HLW licensing support systerm, (2) training on the principles of negotiation, and (3) the establishment of the agenda for the third meeting of the negotiating committee.

Dated at Washington, DC, this 28th day of September 1987.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 87–22671 Filed 9–29–87; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-124-AD]

Airworthiness Directives: British Aerospace BAe 125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain Model BAe 125 series

airplanes, that would require relocation of the 115V. AC stall vane heater power circuit breakers, and modification of the electronic flight instrument system power supply cables. This action is prompted by a report of cable chafing that resulted in the lose of certain flight instruments, the engine fuel computer, and the windscreen alternator. This condition, if not corrected, could result in the loss of critical flight instruments during flight.

DATES: Comments must be received no later than October 30, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-124-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Inc., Librarian for Service Bulletins, P.O .Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-124-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an inservice incident involving cable chafing that resulted in the loss of both electronic flight instrument systems, the engine 1 and 2 fuel computer, the number 2 air data system, and the number 1 windscreen alternator on a British Aerospace Model BAe 125 airplane.

British Aerospace (BAe) issued Service Bulletin 24-259-(3171B), dated November 1986, which described relocation of the 115V. AC stall vane heater power circuit breakers and provides modification of the electronic flight instrument power supply cables by transposing certain circuit breakers and introducing separaters. The CAA has classified the service bulletin as mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require the relocation of the stall vane heater power circuit breakters, and modification of the power supply cables for the electronic flight instrument systems, in accordance with the service bulletin previously mentioned.

It is estimated that 65 airplanes of U.S. registry would be affected by this AD, that it would take approximately 12 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $31,200.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulations which is not major under Executive Order 12291 and (2) is not significant rule pursuant to the Department of Transportation Regulatory Polices and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($480). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe 125 800A and 800 B series airplanes listed in British Aerospace BAe 125 Service Bulletin 24-259-(3171B), dated November 1986, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent loss of critical flight instruments, accomplish the following:

A. Within the next three months after the effective date of this AD, relocate the 15V. AC stall vane heater power circuit breakers, and modify power supply cable runs for the electronic flight instrument systems, in accordance with the accomplishment instructions of British Aerospace BAe 125 Service Bulletin 24-259-(3171B), dated November 1986.

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

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

All persons affected by this directive who have already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Inc.,

Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on September 16, 1987.

Frederick M. Isaac,

Acting Director Northwest Mountain Region.

[FR Doc. 87-22467 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASO-12]

Proposed Control Zone and Extension to Transition Area for Mackall Army Airfield, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a control zone to encompass airspace surrounding Mackall Army Airfield near Fort Bragg, North Carolina, and amend the existing transition area with an extension needed to contain an instrument approach procedure. This action will allow positive control of aircraft operations in the vicinity of the airport during instrument meteorological conditions. Airspace affected by designation of the control zone extends upward from the surface of the ground within a five-mile radius of the airport, with an extension needed to contain IFR arrival and departure operations. Airspace affected by amending the transition area extends upward from 700 feet above the surface from the existing 6.5-mile radius of Mackall AAF and three miles either side of the 295° bearing from the Mackall RBN to 9.5 miles northwest of the RBN. The control zone is planned to be effective on a part-time basis as military requirements dictate.

DATE: Comments must be received on or before October 26, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 87-ASO-12, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Mel Brock, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASO-12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a control zone to encompass airspace surrounding Mackall Army Airfield, North Carolina, and amend the existing transition area for an instrument approach procedure. These actions will allow for positive control of aircraft operations in the vicinity of the airport during instrument meteorological conditions and enhance aviation safety in that area. Those sections of Part 71 of the Federal Aviation Regulations were republished in FAA Order 7400.6C dated January 2, 1987.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zone, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Mackall AAF, NC [New]

Within a five-mile radius of Mackall AAF (lat. 35°02'13" N., long. 79°29'54" W.); within three miles each side of the 295° bearing from the Mackall RBN, extending from the five-miles radius zone to 8.5 miles northwest of the RBN. This control zone is effective during the specific days and time established in advance by a Notice to Airmen. The effective

days will thereafter be continuously published in the Airport/Facility Director.

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Mackall AAF, NC [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mackall AAF (lat. 35°02'13" N., long. 79°29'54" W.); within 3 miles each side of the 295° bearing from the Mackall RBN, extending from the 6.5-mile radius to 9.5 miles northwest of the RBN; excluding that portion that coincides with the Southern Pines, NC, transition area.

Issued in East Point, Georgia, on September 15, 1987.

William D. Wood,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 87-22469 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-ASW-32]

Proposed Amendment of Control Zone; Altus, OK and Proposed Amendment of Transition Area; Hobart, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the existing control zone at Altus, OK, and amend the existing transition area at Hobart, OK. This action is necessary since there are two new standard instrument approach procedures (SIAP) developed for the Altus Municipal Airport, Altus, OK. The intended effect of this proposed multiple action is to provide additional controlled airspace for aircraft executing the new SIAP's to the Altus Municipal Airport.

DATES: Comments must be received on or before November 19, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87-ASW-32, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASW-32." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to §§ 71.171 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) to amend the control zone at Altus, OK, and, simultaneously with this action, amend the transition area at Hobart, OK. This multiple action is necessary in order to provide additional controlled airspace for aircraft executing two new SIAP's to the Altus Municipal Airport, Altus, OK. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Altus, OK [Amended]

By deleting the words, "excluding that airspace within a 1½ mile radius of the Altrus, OK, Municipal Airport (lat. 34°41'57"N., long. 99°20'21"W.); and substituting the words, "and within a 5-mile radius of the Altus Municipal Airport (lat. 34°42'00"N., long. 99°20'00" W.)."

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Hobart, OK [Amended]

By deleting the words, "within an 8-mile radius of the Altus AFB;" and substituting the words, "within an 11-mile radius of the Altus AFB."

Issued in Fort Worth, TX on September 19, 1987.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87-22577 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASW-31]

Proposed Removal of Transition Area; Crockett, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to remove the transition area at Crockett, TX. The intended effect of this proposed action is to release controlled airspace established for a standard instrument approach procedure (SIAP) to the Houston County Airport, Crockett, TX. This action is necessary since the SIAP has been canceled. Coincident with this action, the airport status will change from instrument flight rules (IFR) to visual flight rules (VFR).

DATES: Comments must be received on or before November 19, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 87-ASW-31, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193-0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193-0530; telephone: (817) 624-5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and engergy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASW-31." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Forth Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The proposal

The FAA is considering an amendment to Section 71.181 of the Federal Aviation Regulations (14 CFR Part 71) to remove the transition area at Crockett. TX. This action is necessary based on the fact that the SIAP to the Houston County Airport has been canceled. The SIAP was based on a nondirectional radio beacon (NDB) located at the Houston County Airport. The NDB has been removed, therefore requiring the cancellation of the SIAP and the associated 700-foot transition area. Coincident with this action, the Houston County Airport status will change from IFR to VFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures 87-(44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Crockett, TX [Removed]

Issued in Fort Worth, TX, on September 19, 1987.

Larry L. Craig

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 87-22578 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 70865-7165]

U.S. Trade in Services; Revisions in reporting requirements for the BE-47, BE-48, and BE-93 Surveys of Services Transactions with Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice sets forth proposed rules to change the titles and reporting requirements for three annual surveys of U.S. services transactions with foreign persons, conducted by the Bureau of Economic Analysis (BEA),

U.S. Department of Commerce. The three surveys are the BE-47 (on construction, engineering, architectural, and mining services), the BE-48 (on insurance), and the BE-93 (on royalties, license fees, and other receipts and payments for intangible rights). These surveys are mandatory and are conducted pursuant to the International Investment and Trade in Services Survey Act.

The proposed rules will amend 15 CFR Part 801, as published in the **Federal Register** on March 6, 1986. They implement changes in the three surveys that were proposed for them when they were to have been included in the original draft of BEA's new BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. That draft, which was to cover 1985, was disapproved by the Office of Management and Budget (OMB). In preparing the revised version, which was approved and covers 1986, it was decided to keep these three surveys separate, but to revise them along the lines proposed in the BE-20.

DATE: Comments on the proposed rules will recive consideration if submitted in writing on or before November 16, 1987.

ADDRESS: Comments may be mailed to the Office of the Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230, or hand delivered to Room 607, Tower Building, 1401K Street, NW., Washington, DC 20005. Comments received will be available for public inspection in Room 607, Tower Building, between 8:00 a.m. and 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Betty L. Barker, Acting Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 523-0659.

SUPPLEMENTARY INFORMATION: These proposed rules will change the titles and reporting requirements for the BE-47, BE-48, and BE-93 surveys of U.S. services transactions with foreign persons, in order to implement changes in them that were proposed when they were to have been included in the original draft of the new BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. That draft was disapproved by OMB in October 1985. Following the disapproval, a task force composed of members of the Business Council on the Reduction of Paperwork (formerly The Business Advisory Council on Federal Reports) agreed that the BE-47, -48, and -93 surveys should remain separate forms. Thus, they were omitted from the BE-20 for 1986 as finally approved by OMB and will be kept separate from the annual follow-on survey to the BE-20 planned for subsequent years.

It was, however, understood that, despite being kept separate, the BE-47, -48, and -93 would be revised to incorporate many of the changes proposed earlier in the BE-20. This proposed rulemaking is intended to implement these changes. It should be noted that the proposed rules will *not* change the exemption levels for the three surveys. However, because of changes in some of the information to be reported, the exemption levels may be applied to additional items.

The title of the BE-47 has been changed to "Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons." (The former title was "Foreign Contract Operations of U.S. Construction, Engineering, Architectural, and Related Consulting and Technical Services Firms.") The addition of "mining services" in the Title Clarifies that such services are covered by the form. (They were covered previously as well, but the title did not so indicate.) The deletion of "related consulting and technical services" in the title is intended to avoid erroneous inclusion of all consulting and technical services on this form. Consulting and technical services are to be included on the BE-47 only if they are integral parts of a reportable construction, engineering, architectural, or mining services project; if they are not integral parts of such projects, they are to be reported in the BE-20 benchmark (or its planned annual follow-on) survey instead.

The revised description of "Who must report" in the BE-47 survey is primarily for clearification purposes; no substantive changes are intended.

The current $1,000,000 exemption level for the BE-47 survey would be applied, under these proposed rules, to a new item being added to the form. Thus, it would be applied, not only to gross operating revenues, as at present, but also to the new item, gross value of new contracts received.

These proposed rules would change the title of the BE-48 survey to "Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies With Foreign Persons." (Its former title was "Reinsurance Transactions With Insurance Companies Resident Abroad.") The change in title reflects an expansion in survey coverage. Formerly, the BE-48 covered only reinsurance transactions with foreign persons (whether affiliated or unaffiliated). As proposed, it will also cover sales of insurance by primary insurers directly to foreign persons and losses paid on such insurance. The rules on "Who must report" are being revised to indicated that sales of primary insurance will now be reportable. Also, as proposed, the current $1,000,000 exemption level for the form will now apply to primary insurance premiums received and primary insurance losses paid, as well as to reinsurance premiums received, premiums paid, losses paid, and losses recovered. It should be noted that only sales of direct insurance are to be covered; purchases of such insurance are reportable on the BE-20 benchmark (or its planned annual follow-on) survey.

The proposed rules would change the title of the BE-93 survey to "Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons." (The former title was "international Transactions in Royalities, Licensing Fees, Film Rentals, Management Fees, Etc., With Unaffiliated Foreign Residents.") The proposed change in title, and also in the reporting requirements for this survey, mainly reflect the exclusion of management and administrative fees from the form; such fees are now covered on the BE-20 benchmark (Or its planned annual follow-in) survey. Also, on the form itself, a disaggregation by type of intangible right has been added; this disaggregation, however, does not require a rule change to implement.

Executive Order 12291

BEA has determined that this proposed rule is not "major" as defined in E.O. 12291 because it is not likely to result in:

(1) An annual effect on the economy of $100.0 million or more;

(2) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competion, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

This proposed rule contains collection of information requirements subject to the Paperwork Reduction Act. The Existing BE-47 and BE-48 surveys have been approved by OMB for use through December 31, 1988 (OMB Nos. 0608-0015

and 0608–0016, respectively), and the BE–93 survey has been approved for use through November 30, 1987 (OMB No. 0608–0017). The paperwork to revise these surveys to conform them more closely in concept and definition to the BE–20 benchmark survey, and to incorporate changes planned for them when they were previously to be included in that survey, has been submitted to OMB. Comments regarding the collection of information requirements may be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Bureau of Economic Analysis, Washington, DC 20503.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to preparation of an initial regulatory flexibility analysis are not applicable to this proposed rulemaking because it will not have a significant economic impact on a substantial number of small entities. The exemption levels of $1,000,000 for the BE–47 and BE–48 surveys and $500,000 for the BE–93 survey, below which reporting of foreign transactions of the types covered is not required, exclude small businesses from being reported.

Accordingly, the General Counsel, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Businesses Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the proposed rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign trade, Reporting and recordkeeping requirements, Services.

Allan H. Young,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, 15 CFR Part 801 is amended as follows:

PART 801—[AMENDED]

1. The authority citation for 15 CFR Part 801 continues to read as follows:

Authority: 5 U.S.C. 301, 22 U.S.C. 3101–3108, and E.O. 11961, as amended.

2. Sections 801.9(b) (3), (4), and (5) are revised to read as follows:

§ 801.9 Reports required.

* * * * *

(b) * * *

(3) BE–47, Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons:

(i) *Who must report.* Form BE–47 must be filed by each U.S. person (other than U.S. Government agencies) providing the following types of services of a contract, fee, or similar basis to unaffiliated persons on foreign projects: the services of general contractors in the fields of building construction and heavy constuction; construction work by special trade contractors, such as the erection of structural steel for bridges and buildings and on-site electrical work; services of a professional nature in the fields of engineering, architecture, and land surveying; and mining services in the development and operation of mineral properties, including oil and gas field services.

(ii) *Exemption.* Any U.S. person otherwise required to report is exempted from reporting if, for all countries and all projects combined, the gross value of new contracts received and gross operating revenues are both less than $1,000,000. If *either* the gross value of new contracts received or gross operating revenues is $1,000,000 or more, than a report is required.

(4) BE–48, Annual Survey of Reinsurance and other Insurance Transactions by U.S. Insurance Companies with Foreign Persons:

(i) *Who must report.* Reports on Form BE–48 are required from U.S. persons who have engaged in reinsurance transactions with foreign persons, or who have received premiums from, or paid losses to, foreign persons in the capacity of primary insurers.

(ii) *Exemption.* A U.S. person otherwise required to report is exempted from reporting if, with respect to transactions with foreign persons, each of the following six items was less than $1,000,000 in the reporting period: reinsurance permiums received, reinsurance premiums paid, reinsurance losses paid, reinsurance losses recovered, primary insurance premiums received, and primary insurance losses paid. If *any* one of these items is $1,000,000 or more in the reporting period, a report must be filed.

(5) BE–93, Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons:

(i) *Who must report.* Reports on Form BE–93 are required from U.S. persons who have entered into agreements with unaffiliated foreign persons to buy, sell, or use intangible assets or proprietary rights, excluding those copyrights and other intellectual property rights that are related to computer software, and excluding oil royalties and other natural resources (mining) royalties.

(ii) *Exemption.* A U.S. person otherwise required to report is exempt if total receipts and total payments of the types covered by the form are each less than $500,000 in reporting year. If the total of *either* covered receipts or payments is $500,000 or more in the reporting year, a report must be filed.

* * * * *

[FR Doc. 87–22561 Filed 9–29–87; 8:45 am]

BILLING CODE 3510–06–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Collective-Bargaining Units in the Health Care Industry

AGENCY: National Labor Relations Board.

ACTION: Proposed rule; notice of extension of time for filing comments upon completion of hearing; notice of change of hearing location.

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 October 30, 1987, to November 20, 1987, to allow sufficient time following the conclusion of the added October 7 hearing for interested parties to obtain and review the transcripts of the final hearing in order to prepare their comments. Additionally, the location for the hearing commencing October 7, 1987, has been changed, as indicated below.

DATES: The comment period which presently ends at the close of business on October 30,1987, has been extended to the close of business on November 20, 1987.

ADDRESSES: Comments should still be submitted to the Executive Secretary as set forth in 52 FR 25142, July 2, 1987. The hearing scheduled to commence October 7, 1987, at 9 a.m. has been relocated from the Board's Hearing Room to the Ceremonial Courtroom at the United States District Court for the District of Columbia, Sixth Floor, 3rd Street and Constitution Avenue, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Curtis A. Wells, Associate Executive Secretary, Telephone (202) 254–2430.

SUPPLEMENTARY INFORMATION:

Background

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 right period still ended at the close of business on October 30, 1987.

Subsequently, a number of participants in the hearings contacted the Board to request an extension of time for the comment period, noting that while there were approximately 6 weeks between the conclusion of the originally scheduled hearings on September 18, 1987, and the end of the comment period on October 30, 1987, permitting sufficient time for interested parties to obtain and review the hearing transcripts in preparation of their comments to the Board, the addition of the second Washington, DC hearing scheduled to begin October 7, and expected to end about October 15, 1987, narrowed the review time to approximately 2 weeks until the comment period ended.

It will take approximately 10 days following the close of the October 7 hearings for transcripts to be available for review—approximately October 25. Since under the present schedule, interested parties might have to prepare comments without benefit of the transcripts in the October hearing, and this would reduce the value of the comments of interested parties to the Board regarding its proposed rulemaking, the Board has decided to extend the period for making comments until the close of business on November 20, 1987.

Furthermore, the hearing scheduled to commence October 7, 1987, has been moved to a larger facility, the Ceremonial Courtoom at the United States District Court for the District of Columbia at the address noted above.

Dated, Washington, DC, September 25, 1987.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 87-22515 Filed 9-29-87; 8:45 am]

BILLING CODE 7545-01-M

POSTAL SERVICE

39 CFR Part 601

Establishment of the Procurement Manual To Replace the Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service has determined to simplify and modernize its procurement procedures, with greater emphasis on business objectives. For that purpose it has prepared a complete replacement of the Postal Contracting Manual (PCM) in the form of a revised, renumbered, and renamed Procurement Manual. The new Manual emphasizes significant policies and processes, rather than detailed procedures, and is intended to be less complex and easier to use. It follows established commercial procedures wherever possible, to the extent consistent with the Postal Service's mission and statutory requirements. It provides greater discretion to contracting officers and Postal Service officials to exercise business judgment in the many decisions that must be made in the course of a procurement. Specific important differences between the PCM and the new Procurement Manual are described in the Supplementary Information, below.

DATE: Comments must be received on or before November 30, 1987.

ADDRESS: Request for copies of the new Procurement Manual and written comments should be mailed or delivered to the Assistant Postmaster General, Procurement and Supply Department, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, DC 20260-6200. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 4137, at the above address.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 268-4632.

SUPPLEMENTARY INFORMATION:

Background

The general legislation upon which much civilian federal procurement procedure is based, the Federal Property and Administrative Services Act of 1949, does not govern or affect the authority of the Postal Service (see 40 U.S.C. 474(15), 39 U.S.C. 410). Nevertheless, the PCM, which was issued in January 1972, was based in large part upon the Federal Procurement Regulations issued pursuant to the Federal Property and Administrative Services Act, as they existed in 1971. The new Procurement Manual is an attempt at simplification and modernization of postal procedures along more businesslike lines.

Specific Differences Between the PCM and the Procurement Manual

The following is a list of the most important specific differences between the existing PCM and the new Procurement Manual.

1. The Procurement Manual establishes a single method for competitive purchasing, involving a form of negotiated procurement. Award may be made based on initial proposals received, or on the basis of revised proposals following negotiations. Whenever price or price-related factors are the most important or the only evaluation criteria, award will normally be made without negotiations by acceptance of the most advantageous proposal. Proposals must be evaluated in accordance with a pre-established source selection plan whenever price or price-related factors will not be the sole basis for evaluation and award.

2. The Procurement Manual establishes a new policy of advance procurement planning, a policy not covered in the PCM. Effective procurement planning should result in shorter lead times, efficient utilization of personnel resources, competition among qualified suppliers, and assurance that the supplies or services obtained will meet requirements.

3. The Procurement Manual establishes a policy to obtain adequate competition from qualified sources, rather than maximum competition. It gives contracting officers the authority to restrict competition to products and contractors of proven quality and reliability through prequalification procedures. The ability to restrict competition to approved sources or prequalified contractors will reduce procurement lead time, since source selection can be made on the basis of price proposals without having to investigate contractor qualifications before award. It will also permit relaxation of contract administration requirements for quality assurance and inspection.

4. It raises the threshold for synopsizing solicitations in the Commerce Business Daily to $50,000, and limits synopses to competitive procurements, reducing paperwork and procurement lead time.

5. The Procurement Manual establishes a system of national and regional contracts and agreements for ordering supplies and services, reducing admininstrative effort and resulting in lower prices.

6. Policy on late proposals and proposal modifications has been simplified, consistent with the Manual's scheme of negotiated procurement. As long as award has not been made, a late proposal or modification may be considered when the contracting officer determines that doing so is in the Postal Service's interest. Guidance is given on when it is normally in the Postal Service's interest to consider a late proposal.

7. The general ceiling for use of simplified procedures is set at $50,000, up from the current $25,000 ceiling for informal purchases. Higher dollar ceilings may be established for individual purchases or categories of supplies or services considered suitable for purchase using simplified procedures.

8. Instead of the 20-page discussion of allowable costs in the PCM, the new manual has a 4-page exposition of cost categories that are unallowable. Otherwise, cost allowability is left to the contracting officer's business judgment, subject to the normal tests of reasonableness and allocability. For contracts with educational institutions, nonprofit organizations, and state and local governments, it adopts the cost principles contained in Office of Management and Budget Circulars.

9. The Procurement Manual emphasizes price analysis—rather than detailed cost analysis—in determining fair and reasonable prices. Cost and pricing data are to be obtained only to the extent necessary to ensure price reasonableness. Normally, cost analysis is to be used only when there is not adequate price competition and no method of price analysis will ensure a fair and reasonable price. When necessary, the contracting officer may use cost analysis in addition to price analysis, but may never replace market pricing with cost analysis. The requirement for certification of cost or pricing data has been eliminated. The submission of cost or pricing data that is relied on by the Postal Service is sufficient to trigger the defective pricing clause. The emphasis on price analysis over cost analysis will reduce burdensome requirements on contractors for submission of detailed cost data. It will also reduce the cost analysis burden on the Postal Service side, as well as shorten procurement lead time. Market-oriented price analysis will in most cases ensure fair and reasonable prices, and will guard against irrational results on contracts priced using cost analysis alone.

Effect on Implementation of Statutory Policies

The Postal Service as a matter of policy has adopted procedures to comply voluntarily with a number of procurement statutes not otherwise applicable to it. Except to the extent noted above, the Manual continues in effect that voluntary compliance. The Manual does not, of course, have any effect on the applicability of procurement-related statutes which have been made applicable to the Postal Service.

Description of the Contents of the Procurement Manual

The Procurement Manual contains twelve chapters and six appendices, as follows:

1. Chapter 1—Authority, Responsibility, and Policy

Chapter 1 covers general procurement policies, including the delegation of procurement authority and responsibility. It describes the procedures for issuing and changing the Procurement Manual, and for obtaining approval of deviations. It contains a section defining important words and terms used in the manual, and sets forth policies on such matters as competition, contracts with Postal Service employees, release and exchange of information, protection of individual privacy, conflicts of interest, standards of conduct, and contingent fees. It prescribes a numbering system for all solicitations, contracts, and related purchasing documents.

2. Chapter 2—Procurement Planning

Chapter 2 contains policy and procedures for advance procurement planning, including market research, and describes requirements for individual written procurement plans and implementation plans. It identifies specific matters to be considered in procurement planning, such as quality requirements, warranties, and suitability for multiyear procurement, and provides guidance for each. It establishes requirements for source selection plans, including the development of proposal evaluation criteria and procedures. It contains a section on specificiations, requiring that they be stated in terms of function, performance, or design requirements; known acceptable brand-name products; or a statement of work.

3. Chapter 3—Sources

Chapter 3 covers sources of supplies and services and their priority; included are Postal Service sources, other Government sources, and commercial sources. It establishes mandatory and optional Postal Service national and regional contracts and ordering agreements as sources for supplies and services covered by such contracts and ordering agreements. It provides for purchases from approved sources and from prequalified contractors, in addition to sources obtained through normal competitive procedures. It establishes requirements for publicizing procurements, including Commerce Business Daily synopses of solicitations and contract awards. It contains a section on contractor qualifications, including standards for determining contractor responsibility, and matters concerning debarment, suspension, and ineligibility.

4. Chapter 4—Purchasing Methods

Chapter 4 describes competitive purchasing procedures, including solicitation, evaluation of proposals, conduct of discussions, price negotiation, and contractor selection. Provision is made for award without discussions based on initial proposals received. Simplified procedures and provided for fixed-price purchases below certain dollar ceilings. It establishes limitations on the use of noncompetitive purchasing methods. It contains a section setting forth rules for filing and considering protests against Postal Service contracting procedures and awards.

5. Chapter 5—Contract Pricing

Chapter 5 describes the types of contracts authorized for Postal Service use and the circumstances for their use. It sets forth principles for determining or negotiating the allowability of costs under Postal Service contracts, and describes specific categories of costs that are unallowable. It contains procedures for establishing billing rates and final indirect cost rates. It describes policies and procedures for evaluating initial contract and subcontract prices, and for pricing contract modifications; price analysis is the preferred method of analysis, cost analysis being used only when no method of price analysis will serve.

6. Chapter 6—Contract Administration

Chapter 6 describes responsibilities and procedures for the administration of Postal Service contracts. It provides for the appointment of contacting officer's representatives to perform certain functions, and specifies records to be kept. It describes procedures for monitoring contract performance and for obtaining assurance of performance. Inspection, testing, and acceptance are

covered, with procedures for dealing with nonconforming supplies and services. It contains requirements for invoices, payment, withholding of payment, and the payment of interest by the Postal Service, in voluntary compliance with the Prompt Payment Act and OMB's implementing circular. Coverage is provided for matters concerning Postal Service property, Subcontracting, claims, and disputes. Procedures are prescribed for contract changes, equitable adjustments, and termination of contracts for default and for the convenience of the Postal Service. Detailed procedures necessary to implement this and some other parts of the new Manual will be in a separate Procurement Handbook, scheduled for issuance of January 1, 1988.

7. Chapter 7—Bonds, Insurance, and Taxes

Chapter 7 sets forth policies and procedures governing bonds and insurance under contracts, and discusses the applicability of Federal, State, and local taxes. Coverage includes performance bonds, payment bonds, patent infringement bonds, fidelity bonds, and the deposit of assets instead of surety bonds. The types of insurance described include workers' compensation, employers' liability, general liability, automobile liability, self insurance, and errors and omissions insurance required for certain categories of professional services.

8. Chapter 8—Special Categories of Contracts

Chapter 8 treats types of contracts subject to special procedures and describes the authorities of officials authorized to issue policy and procedural directives supplementing the Procurement Manual. Coverage is provided for professional and consultant services, computers and information systems, research and development, and utility services. Provisions is made for additional contracts requiring special procedures and forms (e.g., cleaning services, food services, vehicle hire, law enforcement, revenue production) to be covered in a supplemental Procurement Handbook.

9. Chapter 9—Patents and Data Rights

Chapter 9 covers the acquisition of patents, copyrights, and other rights in data. It includes policies regarding commercial application of inventions, privately developed patients and data, patent indemnification, disclosure of private data, and use of patented inventions.

10. Chapter 10—Socioeconomic Policies

Chapter 10 contains procedures for contracting with minority-owned businesses, and policies carrying out the requirements of certain statutes, including the Contract Work Hours and Safety Standards Act, the Davis-Bacon Act, and the Service Contract Act. It establishes Postal Service policy and preference regarding purchase of domestic-source products and materials.

11. Chapter 11—Facilities and Related Services

Chapter 11 covers the specialized procedures involved in the procurement of construction, including minor repairs and alterations, the acquisition of real property, and leases. In addition to construction and architect-engineer services, it covers services related to real property acquisition and management, and services related to facilities design and construction management. Procedures are included to preclude organizational conflicts of interest, and contractor prequalification procedures are described.

12. Chapter 12—Mail Transportation

Chapter 12, when completed, will prescribe special policies and procedures for the procurement of mail transportation and directly related ancillary services by contract. The coverage in this chapter will be supplemented by a Mail Transportation Handbook containing procedures for—

- Highway transportation service;
- Rail transportation service;
- Water transportation service;
- Domestic surface and intermodal service;
- Air transportation service;
- Emergency service contracts;
- Terminal handling contracts.

This chapter is reserved for issuance on or about January 4, 1988.

13. Appendix A—Solicitations

Appendix A prescribes the forms, format, and provisions to be used in preparing solicitations, and the establishment and maintenance of solicitation mailing lists. It contains all solicitation provisions prescribed in the manual.

14. Appendix B—Contract Clauses

Appendix B prescribes certain clauses not prescribed elsewhere in the manual and contains all clauses prescribed in the manual.

15. Appendix C—Forms Listing

Appendix C lists Postal Service forms related to procurement. This appendix is reserved for issuance on or about January 4, 1988.

16. Appendix D—Rules of Practice in Proceedings Relative to Debarment and Suspension from Contracting

Appendix D contains a reprint of the rules of practice issued as 39 CFR Part 957.

17. Appendix E—Rules of Practice Before the Postal Service Board of Contract Appeals

Appendix E contains a reprint of the rules of practice issued as 39 CFR Part 955.

18. Appendix F—Index

Appendix F is an alphabetical index of important words and terms used in the manual.

Implementation Schedule

Implementation of the new Procurement Manual will be phased over a period of months in order to provide time for training postal employees in its use and to secure some early experience which, along with the comments invited in this rulemaking, should enable the Postal Service to minimize transitional problems. Employees at the 100 procurement offices, the five Facilities Service Centers, and the eleven Facilities Service Offices will all be trained, but not all at the same time. Training will begin in the first 15 procurement offices in November and continue through mid-January, 1988. At the conclusion of that training period, except to the extent required pursuant to the terms of contracts already in effect or awarded after the effective date pursuant to preexisting solicitation, the procedures of the new Manual will be used exclusively in those 15 offices, and the PCM will no longer be effective there. Notices of the effective date for particular offices will be published in the Federal Register.

Between January and April 1988 training will commence in 38 other selected procurement offices and facilities service centers and offices, and between April and June it will commence in 63 more locations. At the conclusion of each training period the new Manual will be used instead of the PCM, until all 116 procurement offices and facilities centers and offices have received training.

Following the close of the public comment period at the end of November, comments received from the public plus recommendations and suggestions received from employee participants in the training sessions will

be evaluated and incorporated, as appropriate, into the next change of the Procurement Manual, presently scheduled for issuance on January 4, 1988. Chapter 12 and Appendix C of the Manual, publication of which, as noted in the *Description of the Contents of the Procurement Manual*, were reserved for a later time, will be included in this issuance. Opportunities for issuing further perfecting Manual changes are scheduled on April 1, 1988 and July 1, 1988, at which latter time the Manual is expected to have completely superseded the PCM throughout the country. Later revisions are scheduled to be made at least annually. Notice of these changes will be published in the **Federal Register**, and changes will also be made to 39 CFR Part 601 to reflect replacement of the PCM with the Procurement Manual.

Although exempt by 39 U.S.C. 410(a) from the requirements of the Administrative Procedure Act regarding proposed rulemaking, 5 U.S.C. 553 (b), (c), the Postal Service invites public comments on the new Procurement Manual described above, which will take the place of the Postal Contracting Manual, as incorporated by reference in the Code of Federal Regulations. See 39 CFR 601.100.

List of Subjects in 39 CFR Part 601

Government procurement, Postal Service.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-22529 Filed 9-29-87; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AMO 23 DE; FRL-3268-5]

Proposed Revisions of the Delaware State Implementation Plan; Stack Height Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes the approval of revisions to the Delaware State Implementation Plan (SIP). The proposed revisions consist of draft amendments to Regulation No. XXVII, for Stack Height and Regulation No. XXV, Requirements for Pre-construction Review. EPA has reviewed these revisions and has concluded that they conform to 40 CFR Part 51, including the July 8, 1985 stack height amendments (50 FR 27906). Therefore, EPA proposes to approve the amendments, following their final enactment by the State, as revisions to the Delaware SIP.

DATES: Comments must be received on or before October 30, 1987.

ADDRESSES: Copies of the proposed SIP revisions and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Ms. Esther Steinberg (3AM11).

Delaware Department of Natural Resources and Environmental Control, Division of Environmental Control Air Resources Section, 89 Kings Highway, P.O. Box 1401, Dover, DE 19901, Attn: Mr. Robert R. French.

EPA is soliciting public comments on this notice and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking proceeding by submitting written comments to Mr. David L. Arnold, Chief, Delmarva/DC Section (3AM13) at EPA Region III address stated above. Please reference the EPA Docket Number found at the heading of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin A. Magerr, (3AM13) at the EPA Region III address above or call (215) 597-6863.

SUPPLEMENTARY INFORMATION: The revisions are being proposed under a procedure called "parallel processing" (47 FR 27073). If the proposed revisions are substantially changed in areas other than those identified in this notice, EPA will evaluate those changes and may publish a revised Notice of Proposed Rulemaking. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revisions have been adopted by the State of Delaware and submitted to EPA for incorporation into the SIP. Parallel processing can reduce the time necessary for final approval of these SIP revisions by three to four months.

Background

On February 8, 1982 (47 FR 5864), EPA promulgated final regulations limiting stack height credits and other dispersion techniques as required by section 123 of the Clean Air Act. These regulations were challenged in the U.S. Court of Appeals for the DC Circuit by the Sierra Club Legal Defense Fund, Inc., the Natural Resources Defense Council, Inc., and the Commonwealth of Pennsylvania in *Sierra Club* v. *EPA*, 719 F.2d 436 (DC Cir 1983). On October 11, 1983, the Court issued its decision ordering EPA to reconsider portions of the stack height regulations, reversing certain portions and upholding other portions.

On February 28, 1984, the electric power industry filed a petition for a writ of certiorari with the U.S. Supreme Court. On July 2, 1984, the Supreme Court denied the petition (104 S.Ct. 35710, and on July 18, 1984, the Court of Appeals' mandate was formally issued, implementing the Court's decision and requiring EPA to promulgate revisions to the stack height regulations within six months. The promulgation deadline was ultimately extended to June 27, 1985. Revisions to the stack height regulations were proposed on November 9, 1984 (49 FR 44878) and promulgated on July 8, 1985 (50 FR 27892). the revisions redefine a number of specific terms including "excessive concentrations," "dispersion techniques," "nearby," and other important concepts, and modify some of the criteria for determining Good Engineering Practice (GEP) stack height.

Pursuant to section 406(d)(2) of the Act, all states were required to (1) review and revise, as necessary, their State Implementation Plans (SIPs) to include provisions that limit stack height credit and dispersion techniques in accordance with the revised regulations; and (2) review all existing emission limitations to determine whether any of these limitations have been affected by stack height credits above GEP or any other dispersion techniques. For any limitations so affected, states were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA within nine months of promulgation, as required by section 406.

Subsequently, EPA issued detailed guidance on carrying out the necessary reviews. For the review of emission limitations, the states were to prepare inventories of stacks greater than 65 meters in height and sources with emissions of sulfur dioxide (SO_2) in excess of 5,000 tons per year. These limits correspond to the *de minimis* GEP stack height and the *de minimis* SO_2 emission exemption from prohibited dispersion techniques. These sources were then subjected to detailed review for conformance with the revised regulations.

Regulation Description

The State of Delaware, in order to conform to the July 8, 1985, stack height **Federal Register** Notice, drafted amendments to its air pollution regulations as described below:

Under Regulation No. XXVII—Stack Heights, Section 2—Definitions Specific to this Regulation, the State amended the following definitions to correspond to EPA's regulations:

Dispersion Technique
Excessive Concentrations
Nearby
Stack
Stack in Existence

The State deleted the definitions for "Elevated Terrain" and "Plume Impaction," as they do not conform with the revised EPA regulations.

The State amended section 3—Requirements for Existing and New Sources, by expanding the definition of "Good Engineering Practice" to include the changes of the July 8, 1985 **Federal Register** notice.

Under Regulation No. XXV—Requirements for Preconstruction Review, section 3.5—Stack Height, the State declares that Regulation No. XXVII is applicable to this section.

This regulation applies to new source or modifications in Delaware as required in 40 CFR 51.164, as well as existing sources as required in 40 CFR 51.118. This means that this rule applies to all sources that were constructed, reconstructed or modified subsequent to December 31, 1970.

The regulations adopted by the State do not include EPA's definition of "emission limitation" or "emission standard" found at 40 CFR 51.110(z) (old § 51.1(z)). Delaware's regulations contain a definition for "emission standard" in Regulation No. 1, Definition and Administrative Principles. That definition is not consistent with the EPA definition § 51.100(z). The State of Delaware is committed to revising its definitions to be consistent with EPAs. EPA proposes to incorporate the State's committal letter as part of the SIP in the final rulemaking.

EPA Action

EPA proposes approval of these revisions to the Delaware SIP. The Regional Administrator's decision to propose approval of these revisions is based on a determination that the amendments meet the requirements of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of the State Implementation Plan.

The public is invited to submit comments on the proposed SIP revision. All comments submitted with in 30 days of publication of this Notice will be taken into account in the Administrator's decision to approve or disapprove this proposed SIP revision.

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

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

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides.

Authority: 42 U.S.C. 7401–7642.

Stanley L. Laskowski,
Acting Regional Administrator.

[FR Doc. 87–22292 Filed 9–29–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 61

[AD-FRL-3270-4]

National Emission Standards for Hazardous Air Pollutants; Coke Oven Emissions From Wet-Coal Charged By-Product Coke Oven Batteries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and reopening of public comment period.

SUMMARY: On April 23, 1987, EPA proposed national emission standards which would limit coke oven emissions from wet-coal charged by-product coke oven batteries in the iron and steel industry (52 FR 13586). In response to requests by environmental and citizens groups, the period for receiving written comments is being reopened. Also in response to requests by several citizens groups, a public hearing will be held in Allegheny County, Pennsylvania.

DATES: *Public Hearing.* A public hearing will be held on October 29, 1987, beginning at 10:00 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact the Allegheny County Health Department by October 21, 1987.

Comments. Comments must be received on or before November 30, 1987.

ADDRESSES: *Public Hearing.* A public hearing will be held in the City Council Chambers at the Clairton Municipal Building, 551 Ravensburg Boulevard, Clairton, Pennsylvania 15025. Persons wishing to present oral testimony should notify Ms. Karen Jones, Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201, telephone number (412) 578–8103.

Comments. Comments should be submitted (in duplicate, if possible) to: Central Docket Section (LE–131), Attention: Docket Number A–79–15, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Bell or Mr. Sam Duletsky, Standards Development Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5568, or (919) 541–5256.

SUPPLEMENTARY INFORMATION: On July 2, 1987, the Group Against Smog and Pollution (GASP), acting with Citizens for a Better Environment (CBE) and Save the Dunes Council (SDC), requested that EPA extend the August 6, 1987, deadline for public comments by 30 or 60 days to give them additional time to analyze the complex technical information which comprises the background and the basis for the proposed standards. Also, on July 31, 1987, the Natural Resources Defense Council (NRDC) and the Environmental Defense Fund (EDF) requested that the comment period for the proposed coke oven emissions standards be extended an additional 60 days. The NRDC and EDF requested the extension to obtain additional time to factor into their comments the ramifications of the July 28, 1987, decision on the national emission standards for hazardous air pollutants (NESHAP) for vinyl chloride by the U.S. Court of Appeals for the District of Columbia Circuit (*NRDC vs. EPA*, No. 85–1150). In response to these requests, EPA is reopening the public comment period until November 30, 1987. This additional time will ensure that all interested parties will have adequate time to review the background information and comment on the coke oven emissions NESHAP in light of the decision on the vinyl chloride NESHAP.

In addition to requesting an extension to the public comment period, GASP (along with CBE and SDC) and the Allegheny County Air Pollution Control Advisory Committee requested a public hearing in Allegheny County to provide those citizens most affected by coke oven emissions an opportunity to express their views on the proposed emission standards. Consequently, EPA will hold a public hearing in Allegheny County on October 29, 1987, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed standard for wet-coal charged by-

product coke oven batteries or the listing of coke oven emissions under section 112.

Date: September 24, 1987.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 87-22522 Filed 9-29-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 152, 153, 158 and 162

[OPP-250077; FRL-3268-4]

Notification to Secretary of Agriculture of a Final Regulation on Pesticide Registration Procedures and Pesticide Data Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a final regulation under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The rule sets out in 40 CFR Part 152 which products are considered to be pesticides, lists exemptions, and describes the procedures for registration, classification, and suspension. The rule also modifies pesticide data requirements in 40 CFR Part 158. This action is required by section 25(a)(2)(B) of FIFRA, as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Jean M. Frane, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location and telephone number: Rm. 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-0944).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall issue for publication in the **Federal Register**, with the final regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 15-day period.

As required by FIFRA section 25(a)(3), a copy of this final regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

As required by FIFRA section 25(d), a copy of this final rule has also been forwarded to the Scientific Advisory Panel.

Authority: 7 U.S.C. 136 et seq.

Dated: September 21, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-22146 Filed 9-29-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6912]

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 52 FR 22801 on June 16, 1987. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the City of Gordon, Wilkinson County, Georgia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2751.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Gordon, previously published at 52 FR 22801 on June 16, 1987, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 92-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	Number in feet above ground *Elevation in feet (NGVD)
Little Commissioner Creek:	
Just upstream of State Route 18	*332
About 2660 feet upstream of pipe bridge	*333
Little Commissioner Creek Tributary:	
Just downstream of Norfolk-Southern Railway	*332
Just downstream of Englehaard Dam	*358
Just upstream of Englehaard Dam	*372
About 3800 feet upstream of Englehaard Dam	*386

Issued: September 24, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87-22477 Filed 9-29-87; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-391, RM-5797]

Radio Broadcasting Services; Fowler, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Bilmar Communications, Inc., proposing the substitution of FM Channel 244B1 for Channel 244A at Fowler, California, and modification of the license of Station KEZL-FM accordingly, to provide that community with its first expanded coverage area FM service.

DATES: Comments must be filed on or before November 16, 1987, and reply comments on or before December 1, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Mark A. Kanai, Esq., Law Offices of Mark A. Kanai, P.C., 1101-15th Street, Modesto, CA 95353.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-391 adopted September released

September 24, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments. See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-22447 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-375, RM-5827]

Radio Broadcasting Services; Freeport, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Gary Randall Billingsley and Paul H. Reynolds, which seeks to allot Channel 229A to Freeport, Florida, as a first FM broadcast service.

DATES: Comments must be filed on or before November 16, 1987, and reply comments on or before December 1, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Paul H. Reynolds, Amerimedia, 415 N. College Street, Greenville, Alabama 36037 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, MM Docket No. 87-375, adopted August 25, 1987, and released September 23, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-22446 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-361, RM-5852]

Radio Broadcasting Services; Dennysville, ME

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Timothy D. Martz, proposing the allocation of FM Channel 275A to Dennysville, Maine, as that community's first FM broadcast service. Concurrence of the Canadian government is required for the allotment of FM Channel 275A at Dennysville.

DATES: Comments must be filed on or before November 16, 1987, and reply comments on or before December 1, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James R. Bayes, Jerry V. Haines, Wiley, Rein & Fielding, 1776 K Street, NW, Washington, DC 20006, (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-361, adopted August 20, 1987, and released September 24, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-22449 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-379, RM-5870]

Radio Broadcasting Services; Crystal Falls, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Munising Radio, Inc., requesting the substitution of FM Channel 264C1 for 264C at Crystal Falls, Michigan. Channel

264C at Crystal Falls has been available for application since October 12, 1984. The channel is currently vacant with no pending applications on file at the Commission. Munising Radio, Inc. has requested the substitution of channels because of the unavailability of transmitter sites for a full Class C facility. Channel 264C1 can be allocated to Crystal Falls with a site restriction 1 kilometer southwest of the community. Concurrence of the Canadian government is required for the allotment of FM Channel 264C1 at Crystal Falls.

DATES: Comments must be filed on or before November 16, 1987, and reply comments on or before December 1, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert A. Kramer, Munising Radio, Inc., 205 Chichester Cove, Longwood, Florida 32779.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-379, adopted August 25, 1987, and released September 24, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, D.C. The compete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-22459 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-378, RM-5927]

Radio Broadcasting Services; Saint Robert, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Kevin A. Barton, proposing the allocation of FM Channel 243A to Saint Robert, Missouri, as that community's first FM broadcast service.

DATES: Comments must be filed on or before November 16, 1987, and reply comments on or before December 1, 1987.

ADDRESS: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kevin A. Barton, Route #1, Box 313A, Dixon, Missouri 65459.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-378, adopted August 25, 1987, and released September 24, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau

[FR Doc. 87-22460 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-335, RM-5634 and RM-5897]

Radio Broadcasting Services; Steelville and Hermann, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule correction.

SUMMARY: This is a corrected version of the Notice of Proposed Rule Making for Docket 87-335, released on August 26, 1987, and published 52 FR 33256 September 2, 1987. This document requests comments on two separate petitions Twenty-One Sound Communications Inc. requests the substitution of FM Channel 227C2 for 244A at Steelville, Missouri and modification of its license for Station KNSX-FM to specify operation on channel 227C2. Kenneth W. Kuenzie proposes the allotment of FM Channel 227A to Hermann, Missouri as that community's first FM broadcast service. There is a site restriction 6.8 kilometers (4.2 miles) west of the community.

DATES: Comments must be filed on or before November 13, 1987, and reply comments on or before November 30, 1987.

ADDRESS: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

Randal Wachter, Twenty-One Sound Communications, Inc., 3418 Douglas Road, Florissasnt, Missouri 63034.

Kenneth W. Kuenzie, 102 Elm Street, Suite 203, Washington, Missouri 63090.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's corrected Notice of Proposed Rule Making, MM Docket No. 87-335, adopted August 5,

1987, and released September 22, 1987. The full text of this Commission decision is avialable for inspection and copying during normal business hours in the FCC Dockets Branch (Room 23), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau

[FR Doc. 87-22445 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-279; RM-5823]

Television Broadcasting Services; Lewisburg, WV

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects the initial comment date in the Proposed Rule making in this proceeding concerning TV allotment in Lewisburg, West Virginia.

DATES: Comments on the Proposal are due on or before September 28, 1987. The reply comment period remains unchanged.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: The original proposal was published on August 17, 1987, 52 FR 30693.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-22453 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

Western Pacific Crustacean Fisheries; Availability of Amendment to Fishery Management Plan and Request for Comments

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Western Pacific Fishery Management Council has resubmitted Amendment 5 to the Spiny Lobster (Crustacean) Fishery Management Plan of the Western Pacific Region (FMP) for review by the Secretary of Commerce (Secretary) and is requesting comments from the public.

DATE: Comments will be accepted through October 25, 1987.

ADDRESSES: Send comments to E.C. Fullerton, Director, Southwest Region, NMFS 300 South Ferry Street, Terminal Islands, CA 90731. Copies of the amendment are available on request from the Council at 1164 Bishop Street, Room 1405, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 808-523-1368.

SUPPLEMENTARY INFORMATION: This amendment was prepared under the provisions of the Magnuson Fishery Conservation and Management Act, which requires that the Secretary, upon receiving an FMP or amendment, must immediately publish a notice that the FMP or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve this amendment.

Amendment 5 was originally submitted on June 24, 1987. A notice of availability was published in the **Federal Register** on June 29, 1987 (52 FR 24197); however, the amendment was disapproved by the Secretary of Commerce on August 7, 1987, because it did not contain a specification of optimum yield or total allowable level of foreign fishing (TALFF) for the slipper lobster resource. The amendment was withdrawn from public review while the Council amended the document. The Council resubmitted the amendment on September 21, 1987.

This resubmitted version of the amendment proposes the same measures as the original amendment: (1) To establish a minimum legal size for slipper lobster, (2) to require escape vent panels in all lobster traps, (3) to require release of any slipper lobster carrying eggs, (4) to revise the daily lobster catch report, (5) to revise permit application forms, (6) to eliminate the annual processor's report, (7) to revise the trip processing and sales report, and (8) to change the name of the FMP. The receipt date for the resubmitted version of this amendment is September 26, 1987.

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

Dated: September 25, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-22588 Filed 9-28-87; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 189
Wednesday, September 30, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 25, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should adivse the OMB Desk Office of your intent as early as possible.

Extension

Farmers Home Administration

7 CFR 1951-K, Predetermined Amortization Schedule System (PASS) Policies
On occasion
Individuals or household; Non-profit institutions; Small businesses or organizations; 300 responses; 75 hours; not applicable under 3504(h)
Jack Holston (202) 382-9736

Farmers Home Administration

7 CFR 1955-A, Liquidation of Loans Secured by Real Estate and Aquisitions of Real and Chattel Property
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; 18,610 responses; 12,232 hours; not applicable under 3504(h)
Jack Holston (202) 382-9736

Foreign Agricultural Service

Declaration of Sale
FAS-359
On occasion
Businesses or other for-profit; 706 responses; 176 hours; not applicable under 3504(h)
James Chase (202) 447-5780

Food Safety and Inspection Service

Regulations Governing Meat Inspection, Part 309.16, Livestock suspected of having biological residues
On occasion
Individuals or households; Farms; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 760,000 responses; 42,683 hours; not applicable under 3504(h)
Roy Purdie, Jr., (202) 447-5372

Revision

Rural Electrification Administration

Loans for Telephone System Improvements and Extensions
REA 490, 494, 495 and 569
On occasion
Small businesses or organizations; 800 responses; 4,100 hours; not applicable under 3504(h)
F. Lamont Heppe, Jr. (202) 382-8530

Jane A. Benoit,
Departmental Clearance Officer.

[FR Doc. 87-22554 Filed 9-29-87; 8:45 am]

BILLING CODE 3410-01-M

Determination of Market Stabilization Price for Sugar for Fiscal Year 1988

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice sets forth the market stabilization price for sugar for the period October 1, 1987-September 30, 1988 as 21.76 cents per pound, raw value.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: John Nuttall, Chief, Sugar Group, Foreign Agricultural Service, Room 6095, South Building, Department of Agriculture, Washington, DC 20250, Telephone: (202) 447-2916.

SUPPLEMENTARY INFORMATION: The market stabilization price is used to determine bond requirements and maximum liabilities under certain programs authorized by Presidential Proclamation No. 5002 of November 30, 1982 (47 FR 54269). The calculation of the market stabilization price is provided for in 7 CFR 6.300 through 6.302 and is the sum of (1) the price support level for the applicable fiscal year, expressed in cents per pound of raw cane sugar; (2) adjusted average transportation costs; (3) interest costs, if applicable; and (4) 0.2 cent per pound. The adjusted average transportation costs are the weighted average costs of handling and transporting domestically produced raw cane sugar from Hawaii to Gulf and Atlantic Coast ports, as determined by the Secretary. Interest costs are the amount of interest, as determined and estimated by the Secretary, that would be required to be paid by a recipient of a price support loan for raw cane sugar upon repayment of the loan at full maturity. Interest costs shall only be applicable where, as under the current sugar price support program, a price support loan recipient is not required to pay interest upon forfeiture of the loan collateral.

The Secretary of Agriculture has anounced that the applicable loan rate under the price support program for sugar, expressed in cents per pound for raw cane sugar, will be 18.00 cents per pound for loans disbursed during the period October 1, 1987-September 30, 1988.

Accordingly, after appropriate review, it has been determined that the market stabilization price for fiscal year 1988

shall be 21.76 cents per pound. This consists of the 18.00 cents per pound loan rate; adjusted average transportation costs of 2.96 cents per pound; an interest cost of .60 cent per pound; and 0.2 cent per pound. The transportation factor represents data for the most recent year for which complete data are available, 1986, projected forward to 1987 by applying a projected increase in the Producer Price index for finished goods over this time. The interest factor is based on an estimated average interest rate of 6.625 percent over the year, and a six month loan maturity period.

Notice

Notice is hereby given that, in conformity with the provisions of 7 CFR 6.300(a), the market stabilization price for sugar for fiscal year 1988 has been determined to be 21.76 cents per pound.

Signed at Washington, DC on September 25, 1987.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 87-22548 Filed 9-29-87; 4:43 pm]

BILLING CODE 3410-10-M

Forest Service

Exterior Boundary Changes; Chugach National Forest, AK

AGENCY: Forest Service, USDA.

ACTION: Notice; boundary changes.

SUMMARY: The Alaska National Interest Lands Conservation Act of December 2, 1980 (Pub. L. 96-487, 94 Stat 2371; 16 U.S.C. 3210) changed the exterior boundary of the Chugach National Forest, Alaska, in five locations with a net addition of 1,893,390 acres.

Legal descriptions and maps of the College Fiord, the Controller Bay, the Copper/Rude River, and the Nellie Juan additions and the Two Indians exlusion are now on file for public inspection at the following offices:

Chief, Forest Service, USDA, South Agriculture Building, Room 4238, 12th and Independence Avenue, SW., Washington, DC 20013

Regional Forester, Alaska Region, P.O. Box 021628, Juneau, AK 99802-1628

Forest Supervisor, Chugach National Forest, 201 E. 9th Avenue, Suite 206, Anchorage, AK 99501

FOR FURTHER INFORMATION CONTACT: Charles Low, Lands, Minerals, and Watershed Staff, Alaska Region, P.O. Box 021628, Federal Office Building, Juneau, AK 99802, (907) 586-7874.

Dated: August 19, 1987.

Michael A. Barton,

Regional Forester, Alaska Region.

[FR Doc. 87-22483 Filed 9-29-87; 8:45 am]

BILLING CODE 3410-11-M

Electronic Communications Rental Fees for the Eastern Region

AGENCY: Forest Service, USDA.

ACTION: Notice of adoption of final policy.

SUMMARY: The Eastern Region of the Forest Service headquartered in Milwaukee, Wisconsin hereby gives notice that it is adopting new policy and procedures for determining rental fees for electronic communications sites. A minimum fee schedule for certain types of electronic communications has been established. The policy also provides for the establishment of rental fees above the minimum fees and fees for other types of electronic uses not specifically noted; based on market evidence and other sound business management practices.

EFFECTIVE DATE: This policy is effective September 30, 1987. The policy will be disseminated through the Agency's internal directive system.

FOR FURTHER INFORMATION CONTACT: Timothy G. Curtis, Lands, Watershed and Minerals Management Staff, (414) 291-1902.

SUPPLEMENTARY INFORMATION: On May 4, 1987, the Eastern Region of the Forest Service published notice of a proposed change to the existing policy for determining annual rental fees for communications sites in the Region (52 FR 16293, 16294).

The Region proposed the establishment of minimum fees as follows:

—Two-way Radios. A minimum fee of $200 per year. Applies to permittees renting space on an existing tower or for a permittee with a tower and associated building.

—Commercial Radio/TV Broadcasting and Microwave. A minimum fee of $1000 per year.

Rental fees above these minimums and for all other forms of electronic uses may be established on the basis of market evidence and other sound business management practices, including fees based on individual site appraisal, competitive bidding for large or unique sites or where competitive interest exists. Fee negotiations may also be appropriate.

Analysis of Public Comment

Each electronic site permittee in the Eastern Region was mailed a copy of the proposed policy. The general public was notified of the proposed policy through the **Federal Register.** The Forest Service received 8 responses; the number and percentage of which are categorized as follows:

Respondent	Number	Percentage
Amateur Radio Permittees	3	37.5
Other Government Permittees	2	25.0
Cable TV Permittees	2	25.0
Electronic Site User	1	12.5
Total	8	100.0

All of the comments received have been reviewed and given consideration in reaching the final decision. Comments have been summarized by type of respondent.

1. Amateur Radio Permittees.

All of the amateur radio respondents expressed the opinion there should be no charge for use by this group. They point out that amateur radio is frequently called upon to provide communication service in times of emergencies such as floods, tornados and fires.

They are chartered as nonprofit organizations by law and, therefore, do not charge for their services.

The Eastern Region agrees that amateur radio operators can provide a useful public service. The fee for two-way radios may be partially waived depending on the extent of public service provided; to be determined by the authorizing officer in conformity with 36 CFR 251.57(b).

2. Other Government Permittees.

Two government agencies (one state, one county) commented. In both cases these agencies provide reciprocal use for Forest Service communication facilities. Where state or local government agencies provide reciprocal use without charge, their fee may generally be waived. However, should these agencies sublet space for a charge, they in return will normally be subject to a fee. The authorizing officer shall determine on a case by case basis, in conformity with 36 CFR 251.57(b) if fees should be charged or waived.

3. Cable TV Permittees.

The respondents generally expressed concerns that the minimum fee schedules being proposed would be excessive. However, the minimum fee schedule does not apply to this category of users. Fees for cable TV permittees will be established on an individual basis to reflect market value of the area in which the use is located.

4. Electronic Site User.

One comment was received by a commercial user who expressed support for the revision of fee determination policy but felt that fees should reflect rental prices in the local area. We believe the changes proposed in our fee policy will accomplish this. The minimum fee schedule does not exceed the market value based on our previous market analysis. Additionally there were no comments expressing concerns that the minimum rates published in the initial **Federal Register** Notice were too high. The local rental market will be the basis for charging fees above the minimum fee schedule.

Summary of Final Notice

Minimum fees by category of user is established as follows:

Type of use	Minimum fee (per annum)
Two-way radio	$200
Commercial radio/TV broadcast and microwave	1,000

Rental fees above these minimums and fees for all other categories of electronic uses will be established on the basis of market evidence and other sound business management practices, including fees based on individual site appraisals, competitive bidding for large or unique sites, or where competitive interest exists. Fee negotiations may also be appropriate. Overall guidance for determining fees for communication sites can be found in Forest Service Manual 2728, Amendment 90, January, 1987.

Fees will be adjusted annually using changes reflected by the second quarter Implicit Price Deflator-Gross National Product (IPD–GNP) index. The fees for electronic uses will be updated at 5-year intervals.

The initial notice indicated an effective date of January 1, 1988. New permits issued between publication of the final notice and January 1, 1988, were to conform to the new fee policy prorated to the effective date of January 1, 1988. This has been changed to make the effective date of the final policy the date of publication in the **Federal Register.** New fees will be implemented upon publication of this Final Notice.

So that holders may adjust their operations to the fee changes, the portion of the new fee that exceeds 100% increase will be phased in over a three year period beginning with CY 1988 fees. To facilitate calculation of the phased in amounts, IPD–GNP annual adjustments will be deferred until full fees are attained for CY 1990.

This decision is subject to appeal under provision of 36 CFR 211.18. Notice of such appeal must be received by the Regional Forester within 45 days of publication in the **Federal Register.**

Date: September 17, 1987.

Jim Jordan,

Deputy Regional Forester.

[FR Doc. 87–22489 Filed 9–29–87; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Florida Advisory Committee; Postponement of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission scheduled for 9:00 a.m. on October 1, 1987, at the Radisson Mart Plaza Hotel, Palm Room, 711 NW., 72nd Ave., Miami, Florida has been postponed until further notice.

For further information, contact Committee Chairperson Michael J. Moorhead (904/392–2211) or John I. Binkley, Director of the Eastern Regional Division, at (202/523–5264; TDD (202/376–8117).

Dated at Washington, DC, September 22, 1987.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 87–22498 Filed 9–29–87; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-577-701]

Initiation of Countervailing Duty Investigation; Carbon Steel Wire Rod From Malaysia

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Malaysia of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before November 27, 1987.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Gary Taverman or Steven Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–0161 or 377–0189.

SUPPLEMENTARY INFORMATION:

The Petition

On September 3, 1987, we received a petition in proper form from Armco, Inc., Georgetown Steel Corp. and Raritan River Steel Co., filed on behalf of the U.S. industry producing carbon steel wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Malaysia of carbon steel wire rod receive, directly or indirectly, certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Since Malaysia is not a "country under the Agreement" within the meaning of section 701(b) of the Act, sections 303(a)(1) and 303(b) of the Act apply to this investigation. Accordingly, petitioners are not required to allege that, and the U.S. international Trade Commission is not required to determine whether, imports of the subject merchandise from Malaysia materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on carbon steel wire rod from Malaysia and have found that the petition meets these requirements.

We conducted a previous investigation of the subject merchandise from Malaysia and made a negative preliminary determination (51 FR 20324, June 4, 1986). Subsequent to our verification, petitioners withdrew their petition and we terminated the investigation. In the current petition, petitioners have asked us to investigate programs which were not investigated in

the earlier case, new programs, and programs which may have changed since the earlier negative preliminary determination. In light of these allegations, we have determined that an investigation is warranted.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Malaysia of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make our preliminary determination on or before November 27, 1987.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. Congress is considering legislation to convert the United States to this harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated (TSUSA)* item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the *TSUSA*, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the *TSUSA* item number(s) in all new petitions filed with the Department. A reference copy of the proposed HS schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contract the Import Specialist at their local Customs office to consult the schedule.

For purposes of this investigation, the term "carbon steel wire rod" covers coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch in diameter, nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. Wire rod is currently classifiable under items 607.1400, 607,1710, 607.1720, 607.1730, 607.2200, and 607.2300 of the *Tariff Schedules of the United States Annotated* and under HS item numbers 7213.20.00, 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.49.00 and 7213.50.00

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Malaysia of carbon steel wire rod receive benefits that constitute bounties or grants under the following programs. We are initiating an investigation on the following allegations:

Export Tax Incentives

- An abatement of taxable income based on value added and/or the ratio of export sales to total sales
- An abatement of net taxable income of eight percent of the f.o.b. value of export sales if Malaysian content is more than 50 percent under section 29 of the investment incentives act of 1968
- An abatement of taxable income of five percent for trading companies exporting Malaysian-made products
- An abatement of taxable income of five percent of the value of Malaysian made inputs incorporated into exports
- An abatement of taxable income of five percent of the value of indigenous materials used in exports
- A double deduction from taxable income for export credit insurance premiums purchased from government approved insurance companies
- A double deduction from taxable income for expenses related to export promotion
- A duty and surtax exemption on imported materials available on preferential terms to manufacturers who export
- An industrial building allowance income tax deduction for a percentage of the value of warehouses used to store materials ultimately destined for export

Other Export Incentives

- Short term export financing at preferential rates
- Export insurance issued by a government corporation at premium rates which are inadequate to cover the long term operating costs and losses of the insurance program

Other Tax Incentives

- Pioneer status benefits including tax holidays, exemptions from company taxes, exemptions from development taxes, exemptions from excess profits tax, exemptions from taxes on dividends paid out of profits earned during the tax holiday, and additional tax holidays
- Investment tax allowance/investment tax credit for qualifying capital expenditures

Government Financial Assistance

- Medium- and long-term loans on terms inconsistent with commercial considerations

We are not initiating an investigation on the following program:

Government Equity Infusions

Petitioners allege that the Government of Malaysia has provided financial assistance in the form of investments on terms inconsistent with commercial considerations in Malayawata Steel Bhd. In order for the Department to investigate an allegation on equity, the petition must contain (1) evidence of government equity participation, and (2) a showing that such participation may be on terms inconsistent with commercial considerations.

Petitioners provided insufficient information regarding Government of Malaysia equity participation in Malayawata. Therefore, we are not initiating an investigation on this allegation.

As a standard practice in our countervailing duty questionnaires, we ask for information on the ownership structure of each firm and for financial statements. If the information provided in response to these standard questions shows that the Government of Malaysia has invested in Malayawata on terms inconsistent with commerical considerations, we will examine this issue further.

This notice is published pursuant to section 702(c)(2) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

September 23, 1987.

[FR Doc. 87-22556 Filed 9-29-87; 8:45 am]

BILLING CODE 3510-DS-M

Withdrawal of Application for Duty-Free Entry of Scientific Instruments; SRI International

SRI International has withdrawn Docket Number 86-056R, an application for duty-free entry of a CO_2 Laser. We have discontinued processing in accordance with § 301.5(g) of 15 CFR Part 301.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-22557 Filed 9-29-87; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Deduction in Charges of Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

September 25, 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, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986), has issued the directive published below to the Commission of Customs to be effective on October 1, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to deduct charges made to the restraint limits established for Categories 331/631, 338/339/638/639 and 347/348/647/648 for the period which began on September 1, 1986 and extends through December 31, 1987. Subsequently, these same amounts will be charged to the guaranteed access levels established for properly certified textile products in Categories 331/631, 338/339/638/639 and 347/348/647/648 which are assembled in Jamaica from fabric formed and cut in the United States and exported from Jamaica during this same sixteen-month period.

Background

On November 21, 1986 a notice was published in the **Federal Register** (51 FR 42128) announcing import restraint limits for certain cotton, wool and man-made fiber textile products, including Category 331/631, produced or manufactured in Jamaica and exported during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987. A notice published on February 27, 1987 (52 FR 6049) announced guaranteed access levels for textile products in Category 331/631, among others, which are properly certified textile products assembled in Jamaica from fabric formed and cut in the United States.

Further, a notice was published in the **Federal Register** on April 1, 1987 (52 FR 10398) announcing import restraint limits for certain cotton and man-made fiber textile products in Categories 338/339/638/639 and 347/348/647/648, produced or manufactured in Jamaica and exported during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987. This notice also announced guaranteed access levels for products in the foregoing categories which are properly certified textile products assembled in Jamaica from fabric formed and cut in the United States.

During consultations between the Governments of the United States and Jamaica, the United States agreed to deduct charges for shipments qualifying for guaranteed access levels which were made to designated consultation levels. It was further agreed that these goods would be charged to corresponding guaranteed access levels.

The Government of Jamaica has provided documentation to the U.S. Government establishing that products in Category 331/631 and additional products in Categories 338/339/638/639 and 347/348/647/648 were assembled exclusively from U.S. formed and cut fabric and qualified for entry under the guaranteed access levels. These goods were charged to the designated consultation levels because of the unavailability of proper documentation (CBI Export Declaration (Form ITA–370P)) required for entry under TSUSA 807.0010.

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).*

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

September 25, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC. 20229

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica, I request that, effective on October 1, 1987, you deduct the following amounts from charges made to the import restraint limits established in the directive of November 17, 1986 for cotton and man-made fiber textile products in Category 331/631 and, as amended on March 27, 1987, in Categories 338/339/638/639 and 347/348/647/648, produced or manufactured in Jamaica and exported during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987.

Category	Amount to be deducted
331	250,070 dozen pairs.
338	7,666 dozen.
347	32,598 dozen.
348	5,051 dozen.
638	2,139 dozen.
647	730 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

This letter will be published in the **Federal Register.**

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–22558 Filed 9–29–87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Korea

September 25, 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 October 1, 1987. For further information contact Kimbank Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quotas status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566–8041. 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 restraint limits for Categories 342 and 636, produced or manufactured in Korea and exported during 1987.

Background

A CITA directive dated December 23, 1986 (51 FR 47044) established important restraint limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including Categories 342 and 636, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Under the terms of the Bilateral Textile Agreement of November 21 and December 4, 1986, as amended, and at the request of the Government of the Republic of Korea, the limits for Categories 342 and 636 are being increased by application of swing. In addition, Category 636 also is being increased for carryforward.

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.**

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

September 25, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 23, 1986, concerning imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on October 1, 1987, the directive of December 23, 1986 is amended to include the following adjustments to the previously established restraint limits for cotton and man-made fiber textile products in Categories 342 and 636, under the terms of the bilateral agreement of November 21 and December 4, 1986, as amended [1]

Category	Adjusted 12-mo. limit[1]
342	79,816 dozen.
636	240,630 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1986.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-22560 Filed 9-29-87; 8:45 am]

BILLING CODE 3510-DR-M

Proposed Correlation; Textile and Apparel Categories With Tariff Schedules of the United States Annotated 1988

September 25, 1987

For Further Information Contact: Kathy Davis, 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 a proposed Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated for 1988 will be available beginning October 5, 1987.

The Correlation provides for placement of numbers from the Tariff Schedules of the United States (TSUSA) in the textile and apparel category system. This publication will set forth the new category system to be used by the United States to implement bilateral textile agreements and Article 3 restraints under the Arrangement Regarding International Trade in Textiles and unilateral restraints under Section 204 of the Agricultural Act of 1956, as amended, under the proposed Harmonized System (see 52 FR 6597, published on March 4, 1987).

To obtain a copy of the proposed Correlation, send an $80.00 check or money order, payable to the U.S. Department of Commerce, to: U.S. Department of Commerce, 14th and Constitution Avenue NW., Room H3100, Washington, DC, 20230 Attn: Proposed Correlation.

James H. Babb,

Chairman, Committee for the Implementation of textile Agreements.

[FR Doc. 87-22559 Filed 9-29-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that (1) group limits, specific limits and sublimits may be exceeded by designated percentages for swing, carryforward and/or carryover. No carryforward will be available in the final agreement year, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Mauritius Effective on October 1, 1987

September 25, 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 October 1, 1987. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 331, 335/835, 338/339, 340, 341/641, 347/348, 604-A, 638/639, 640, 640pt., 647/648/847, and Categories 345, 438, 445, 446, 645 and 646, and a group (Group I), produced or

manufactured in Mauritius and exported during the twelve-month period which begins on October 1, 1987 and extends through September 30, 1988, at designated limits.

Background

The Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of June 3 and 4, 1985, as amended, between the Governments of the United States and Mauritius establishes import restraint limits for cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 331, 335/835, 338/339, 340, 341/641, 347/348, 604-A, 638.639, 640, 640pt., 647/648/847, and cotton, wool and man-made fiber textile products in Categories 345, 438, 445, 446, 645 and 646, and a group (Group I), produced or manufactured in Mauritius and exported during the twelve-month period which begins on October 1, 1987 and extends through September 30, 1988.

Further, during consultations in September 1986 and March 1987 between the Governments of the United States and Mauritius, agreement was reached to charge 1986 overshipments for Category 341 to each of the next three agreement years, beginning with the period October 1, 1987 through September 30, 1988. Consequently, 36,966 dozen shall be charged for Category 341 to the restraint limit established in this directive for Category 341/641.

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 (48 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 20768) 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.**

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

September 25, 1987.

Committee For The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of June 3 and 4, 1985, as amended, between the Governments of the United States and Mauritius; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 1, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Mauritius and exported during the twelve-month period which begins on October 1, 1987 and extends through September 30, 1988, in excess of the following restraint levels:

Category group I	12-mo restraint level
345, 438, 445, 446, 645 and 646, as a group.	118,485 dozen
331	318,000 dozen pairs
335/835	47,700 dozen
338/339	224,720 dozen
340	238,203 dozen
341/641	253,340 dozen
347/348	450,500 dozen
604-A [1]	564,980 pounds
638/639	258,428 dozen
640	121,900 dozen of which not more than 42,665 dozen shall be in shirts made from fabric with two or more colors in the warp and/or the filling in TSUSA numbers 381.3132, 381.3142, 381.3152, 381.9535, 381.9547 and 381.9550
647/648/847	371,000 dozen

[1] In Category 604-A, only TSUSA numbers 310.5049 and 310.6045.

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in Mauritius, which have been exported to the United States during the periods which began, in the case of Categories 345, 438, 445, 446, 645 and 646 in Group I and Categories 331, 338/339, 340, 341/641, 347/348, 638/639 and 640, on October 1, 1986; in the case of Categories 335/835 and 604-A, on March 1, 1987; and, in case of Category 647/648/847, on April 1, 1987; and extend through September 30, 1987, shall, to the extent of any unfilled balances, be charged against the restraint limits established for those periods. In the event the limits have been exhausted by previous entries, such goods shall be subject to the limits set forth in this letter.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of June 3 and 4, 1985, as amended, between the Governments of the United States and Mauritius, which provide, in part, that the limits may be exceeded by not more than 10 percent for carryover and carryforward and the limits for Categories 338/339 and 638/639 may be exceeded by not more than 7 percent for swing, provided that an equal amount in equivalent square yards is deducted from one or more specific limits during the same agreement year. Any appropriate adjustments under the provisions of the agreement referred to above will be made to you by letter.

Also effective on October 1, 1987, you are directed to charge 36,966 dozen for Category 341 to the limit established in this letter for Category 341/641.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-22582 Filed 9-29-87; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1987; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1987 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: October 30, 1987.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145

SUPPLEMENTARY INFORMATION: On June 26 1987, the Committee for Purchase for the Blind and Other Severely Handicapped published notice (52 FR 24049 of a proposed addition to Procurement List 1987, November 3, 1986 (51 FR 39945).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1987: Janitorial/Custodial, 914 Tactical Airlift Group (AFRES), Niagara Falls International Airport, Niagara Falls, New York.

C.W. Fletcher,

Executive Director.

[FR Doc. 87–22505 Filed 9–29–87; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting; Electron Devices Advisory Group

SUMMARY: Working Group B (Microelectonics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 10:30 a.m., Tuesday, 6 October 1987, and 9:00 a.m., Wednesday, 7 October 1987.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 S. Crystal Drive, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Becky Terry, AGED Secretariat, 2011 Crystal Drive, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The Microelectronics area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 25, 1987.

[FR Doc. 87–22562 Filed 9–29–87; 8:45 am]

BILLING CODE 3810-01-M

Meeting; Election Devices Advisory Group

SUMMARY: Working Group C (Mainly Opto Electronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Wednesday, 14 October and 0900, Thursday, 15 October 1987.

ADDRESS; The meeting will be held at Lawrence Livermore National Laboratory, Bldg. 481, Room 2005, Livermore, California.

FOR FURTHER INFORMATION CONTACT: Gerald Weiss, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economic and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging devices, infrared detectors and lasers. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 25, 1987.

[FR Doc. 87–22563 Filed 9–29–87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Partially Closed Meeting

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

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 19–22 October 1987.

Times of Meeting: 0800–1700 hours.

Place: Fort Bragg, North Carolina.

Agenda: The 1987 Army Science Board Fall General Membership Meeting will include:

19 October, 0905–0945—Closed. The rest of the day is open.

20 October, 0800–1300—Open. Briefings by Ft. Bragg personnel.

20 October, 1300–1700 through COB 22 October—Closed.

Subjects to be discussed include Competitive Strategies, Information Management, Bio Defense, BAST Overview and Force Cost Drivers. This portion of the meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contracted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87–22497 Filed 9–29–87; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Privacy Act of 1974; New System of Records Established for Computer Matching Purposes to Implement Debt Collection Actions Under the Debt Collection Act of 1982

AGENCY: Defense Manpower Data Center (DMDC), Defense Logistics Agency, DoD.

ACTION: This action constitutes notice for public comment of a new system of records established for computer matching purposes by interagency agreement to assist Federal creditor

agencies implement debt collection actions under the Debt Collection Act of 1982.

SUMMARY: The Defense Manpower Data Center, Defense Logistics Agency, Department of Defense, is proposing a new record system established under an interagency agreement, devoted exclusively for debt collection efforts under the Debt Collection Act of 1982, in order to conduct computer matching with Federal creditor agencies for the purpose of identifying and locating individuals receiving Federal salaries or other Federal benefit payments and indebted to the U.S. Government. This new record system will identify delinquent debtors and allow Federal creditor agencies to initiate prompt collection action by contacting the debtors for voluntary repayment or pursue involuntary offset procedures against the employees' wages.

DATES: This proposed action shall be effective on or before October 30, 1987, unless comments are received that would result in a contrary determination.

ADDRESS: Send any comments to Mr. Aurelio Nepa, Jr., Staff Director, Defense Privacy Office, Room 205, 400 Army Navy Drive, Arlington, VA 22202. Telephone: (202) 694-3027, Autovon: 224-3027.

SUPPLEMENTARY INFORMATION: The establishment of this new system of records was accomplished after study, planning and coordination of an interagency working group and resulted in an interagency agreement for the Federal Salary Offset Initiative to improve and implement debt collection efforts by Federal agencies. The interagency agreement, with attachments, is published in full text below and proposes a central location for records to be matched. This central focus on the use of computer matching techniques as a tool will permit any Federal creditor agency that may wish to avail itself of this opportunity in its efforts on collection of delinquent debts. Federal creditor agencies interested in participating should contact the record system manager reflected in the system notice and should strictly follow the guidelines set forth in the attachments of the interagency agreement.

The Defense Logistics Agency systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 85-10237 (50 FR 22897) May 29, 1985 (Compilation)
FR Doc. 85-30123 (50 FR 51898) December 20, 1985
FR Doc. 86-17259 (51 FR 27443) July 31, 1986
FR Doc. 86-19035 (51 FR 30104) August 22, 1986
FR Doc. 87-21654 (52 FR 35304) September 18, 1987

A new system report, as required by 5 U.S.C. 552a(o) of the Privacy Act of 1974 was submitted on September 18, 1987 to the Administrator, Office of Information and Regulatory Affairs, OMB, the President of the Senate, and the Speaker of the House of Representatives, pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985) and paragraph 5.f.(1) of the OMB "Revised Supplemental Guidance for Conducting Matching Programs," dated May 11, 1982 (47 FR 21656, May 19, 1982).

Patricia H. Means,
OSD Federal Register Liaison Officer, Department of Defense.
September 24, 1987.

Interagency Agreement for Federal Salary Offset Initiative Implementation of the Debt Collection Act of 1982

The Office of Management and Budget (OMB) has established an Interagency Working Group for the Federal Employee Salary Offset Initiative. It is to assist Federal agencies in identifying Federal employees and others receiving Federal compensation who are delinquent debtors to such agencies. It has been established as a mechanism to enforce the provisions of the Debt Collection Act of 1982.

The Interagency Working Group shall consist of the following agencies: The Financial Management Service, the Office of Management and Budget, the Department of Defense (DoD), and the Office of Personnel Management (OPM). The Department of the Treasury shall serve as lead agency.

The OPM shall provide the DoD with current automated files on all personnel employed or compensated by the Federal Government. The Department of Transportation and the U.S. Postal Service may in the near future provide DoD with similar files of all employed personnel at the U.S. Coast Guard and the Postal Service.

The DoD, Defense Manpower Data Center (DMDC) shall use the above separate data bases on Federal employment and Federally compensated persons. They shall establish and maintain the capability to respond to inquiries from Federal creditor agencies about identifying data about persons who are delinquent in a debt to the Federal Government.

The agencies who are members of the Group in coordination with OMB, shall develop and publish operating procedures. These procedures will include strict compliance with the Debt Collection Act of 1982 and the Privacy Act of 1974.

When the Working Group becomes operational, all creditor agencies will be requested to submit to the Group names of persons against whom they have determined to have a clear valid claim.

Interagency Agreement for Federal Salary Offset Initiative

Background

The Debt Collection Act of 1982, (Pub. L. 97-365), provided an administrative mechanism for Federal Agencies to collect delinquent debts owed by individuals receiving salary or similar compensation from the Federal Government. Delinquent debts can be collected via an involuntary offset to salaries and pensions of fifteen percent disposable income. It is clearly the policy of the Administration that Federal employees should honor their just debts and that the provisions of the Debt Collection Act be used where voluntary compliance is not forthcoming. The utilization of computer matching programs is key to the ability of various Federal agencies to identify and locate delinquent debtors receiving offsetable payments from various Federal sources. Efforts to date under the Debt Collection Act have for the most part been bilateral between selected agencies having delinquent debtors and other agencies having records on large numbers of individals receiving various forms of Federal compensation.

Purpose

The purpose of this agreement is to bring a central focus on the use of computer matching techniques as a tool for the collection of delinquent debts. While it is clearly preferable to receive voluntary repayment of such debts from individuals who may be identified through computer matching, it is recognized that involuntary offset procedures under the provisions of the Debt Collection Act will be utilized when voluntary repayment is not forthcoming. The Office of Management and Budget (OMB) has designated the Department of the Treasury, Financial Management Service, as the Lead Agency to coordinate and monitor the implementation of the government's Federal Salary Offset program.

This agreement, restricted exclusively to the implementation of the Debt

Collection Act, is intended to establish an Interagency Working Group to facilitate computer matching and subsequent salary offset throughout the Federal government under the auspices and oversight of the Office of Management and Budget (OMB). The Interagency Working Group will be chaired by Treasury and will consist of those agencies having records on individuals receiving Federal compensation offsetable under the Debt Collection Act. At the outset, the members of the Interagency Working Group will consist of the Department of Treasury, Office of Personnel Management (OMB), and the Department of Defense (DoD).

Objectives

It is recognized at the outset that computer matching can be conducted most efficiently if there is central location for records to be matched. Such centralization will eliminate duplication in data processing, in the negotiation of required Memoranda of Understanding between agencies, and in the publication of various announcements in the **Federal Register** which are required by the Privacy Act of 1974, as amended, and by the OMB Guidelines on Computer Matching. It is further recognized and agreed upon that no data base will be used for any other purposes other than that authorized by the Debt Collection Act. No single agency (e.g. DoD) maintaining the data bases as the matching agency shall have sole responsibility for determining what other uses shall be made of records in its custody received from another source agency. These activities shall be controlled as a policy matter by the Interagency Working Group, with each of the member agencies retaining control of the uses made of its own records.

An additional objective of this agreement is to establish procedures for sharing the work load and financial burden associated with computer matching subsequent salary offset among those members of the Interagency Working Group as well as among those other Federal creditor agencies who will utilize the resources of the Interagency Working Group to recover funds owed them. Attachment A, Roles and Responsibilities, and Attachment B, Example of Interagency Memorandum of Understanding (MOU) to Perform a Debt Collection Computer Matching Program, establish the procedures to be utilized to ensure a sharing of this burden.

It is a basic tenant of this effort that all matching activities, access to and disclosure of records, and efforts to recover funds owed will be undertaken in strict compliance with the Privacy Act, the OMB publications "Revised Supplemental Guidance for Conducting Matching Programs" and "Guidelines on the Relationship Between the Privacy Act of 1974 and the Debt Collection Act of 1982," and the due process and other provisions of the Debt Collection Act and applicable regulations.

Reporting Relationships

In its role as both the designated Lead Agency and the Chair of the Interagency Working Group, the Department of the Treasury will be responsible for establishing reporting requirements for the Interagency Working Group, for those Federal agencies which utilize the services of the group, and also, for reporting periodically to OMB on progress made and problems encountered in administering this program.

For Department of the Treasury,

W.E. Douglas,

Commissioner, Financial Management Service.

Dated: April 10, 1987.

For Office of Management and Budget,

Gerald R. Riso,

Associate Director for Management.

Dated: April 14, 1987.

For Department of Defense,

H.H. Kraft, Jr.,

Deputy Assistant Secretary of Defense (Management Systems).

Dated: April 24, 1987.

For Defense Manpower Data Center,

Kenneth C. Scheflen,

Director, DMDC.

Dated: April 16, 1987.

For the U.S. Office of Personnel Management.

Central Personnel Data File,

Phillip A.D. Schneider,

Assistant Director for Work Force Information.

Dated: April 23, 1987.

Civil Service Retired File,

Jerome D. Julius,

Deputy Associate Retirement & Insurance.

Dated: April 15, 1987.

Attachment A—Roles and Responsibilities

Agency roles and responsibilities are as follows:

Treasury Financial Management Service (FMS), lead agency, will

coordinate and monitor the implementation of the government's Federal Salary Offset program. FMS will:

- Chair the Interagency Working Group.
- Establish reporting requirements for the Interagency Working Group, agencies submitting delinquent debtor files for matching, and employing agencies.
- Report periodically to OMB and Treasury management regarding the progress of this initiative.
- Coordinate with participating agencies processing for all phases of the matching and offset procedures to ensure timely completion.
- Assist OMB in monitoring compliance with Privacy Act requirements and OMB published guidance.
- Assure agency compliance with reporting requirements on collection activity.
- Assist agencies in resolving any problems which might otherwise impede implementation of this initiative.

The Department of Defense (DoD) will:

- Negotiate the Memoranda of Understanding (example shown as Attachment B) for the matches with each agency providing the delinquent debtor file. DOD will receive and approve a Memorandum of Understanding from each creditor agency for the conduct of the match. It is in these agreements that specifics for reimbursement of DoD for costs related to the match will be contained.
- Publish a notice to match in the **Federal Register** on or about the time of the match in conformance with OMB matching guidelines.
- Perform the computer matching runs as matching agency, utilizing delinquent debtor files provided by, but not limited to, the Departments of Agriculture, Education, Housing and Urban Development, and by the Veterans Administration and Small Business Administration. DoD will match these files against civilian and retired employment files provided by the Office of Personnel Management, as well as, DoD civilian and active, retired and reserve military personnel files.
- Report the volume and dollar total of raw hits for each creditor agency match by employing agency of record to the Financial Management Service, Department of the Treasury.
- Provide a quarterly schedule of when creditor agencies are to be matched to the agencies providing the employment files.

The Office of Personnel Management will provide updated active and retired employment files on a recurring basis for matching in accordance with its agreed upon schedule with DoD.

The Office of Management and Budget will monitor privacy act compliance as a part of its ongoing oversight review responsibility.

Each creditor agency participating in the salary offset program and providing files for matching will:

- Enter into a reimbursable agreement with DoD for matching. The Agencies will draft Memorandum of Understanding for DoD approval.
- Transmit to DoD only the delinquent debtor file to be matched containing the agreed upon record fields to be matched, accompanied by format specifications enabling the match.

Each agency will designate a primary and alternate point of contact for this initiative.

Attachment B.—Example of Inter-Agency Memorandum of Understanding (MOU) To Perform a Debt Collection Computer Matching Program

Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish, before any matching takes place, administrative procedures and assign responsibility for a government-wide debt collection computer matching program. The matches will be performed at the Defense Manpower Data Center (DMDC) utilizing employment records provided by the Department of Defense and the Office of Personnel Management. The employment records will be matched with records of individuals delinquent in their debt to the Federal government as supplied by the signatory creditor agency to this MOU.

General

Under authority of the Debt Collection Act of 1982, and other applicable regulations, the head of a Federal agency may request that deductions be made from the pay of an employee or member delinquent in his/her debt to the United States. This matching program will facilitate the identification of the delinquent debtor employees and members by the employment records at one location (DMDC). The matches will be performed to allow the creditor agency to receive a current home or work address in order to issue the required due process notice. The creditor agency will be responsible for sending the request for offset to the employing agency. These procedures are expected to shorten the collection agency timeframes and reduce confusion due to utilizing standard formats and procedures.

Responsibilities

Defense Manpower Data Center shall:

• Establish and maintain a system of records (S322.11 DLA-LZ, Federal Creditor Agency Debt Collection Data Base) devoted exclusively for Federal debt collection efforts containing, at the onset, a data bank record of DoD active and retired military members, including the Reserve, National Guard, and the OPM Governnent-wide Federal civilian and retired civilian records for computer matching purposes with any Federal creditor agency that may wish to avail itself of this opportunity to utilize this resource.

• Assure before any matching takes place that the participating creditor agency has published a system of records notice in the **Federal Register** with an adequate routine use permitting disclosure of delinquent debtor records for computer matching purposes and that DMDC publishes a proper notice of the proposed match for public comment, including the starting date, as required by the OMB Computer Matching Guidelines.

• Provide name, social security number, demographic information and current address based on a match of social security number to the creditor agency within thirty (30) days of the start of the match.

• Bill the creditor agency for match reimbursement.

The Federal Creditor Agency shall:

• Provide to DMDC before any matching occurs a copy of the full text notice of the record system(s), and any amendments thereto, originally published in the **Federal Register** (not from Privacy Act Issuances Compilation) containing an appropriate routine use authorizing the disclosure of debtor records to DMDC(DoD) for the purpose of conducting a computer matching program.[1]

• Provide only delinquent debtor records to DMDC in an agreed upon format with any specific instructions as to the control and final disposition of the creditor agency records upon completion of the match.[2]

• Assure by proper certification or statement that due process has been, or shall be, given upon locating the debtor prior to requesting any administrative or salary offset procedures according to the Debt Collection Act of 1982, 4 CFR Chapter II, 5 CFR 550.1101–.1108, and any other applicable regulations of the creditor agency.

• Provide quarterly reports to DMDC on collection activity resulting from hits of the matches in a format and content as agreed upon jointly by DMDC and the creditor agency.

• Assure that proper reimbursement is made to DoD in accordance with schedule of charges.

• Designate a primary and an alternate contact point with full name, title, address and telephone number.

Reimbursement for Match

Costs of the file maintenance, computer time and staff time for the matching effort will be reimbursed by the creditor agency to DMDC according to the following schedule of charges:

Schedule of Charges

$500 flat fee per match plus $.25 per "hit" record.

Data Security

Both the creditor agency and DMDC will safeguard individual data as required by the Privacy Act of 1974 and the OMB computer matching guidelines. Data security extends to non-hit records which will not be used for any purpose. Hard copy records will be stored in lockable desks or file cabinets and automated records will be stored in limited access computer facilities.

Duration of Agreement

This MOU will remain in force unless notified or terminated in writing by both agencies.

For
(Creditor Agency)
For
Defense Manpower Data Center

(Responsible Official)

Date

Kenneth C. Scheflen, Director

[1] Model "Routine Use" for record system notice of creditor agency to disclose records of debtors to DMDC for conducting computer matching programs.

[2] Procedures for participation in matching program.

Date

To the Defense Manpower Data Center, Department of Defense, to conduct computer matching programs for the purpose of identifying and locating individuals who are receiving Federal salaries or benefit payments and delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the * * * (insert Federal creditor agency name) * * * in order to collect the debts under the provisions of the Debt Collection Act of 1982, (Pub. L. 97–365) by voluntary repayment, or by administrative or salary offset procedures.

General

All computer matches are performed at the Defense Manpower Data Center (DMDC) in Monterey, CA using an IBM computer system located at the Naval Postgraduate School (NPS) in Monterey, CA. Computer files of Active Duty, Retired and Reserve members, Federal Civil Service employees and retirees are maintained at the NPS Computer Center and are updated on a quarterly (for DoD files) or semiannual (for other files) basis. All file matching is performed using the full nine (9) digit social security number as the determinate.

Participation and Contract Point

All Federal agencies are eligible to participate in the matching program after entering into a written memorandum of understanding (MOU) with DMDC. A sample MOU is included in this notice. Signed agreements should be sent to: Kenneth C. Scheflen, Director, Defense Manpower Data Center, 1600 N. Wilson Blvd., Suite 400, Arlington, VA 22209–2593, Telephone (202) 696–5816.

Technical inquiries can be directed to Debt Collection Project Leader, Stewart Reiman, telephone (408) 646–2951.

Legal or policy questions can be directed to Don Rouse, Treasury FMS—telephone (202) 634–2031.

Data Information

All data submitted for a match must consist only of delinquent debts of individuals indebted under a Federal Program. At a minimum, the data must contain: Social Security Number, Name of Debtor (Last, First, MI), Amount of Delinquent Debt.

—The matching agency will provide to the creditor agency summary totals and dollar amounts of raw hits.

—Matching will be on SSN, and validated using the name. The natching agency will identify for the creditor agency invalid hits because of garbled data, incorrect SSN, same SSN, different name, etc.

—The matching agency will transmit to the creditor agency the matched records containing the following data elements from the employment records:

—Agency where employed and location.

—Address of employment and home address or latest address of record.

—The matching agency, within 30 days after the match, will as standard practice either erase or return to the creditor agency the

file of delinquent debt records unless contrary specific instructions are furnished by the creditor agency.
—The creditor agency will reimburse the matching agency for the cost of operations according to a schedule of charges set forth in the MOU.

Tape Specifications

IBM compatible, unlabled, 6250 (or 1600) BPI, fixed block, 9 track, odd parity, EBCDIC, character data. Tape(s) should be sent to: Defense Manpower Data Center, ATTN: Debt Collection Project, 550 Camino El Estero, Suite 200, Monterey, CA 93940-3231.

S322.11 DLA-LZ

SYSTEM NAME:

Federal Creditor Agency Debt Collection Data Base.

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943-5000 Decentralized segments: Military and civilian payment and personnel centers of the military services, the Office of Personnel Management, and Federal creditor agencies. Backup location: Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940-3231

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense officers and enlisted personnel, members of reserve and guard components, retired military personnel. All Federal-wide civilian employees and retirees. Individuals identified by Federal creditor agencies as delinquent in repayment of debts owed to the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Account Number, debt principal amount, interest and penalty amount, if any, debt reason, debt status, demographic information such as grade or rank, sex, date of birth, duty and home address, and various dates identifying the status changes occurring in the debt collection process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5514 "Installment deduction of indebtedness"; 5 U.S.C. 552a "Privacy Act of 1974"; 10 U.S.C. 136; 4 CFR Chapter II "Federal Claims Collection Standards"; 5 CFR 550.1101-.1108 "Collection by Offset from Indebted Government Employees"; Office of Management and Budget, "Revised Supplemental Guidance for Conducting Matching Programs," May 11, 1982 (47 FR 21656, May 19, 1982) and "Guidelines on the Relationship Between the Privacy Act of 1974 and the Debt Collection Act of 1982," March 30, 1983 (48 FR 15556, April 11, 1983); the Interagency Agreement for Federal Salary Offset Initiative (Office of Management and Budget, Department of the Treasury, Office of Personnel Management and the Department of Defense, April 1987).

PURPOSE(S):

The primary purpose for the establishment of this system of records is to maintain a computer data base permitting computer matching to assist and implement debt collection efforts by Federal creditor agencies under the Debt Collection Act of 1982 to identify and locate individual debtors. To increase the efficiency of U.S. Government-wide efforts to collect debts owed the U.S. Government. To provide a centralized Federal data bank for computer matching of Federal employment records with delinquent debt records furnished by Federal creditor agencies under an interagency agreement sponsored and monitored by the Department of the Treasury and the Office of Management and Budget. To identify and locate employees or beneficiaries who are receiving Federal salaries or other benefit payments and indebted to the creditor agency in order to recoup the debt either through voluntary repayment or by administrative or salary offset procedures established by law.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual's name, SSN, Federal agency or military service, category of employee, Federal salary or benefit payments, records of debts and current work or home address and any other appropriate demographic data to a Federal creditor agency for the purpose contacting the debtor to obtain voluntary repayment and, if necessary, to initiate any administrative or salary offset measures to recover the debt.

The DoD Blanket Routine Uses do not apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic computer tape.

RETRIEVABILITY:

Records are retrieved by social security number and name from a computerized index.

SAFEGUARDS:

Primary location at the W.R. Church Computer Center, Monterey, CA, tapes are stored in a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At the back-up location in Monterey, CA tapes are stored in rooms protected with cypher locks, the building is locked up after hours, and only property cleared and authorized personnel have access.

RETENTION AND DISPOSAL:

Records are erased within six months after each match cycle.

SYSTEM MANAGER AND ADDRESS:

Deputy Director, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940-3231

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager.

RECORDS ACCESS PROCEDURE:

Requests from individuals should be addressed to the system manager. Written requests for information should contain the full name, social security number, current address and telephone number of the individual requesting information.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the system manager and are contained in Defense Logistics Agency Regulation 5400.21 (32 CFR Part 1286).

RECORD SOURCE CATEGORIES:

Federal creditor agencies, the Office of Personnel Management and DoD personnel and finance centers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 87-22481 Filed 9-29-87; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action to Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on Wednesday, October 7, 1987, at the offices of the IEA, 2 rue Andre Pascal, Paris 16, France, beginning at 10:00 a.m.

The purpose of this meeting is to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ) which is being held at the offices of the IEA on that date. The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of the agenda.
2. Summary record of the 57th meeting.
3. Report on discussions of the Governing Board on future work related to oil emergency questions.
4. IEA test issues.
(a) Test Guide for Coordinated Emergency Response Measures.
(b) Status of preparations for data test/Sixth Allocation Systems Test.
5. Emergency stocks.
(a) Revision of minimum operating requirements—progress report.
(b) Mandatory stocks of IEA member countries.
(c) Questionnaire on "compensation" for early coordinated emergency response measures.
6. Other emergency preparedness issues.
(a) U.S. Plan of Action—progress report.
(b) Member countries' emergency response program reviews—status report and revised timetable.
(c) Middle East oil supply flows.
(d) New forms of oil trading—the futures market—possible implications for the IEA Oil Emergency Sharing System.
7. 1988 program of work.
8. Other topics.
(a) End-September oil market report.
(b) Base Period Final Consumption (3Q86-2Q87).
(c) OECD Electronic mailbox—a way to expedite data/information transmission.
9. Any other business.
10. Date of next meeting.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, the SEQ meeting is open only to representatives of members of the SEQ, representatives of members of the IAB, their counsel, representatives of the Departments of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of committees of Congress, representatives of the IEA, representatives of the Commission of the European Communities, and invitees of the SEQ or the IEA.

Issued in Washington, DC, September 25, 1987.

J. Michael Farrell,

General Counsel.

[FR Doc. 87-22584 Filed 9-29-87; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 87-25-NG]

Order Granting Blanket Authorization To Import Natural Gas; Continental Natural Gas, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Continental Natural Gas, Inc. (CNG), blanket authorization to import natural gas. The order issued in ERA Docket No. 87-25-NG authorizes CNG to import up to 185 Bcf of natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 100 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 22, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-22583 Filed 9-29-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER87-658-000 et al]

Electric Rate and Corporate Regulation Filings; Southern California Edison Co. et al.

September 23, 1987.

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

1. Southern California Edison Co.

[Docket No. ER87-658-000]

Take notice that on September 17, 1987, Southern California Edison Company (Edison) tendered for filing, as an initial rate schedule, the following agreement, which has been executed by Edison, San Diego Gas & Electric Company (SDG&E), the City of Anaheim, California (Anaheim), and the City of Riverside, California (Riverside) (collectively "Parties").

San Onofre Refueling Exchange Agreement among Southern California Edison Company, San Diego Gas & Electric Company, City of Anaheim and City of Riverside.

The San Onofre Refueling Exchange Agreement provides for an arrangement whereby, for system reliability purposes, a planned refueling outage can be changed to either an early refueling outage or a delayed refueling outage at the request of one or more Parties and the nonparticipating Parties will receive an exchange of energy and capacity as if the changed refueling outage had not occurred.

Copies of this filing were served upon the Public Utilities Commission of the State of California, San Diego Gas & Electric Company, the City of Anaheim, and the City of Riverside.

Comment date: October 8, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Iowa Southern Utilities Co.

[Docket No. ER87-454-000]

Take notice that on September 18, 1987, Iowa Southern Utilities Company (Iowa Southern) tendered for filing an amendment to its earlier filing in this docket.

Iowa Southern states that the purpose of the amendment is to submit: a second set of fixed charge rates by each filing utility which incorporate the 34% statutory federal income tax rate to become effective July 1, 1987; and the details supporting the calculations of the levelized rates of return and the income tax components for each filing utility.

Copies of this filing have been served upon all parties in interest.

Iowa Southern requests a waiver of the Commission's notice requirement and Iowa Southern requests that the filing be permitted to become effective May 22, 1981.

Comment date: October 8, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Central Hudson Gas & Electric Corp.

[Docket No. ER87-657-000]

Take notice that on September 17, 1987, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing, as a supplemental rate schedule to FERC No. 70 an executed Agreement dated March 1, 1987 between Central Hudson and Orange and Rockland Utilities, Inc. (O&R). The proposed rate schedule provides for Transmission of Capacity and Energy by Central Hudson for O&R between Central Hudson's 69 Kv. transmission

interconnection with New York State Electric & Gas Corporation's (NYSE&G) West Woodbourne Substation and Central Hudson's 115 Kv. interconnection with O&R at O&R's Sugarloaf Substation and from New York Power Authority's Blenheim-Gilboa Pumped Storage Hydroelectric Plant.

The rate schedule provides for a monthly transmission charge of $1.00 per megawatt hour of Energy received from NYSE&G for O&R's account at NYSE&G's West Woodbourne Substation for delivery to O&R Sugarloaf Substation and from New York Power Authority's Blenheim-Gilboa Pumped Storage Hydroelectric Plant.

Central Hudson states that copies of the subject filing were served upon: Orange and Rockland Utilities, Inc., 75 West Route 59, Spring Valley, New York 10977.

Comment date: October 8, 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 Fedeal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22543 Filed 9-29-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-74-000]

Request To Reopen and Vacate Well Category Determinations; State of Pennsylvania, CNG Development Co.

September 25, 1987.

Take notice that on July 28, 1987, CNG Development Company requested the Commission to reopen and cate final NGPA section 102 well category determinations for four wells [1] due to the existence of marker wells within 2.5 miles of each well.

The question of whether refunds plus interest will be required in connection with CNG's request is a matter subject to review and final decision by the Commission.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rule 214 or 211 of the Commission's rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, not later than 30 days following publication of this notice in the **Federal Register.** All protests will be considered by the Commission, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of CNG's request are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22539 Filed 9-29-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-144-000]

Proposed Changes in FERC Gas Tariff; Northern Border Pipeline Co.

September 24, 1987.

Take notice that on September 21, 1987, Northern Border Pipeline Company (Northern Border) tendered for filing to become a part of Northern Border Pipeline Company's FERC Gas Tariff, Original Volumes Nos. 1 and 2 the following tariff sheets:

Original Volume No. 1

First Revised Sheet Number 120
Original Sheet Number 121
First Revised Sheet Numbers 202, 203 and 204
Second Revised Sheet Number 210

Original Volume No. 2

First Revised Sheet Number 11

The revised tariff sheets were filed to accomplish two objectives. First, to change the definitions of terms in Original Volume No. 1; Contract Dekatherm-Miles, Total Maximum Receipt Quantity and Daily Receipt Quantity, and in Original Volume No. 2; Daily Contract Receipt Quantity, to provide increased operational flexibility for Northern Border and its customers. Secondly, to insert a credit worthiness standard aplicable to potential firm service pursuant to Rate Schedule T-1.

Northern Border has requested that the filed tariff sheets be effective on October 19, 1987. Copies of this filing have been sent to all of Northern Border's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 1, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22538 Filed 9-29-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-855-000]

Application For Permanent Abandonment With Three-Year Limited-Term Pregranted Abandonment; Petro-Energy Exploration, Inc., et al.

Take notice that on August 28, 1987, as supplemented on September 15, 1987, Petro-Energy Exploration, Inc. *et al.*.[1] (Applicants) filed an application pursuant to Section 7(b) of the Natural Gas Act and § 2.77 of the Commission's rules for a permanent abandonment of their sale of gas to ANR Pipeline Company (ANR) from the NE/4 of section 35, T23N-R16W, Major County, Oklahoma. Applicants also request three-year limited-term pregranted abandonment for the sale of gas initially under a proposed percentage-of-

[1] CNGD No. 76, Aaron Leamer No. 2 (FERC No. 84-11509). CNGD No. 83, Theodore Garman No. 1 (FERC No. 84-23348). CNGD No. 395, Theodore Garman No. 2 (FERC No. 84-23349). CNGD No. 84, Wm. Somerville No. 1 (FERC No. 84-24526).

[1] The *et al.* parties are Imperial Oil Company of California; Well, Rich and Greene, Inc; Total Minatome Corporation; Petro-Search Nominee Partnership Co. and Rosemary McCord.

proceeds contract and for any subsequent sales under Applicants' small producer certificates.

In support of their application Applicants state that ANR has taken gas on an average of ½ day per month. Applicants have been and expect to continue suffering substantially reduced takes without payment.[2] As part of a settlement of contract claims against ANR, ANR agreed to terminate the contract and release the acreage. Applicants propose to sell the gas under a percentage-of-proceeds contract to Union Texas Products Corporation which will resell the gas at the tailgate of its processing facility in the spot market. Deliverability is approximately 900 Mcf/d. The gas is NGPA section 104 small producer flowing gas which is currently limited by the contract with ANR to the NGPA minimum rate.

Since Applicants have requested that their application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22540 Filed 9-29-87; 8:45 am]

BILLING CODE 6717-01-M

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

[Docket No. CI87-867-000 and Docket No. CI87-880-000]

Applications for Two-Year Limited-Term; Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate; Thomas R. Fuller and Resource Reserves Co.

September 25, 1987.

Take notice that on August 31, 1987, Thomas R. Fuller and on September 3, 1987, Resource Reserves Co., c/o Carolyn Lee Baker, 1212 Main Street, Suite 364, Houston, Texas 77002, filed applications in Docket Nos. CI87-867-000 and CI87-880-000, respectively, requesting limited-term abandonment of the sale of gas to ANR Pipeline Company from their interest in the Cheap C-1 well in Harper County, Oklahoma. Applicants request the abandonment for a period of two years and request pregranted abandonment for two years for sales for resale in interstate commerce under small producer certificates of Resource Reserves Co. in Docket No. CS87-29-000 and Thomas R. Fuller in Docket No. CS87-30-000.

In support of their applications Applicants state that ANR cannot purchase the gas due to market constraints. Applicants therefore request that their applications be considered on an expedited basis pursuant to 18 CFR 2.77.[1] Estimated deliverability is 25 Mcf/d. The gas is NGPA section 104 minimum rate gas.

Since Applicants state that they are subject to substantially reduced takes without payment and have requested that their applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-2253 Filed 9-29-87; 8:45 am]

BILLING CODE 6717-01-M

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

[Docket Nos. CP87-451-001, -002 and -003]

Order Granting Rehearing; Northeast U.S. Pipeline Projects

Issued: September 25, 1987.

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

On July 24, 1987, in Docket No. CP87-451-000 (40 FERC ¶ 61,087), the Commission issued a notice inviting applications to provide new gas service to the Northeast. The notice established a cut-off date, December 1, 1987, for the filing of new applications for certificate authority to provide such service. Applications on file as of that date would then be evaluated as a class to determine the need for a comparative evidentiary hearing. Applications filed, or amended, subsequent to that date would be considered on their merits but would not be deemed to be competitive with, or mutually exclusive to, applications filed prior to that date.

The notice afforded all interested persons an opportunity to file requests for rehearing. Such requests have been filed by Champlain Pipeline Company, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., ANR Pipeline Company, and the Vermont Department of Public Service.[1]

[1] Champlain, Tennessee and Vermont also filed motions to intervene. The motions are granted by Rule 214. However, inasmuch as the notice did not require the filing of motions to intervene as a prerequisite to filing a request for rehearing, ANR, by virtue of its request for rehearing, is also a party to this docket. The applications for new service, when filed, will be assigned separate docket numbers, and all persons having an interest in those applications will have ample opportunity to intervene in those dockets.

ANR contends that it would be "unwise and undesirable * * * for the Commission to adopt hard and fast rules which limit its ability to review reasonable *bona fide* alternatives to 'complete proposals' on file by December 1, 1987." Tennessee takes the opposite approach, urging us to rigidly adhere to the cut-off date except upon a showing of "truly extraordinary circumstances." Tennessee also asks us to define the concepts of "complete", "in compliance with the Commission's regulations", "ripe", and "amendments". Champlain raises comparable issues.

The July 24 notice does not preclude or foreclose any procedural options available to the Commission. Rather, the purpose of the notice is to enable the Commission "if it so chooses, to use December 1, 1987, as a cut-off date, so that subsequent applicants cannot delay whatever proceeding may have been established (if any) to process mutually exclusive applications that were on file, complete, and ripe for action as of December 1, 1987." Notice at p. 6.

While the Commission is determined to act expeditiously in evaluating the Northeast gas markets and any proposals that may be submitted to provide new service to that region, the Commission must necessarily reserve the flexibility to respond to the situation before it as the matter evolves. In the long run, we believe that the Commission, the potential applicants, and the potential ultimate customers would all be best served by a procedural regime that permits the Commission to determine the course of its proceedings in light of the legal and factual context before it as events transpire.

Thus, we do not wish to adopt definitions so rigid as to defeat our purpose of expeditious consideration of *bona fide* proposals. We do not wish to exclude from consideration, for instance, timely proposals that contain inadvertent minor flaws that could easily be remedied without disruption to whatever proceedings might transpire. Similarly, we do not wish to discourage parties for negotiating reasonable revisions to their proposals during the course of such proceedings. For instance, if interveners raise legitimate environmental objections to a proposed pipeline route, and if the parties then work out a mutually acceptable solution that would permit construction of a desirable pipeline along a modified route pursuant to an amendment to the application, the public interest would not be well served by a procedural framework so rigid that the only alternatives available to the parties and the Commission were (a) to proceed with consideration of the unmodified, flawed proposal or (b) to defer consideration of a modified, acceptable proposal to some later proceeding on grounds that the modification post-dated the cut-off date for consideration. Under such circumstances, the Commission would want to proceed with consideration of a modified proposal even if the modification necessitated the filing of an amendment to the application.

On the other hand, our purpose in proceeding expeditiously to consider new service to the Northeast would be defeated if applicants were permitted to meet the standards of the cut-off date by filing sketchy *pro forma* applications, applications that are patently deficient in light of our regulations, applications for proposals that are still under negotiation and are likely to be revised, or applications that the applicants are not prepared to explain, support, and, if approved, implement. The standards, therefore, must necessarily be sufficiently flexible to permit the Commission to embark promptly on expeditious consideration of meaningful, well formulated proposals that are ready to be considered—and to permit subsequent changes to those proposals if such changes are warranted—while excluding from contemporaneous consideration proposals that are in such early stages of formulation that prompt and meaningful analysis of their merits is not feasible.

In light of all of these considerations, we have established a cut-off date procedure to enable the Commission to exclude from consideration in a competitive proceeding (if one is established) applications that are not complete and ripe for consideration as of that cut-off date. In so doing, the Commission has reserved to itself the right to exercise its procedural discretion to permit consideration of particular proposals, or modifications thereof, under circumstances in which such consideration would not derogate from expeditious consideration and authorization of new facilities or services mandated by the public interest.

Tennessee seeks clarification on several other points. First, Tennessee asks us to declare that the notice does not apply to applications on file prior to July 24, 1987, or to new applications that "propose the use of existing facilities or minor facilities." The July 24 notice makes clear that all applications on file by the cut-off date will be deemed to meet the cut-off date regardless of whether they were filed prior or subsequent to July 24. The notice also makes clear that all applications will be processed on their merits. We note, in fact, that subsequent to July 24 the Commission issued several orders granting certificate authority with respect to smaller proposals to provide gas service in discrete markets in the Northeast, under circumstances in which there were no issues of mutual exclusivity. We will continue to act on pending cases, as well as on newly filed cases, as appropriate in light of the circumstances presented. The July 24 notice does not mandate a competitive evidentiary proceeding, nor any other particular procedure, for consideration of whatever applications may be filed. It merely sets a cut-off date that can be invoked—and for which all potential applicants have been afforded prior notice—in the event that a competitive evidentiary hearing is warranted with respect to particular applications received by that date.

Tennessee perceives a potential ambiguity in the July 24 notice with respect to applications filed pursuant to the optional certificate procedures. There is no ambiguity. The language quoted by Tennessee is clear: "Applications filed under our optional certificate procedures (Subpart E of Part 157 of our Regulations) are deemed not to be mutually exclusive for the purpose of establishing a comparative evidentiary hearing * * *." [2]

We turn now to Champlain's rehearing request, which raises case specific issues arising out of its own proposed project. Champlain states that it is preparing an application for certificate authority to construct new pipeline facilities running from the Quebec/Vermont border to the Boston area. Champlain states that it is very sensitive to environmental concerns in the New England area, and that it is attempting to resolve these concerns through extensive consultation with State and local agencies, elected officials, and the Commission's environmental staff. In particular, Champlain is seeking to determine a precise route for its proposed pipeline, rather than a more generalized corridor, and that in the interest of avoiding unnecessary environmental controversy it is seeking to determine that route *before* it files its application. Champlain is also seeking to complete the "engineering/design" of its pipeline as an integral part of its environmental inquiry and consultation, so as to minimize potential concern over land use, health and safety. Champlain states

[2] Notice at p. 5, n. 2.

that its current schedule for completion of this work is March 1, 1988, and requests that the Commission extend the cut-off date accordingly.[3]

We find Champlain's rehearing request highly persuasive. The densely populated nature of the Northeast U.S. puts a particular premium on careful environmental planning and consultation, and Champlain's efforts to resolve these matters in detail before filing its application are highly laudable. On the other hand, we are reluctant to delay until March 1, 1988, the commencement of our consideration of potential major new service to the Northeast. Furthermore, while there is considerable merit to Champlain's desire to refine its route in detail before filing an application, such a level of refinement is not a prerequisite to meeting the cut-off date of the July 24 notice. For purposes of meeting the cut-off date, an application that contains the information required by Subpart A of Part 157 of the Commission's Regulations would constitute a meaningful filing that is ripe for serious consideration, and the subsequent filing (after the cut-off date) of revised or more detailed route maps would not constitute an amendment that jeopardized the timeliness of the underlying application vis-a-vis the cut-off date.

In this regard, we note that our Regulations do not specify what scale of map is required to be submitted as part of the application. Champlain states in its request for clarification that it was advised by our environmental staff to include a pipeline route map at a scale of 1 inch equals 500 feet. While a map at that scale will eventually be needed in order to fully evaluate the potential environmental impact of the proposed project, that level of detail is not mandated by Part 157 of the Regulations, and is therefore not required as a prerequisite to meeting the cut-off date.

In order to be able to commence its environmental review, our environmental staff needs to have maps at the level of detail of U.S. Geological Survey (USGS) 7.5 minute series (scale 1:24000) topographic maps. The Commission's environmental staff has routinely requested applicants to file USGS 7.5 minute series maps to complete their applications in those instances when such maps have not been included in the application as originally filed. It is our understanding that such maps are readily available from the USGS. Inasmuch as the environmental review process generally requires the greatest lead time in processing this type of application, the Commission strongly encourages applicants to submit such maps at the outset, as part of their applications, so as to avoid delay in the processing of these applications. Inasmuch as such maps are not specified in Subpart A of Part 157 of the Regulations, however, the cut-off date can be met through filing whatever maps will show the location of the facilities proposed to the level of detail specified in Subpart A of Part 157.

While the discussion above was prompted by the questions posed in Champlain's request for clarification with respect to its own application, that discussion is, of course, equally applicable to all potential applicants, not just to Champlain.

In addition, in light of the matters raised by Champlain, and in recognition that the clarifications discussed in this order on rehearing might have some impact on the planning of all potential applicants, we will extend the cut-off date from December 1, 1987 to January 15, 1988.

Finally, Champlain, like Tennessee, urges us to make the cut-off date binding and absolute, contending that it would be unfair to allow potential competitors to have more time to prepare and file their applications, and to prepare them with advance knowledge of the details of Champlain's application if Champlain files its application by the cut-off date and others do not. For the reasons discussed above, the Commission deems it unwise to legally preclude itself from considering anything filed subsequent to the cut-off date. Champlain's potential competitors, however, are on notice that, absent compelling public interest justifications, such filings bear a very heavy risk of being deemed not mutually exclusive with Champlain's application, and of being processed separately from Champlain's, and on a later schedule.

The Commission orders:

(A) The cut-off date for the filing of applications to provide new gas service to the Northeast U.S., as that cut-off date is explained above and in the notice issued July 24, 1987, is extended from December 1, 1987 to January 15, 1988.

(B) The notice is clarified as discussed above.

(C) In all other respects, the requests for rehearing are denied.

(D) The Secretary shall cause this order to be published in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22542 Filed 9-29-87; 8:45 am]

BILLING CODE 6717-01-M

[3] The comments filed by the Vermont Department of Public Service support Champlain's request for the extension of time, for the reasons stated by Champlain.

[Docket No. GP87-53-000]

Regarding Production-Related Costs; Trunkline Gas Co. v. Sun Exploration and Production Co.

September 25, 1987.

On May 21, 1987, Trunkline Gas Company (Trunkline) filed a complaint pursuant to 18 CFR 271.1105(d)(3) and Rule 206 of 385.206. Trunkline requests that the Production-Related Costs Board (Board) find that Sun Exploration and production Company (Sun) has collected production-related costs in violation of 18 CFR 271.1104.

Trunkline states that Sun sold natural gas to Trunkline from the West Cameron Block 639 Field, Offshore Louisiana pursuant to an April 18, 1973, gas sales contract. On September 27, 1974, the Commisison, in Docket No. CI73-878, granted Sun a certificate of public convenience and necessity, authorizing Sun to sell the subject gas at the national rate specified in § 2.56a of the Commisison's Rules of Practice and Procedure. By an amendment dated January 23, 1976, Sun and Trunkline agreed to an initial contract price in excess of the national rate with specific annual escalation. Sun petitioned for special relief in Docket No. RU76-117 and by order issued on January 19, 1977, the Commission accepted a settlement of the case and grated Sun's petition.

On May 3, 1976, Trunkline entered into a gas purchase agreement with Clark Oil Producing Company (Clark) for the sale of gas from Clark's working interest in the West Cameron Block 639 Field. The contract contained the same pricing provisions in the January 23, 1976, amendment to the gas sales contract between Sun and Trunkline. In Docket No. RI76-133, Clark sought special relief allowing it to collect a price above the national rate. On March 1, 1977, the Commission accepted a settlement of the case and granted Clark's petition.

Trunkline states that when Sun and Clark filed their Notices of Rate Change pursuant to the special relief orders each had received, the rates did not include any adjustments for the generic gathering rates then in effect.

Trunkline further states that under Section 104 of the NGPA and § 271.402(c)(1) of the Commisison's regulations, special relief rates

established pursuant to § 2.56a(g) of the regulations (plus inflation adjustment) were allowed to continue in effect as the maximum lawful price. Sun filed the appropriate blanket affidavit to establish the special relief rate, increased by the contract escalation and NGPA inflation adjustment factors, as the maximum lawful price for its sales from West Cameron Block 639. Clark followed an identical course of action and on May 1, 1984, Sun acquired Clark's contract with Truckline by assignment from Clark's successor, Petro-Lewis Corporation.

Finally Trunkline states that on September 12, 1984, it received Sun's bill for production-related costs applicable to Sun's working interests in various offshore blocks dedicated to Trunkline, including West Cameron Block 639, retroactive to July 25, 1980 and it paid Sun $7,520,572.18 for Sun's production-related costs for the period from July 25, 1980 through February 28, 1985, on September 30, 1985. Trunkline further states this payment did not include any amount related to Sun's claim for production-related costs associated with its working interests in West Cameron Block 639. Trunkline asserts that on October 19, 1985, Sun unilaterally appropriated $1,263,796.85 as reimbursement for production-related costs associated with Sun's working interests in West Cameron Block 639 from other funds of Trunkline that were temporarily in Sun's possession.

Trunkline requests that the Board issue an order finding that Sun is not entitled to collect production-related costs in addition to the special relief prices paid for first sales of natural gas from its working interests in West Cameron Block 639 Field and directing Sun to refund to Trunkline the amount of $1,263,796.85 plus interest.

Under Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), Sun must file an answer to Trunkline's complaint with the Commisison unless otherwise ordered by the Commisison. Under Rule 213(e), 18 CFR 385.213(e), any person failing to answer a complaint may be considered in default, and all relevant facts stated in such complaint may be deemed admitted. Sun shall file its answer with the Commisison not later than 15 days after publication of this notice in the **Federal Register.**

Any person desiring to be heard or to protest said filing should file a protest or a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214, 18 CFR 385.211 and 385.214. All such protest or motions should be filed not later than 15 days after publication of this notice in the **Federal Register.** 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-22541 Filed 9-29-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00246; FRL 3270-1]

FIFRA Scientific Advisory Panel Appointments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is given of the appointment of three members to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel established pursuant to section 25(d) of FIFRA, as amended (86 Stat. 973 and 89 Stat. 751; 7 U.S.C. 136 et seq.). Public notice of nominees along with a request for public comments appeared in the **Federal Register** of May 20, 1987, page 18950.

FOR FURTHER INFORMATION CONTACT: By Mail: Stephen L. Johnson, Executive Secretary, FIFRA Scientific Advisory Panel (TS-769C), Office of Pesticide Programs. Office location and telephone number: Rm. 1121, Crystal Mall Building No. 2, Arlington, VA 22202, (703-557-7695).

SUPPLEMENTARY INFORMATION: Congress mandated that the Scientific Advisory Panel would consist of seven members, selected from candidates nominated by the National Science Foundation (NSF) and the National Institutes of Health (NIH). Congress also mandated that the terms of appointment would be staggered. List of nominees were obtained from NIH and NSF, and a public notice of nominees, including biographical data, appeared in the **Federal Register** as indicated above. One comment was received in response to this Notice.

My decision to appoint the following three nominees to serve as members of the Scientific Advisory Panel is based upon several factors including comments received, the need for a disciplinary mix, and the need for wide geographic representation.

Robert G. Anthony, Department of Fisheries and Wildlife, Oregon State University, Corvallis, Oregon 97331.

Edward Bresnick, Eppley Institute for Research in Cancer and Allied Diseases, University of Nebraska Medical Center, Omaha, Nebraska 68105.

Mont R. Juchau, Department of Pharmacology, School of Medicine, University of Washington, Seattle, Washington 98195.

I am reappointing Joe W. Grisham, Department of Pathology, School of Medicine, University of North Carolina, to the Panel.

Meetings of the Scientific Advisory Panel are always announced in the **Federal Register** at least 15 days prior to each meeting.

Dated: September 23, 1987.

A. James Barnes,

Acting Administrator.

[FR Doc. 87-22519 Filed 9-29-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL 3270-7]

Science Advisory Board, Radiation Advisory Committee, Radon Mitigation Subcommittee; Meetings

Under Pub. L. 92-463, notice is hereby given that a meeting of the Radon Mitigation Subcommittee of the Science Advisory Board's Radiation Advisory Committee will be held on October 13-14, 1987 at the U.S. Environmental Protection Agency, Administrator's Conference Room 1103 West Tower, Waterside Mall, 401 M Street, SW., Washington, DC. The meeting will begin at 9:00 a.m. Tuesday and adjourn no later than 5:00 p.m. Wednesday. The Radiation Advisory Committee will meet at the same location on October 15-16, 1987 beginning at 8:30 a.m. on Thursday and adjourn no later than 5:00 p.m. Friday.

The Subcommittee will review the March 9, 1987 draft of *Radon Reduction Research and Development: Program Descriptions and Plans* and two related memoranda on data analysis. Copies of the document being reviewed may be obtained by calling or writing Paul Shapiro on (202) 382-2583, Office of Environmental Engineering and Technology Demonstrations (RD-681), U. S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The Committee will hear the report of the Radon Mitigation Subcommittee; review the radiation portions of *EPA Indoor Air Quality Implementation Plan;* begin a review of the radon measurement proficiency program; and

be briefed on EPA's radiation related activities. *EPA Indoor Air Quality Implementation Plan* EPA-600/8-87/014, June 1987 ia available through CERI, 26 W. St. Clair Street Cincinnati, Ohio 45268 (513) 569-7562. The earlier *Report to Congress on Indoor Air Pollution and Radon Under Title IV Superfund Amendments and Reauthorization Act of 1986* is available from Richard Guimond and the documents describing the radon measurement proficiency program are available from Michael Mardis. The address for Mr. Guimond and Mr. Mardis is Office of Radiation Programs (ANR-460), U.S. Envrionmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202) 475-9600.

Both meetings are open to the public; however, seating is limited. Any member of the public wishing to attend, make brief oral comments, or submit written comments to the Subcommittee, should notify Mrs. Kathleen Conway, Executive Secretary, or Mrs. Dorothy Clark, Staff Secretary, (A101-F) Radiation Advisory Committee, Science Advisory Board, by the close of business on October 8, 1987. The telephone number is (202) 382-2552.

Kathleen W. Conway,

Deputy Director, Science Advisory Board.

Date: September 29, 1987.

[FR Doc. 87-22516 Filed 9-29-87; 8:45 am]

BILING CODE 6560-50-M

[FRL 3270-8]

Science Advisory Board, Research Strategies Subcommittee, Risk Reduction Work Group; Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Risk Reduction Work Group of the Science Advisory Board's Research Strategies Subcommittee will meet Monday, October 12, 1987 from 9:00 a.m. to 5:00 p.m. in the Administrator's Conference Room, 1101 West Tower of the U.S. Environmental Protection Agency's headquarters building at 401 M Street, SW., Washington, DC.

The purpose of the meeting is to begin preparation of a draft strategy on environmental risk reduction.

Members of the public wishing to attend must call Mrs. Dorothy Clark on (202) 382-2552 no later than October 6, 1987. Because October 12 is a Federal Holiday, security will only admit those members of the public who have made prior arrangements with Mrs. Clark to attend the meeting. Some form of identification, such as a driver's license, should be brought with you.

Kathleen W. Conway,

Deputy Director, Science Advisory Board.

Dated: September 25, 1987.

[FR Doc. 87-22517 Filed 9-29-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3270-6]

Draft NPDES General Permit for Oil and Gas Operations on the Outer Continetal Shelf (OCS) of Alaska; Beaufort Sea General Permit II

AGENCY: Environmental Protection Agency.

ACTION: Notice of draft NPDES general permit.

SUMMARY: The Regional Administrator, Region 10, is proposing to issue a draft National Pollutant Discharge Elimination System (NPDES) general permit for oil and gas stratigraphic test and exploration wells on the Alaskan Outer Continental Shelf.

The proposed Beaufort Sea II general permit will authorize oil and gas stratigraphic test and exploration wells only (not production wells) in the federal waters of the Beaufort and Chukchi seas. The permit will authorize discharges from operations in all areas offered for lease by the U.S. Department of the Interior's Minerals Management Service (MMS) during Federal Lease Sale 97. A general NPDES permit (49 FR 23734, June 7, 1984) was issued May 30, 1984, for all previous Beaufort Sea lease sales including Federal Lease Sales 71 and 87, all contiguous inshore State lease sales, and joint Federal/State Lease Sale BF. Some of the lease blocks offered but not leased in these prior sales may be reoffered in Lease Sale 97. In this case, EPA will grant coverage under this general permit as it reflects Region 10's most recent Ocean Discharge Criteria Evaluation.

When issued, the proposed permit will establish effluent limitations, standards, prohibitions, and other conditions on discharges from facilities in the general permit area. These conditions are based on the administrative record. EPA regulations and the permit contain a procedure which allows the owner or operator of a point source discharge to apply for an individual permit instead of coverage under the general permit.

A brief description of the basis for the conditions and requirements of the proposed permit is given in the fact sheet published below.

Public comment period: Interested persons may submit comments on the draft general permit to EPA, Region 10, at the address below. Comments must be submitted to the regional office by November 9, 1987.

Public hearing: Public hearings on the proposed general permit are tentatively scheduled to be held in Anchorage and Barrow, Alaska. The Anchorage hearing will be held at the Federal Building, Room C121, 710 "C" Street, Anchorage, Alaska on November 3, 1987, from 9 a.m. until all persons have been heard. The Barrow hearing will be held at the North Slope Borough Assembly Chambers on November 4, 1987, from 2 p.m. until all persons have been heard. Persons interested in making a statement at the hearing must contact Kris Flint at the address below or at (206) 442-8155 by 4:00 p.m. on October 28, 1987. Either or both of the public hearings will be cancelled if insufficient interest is expressed in them. Interested persons can contact Kris Flint between the hours of 8:30 a.m. and 4 p.m. on October 29, 1987, to confirm that the hearings will take place. At the hearings, interested persons may submit oral or written statements concerning the draft general permit.

Request for coverage: Written request for authorization to discharge under the general permit shall be provided, as described in Part I.A. of the draft permit, to EPA, Region 10, at least 60 days prior to initiation of discharges. Authorization to discharge requires written notification from EPA that coverage has been granted and that a specific permit number has been assigned to operations at the discharge site. The permit also requires permittees to notify EPA no more than seven (7) days prior to the initiation of discharges at the site, and prior to the initiation of discharges from each new well at a given site.

Administrative record: The administrative record for the draft permit is available for public review at EPA, Region 10, Room 13D, at the address listed below.

Address: Public comments and requests for coverage should be sent to: Environmental Protection Agency, Region 10, Attn: Ocean Programs Section WD-137, 1200 Sixth Avenue, Seattle, Washington 98101.

For further information contact: Duane Karna, Region 10, at the address listed above or telephone (206) 442-1413. Copies of the draft general permit and today's publication will be provided upon request.

Fact Sheet

I. General Permits and Requests for Individual NPDES Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with the terms of an NPDES permit. Under EPA's regulations [40 CFR 122.28(a)(2)], EPA may issue a single general permit to a category of point sources located within the same geographic area if the regulated point sources:

- Involve the same or substantially similar types of operations;
- Discharge the same types of wastes;
- Require the same effluent limitations or operating conditions;
- Require similar monitoring requirements; and
- In the opinion of the Regional Administrator, are more appropriately controlled under a general permit than under individual permits.

In addition, under EPA regulations [40 CFR 122.28(c)(1)], the Regional Administrator is required to issue general permits covering discharges from offshore oil and gas facilities within the Region's jurisdiction. Where the offshore area includes areas for which separate permit conditions are required, such as areas of environmental concern, a separate individual or general permit may be required by the Regional Administrator.

The Regional Administrator has determined that exploratory oil and gas facilities operating in the area described in this general NPDES permit are more appropriately controlled by a general permit than by individual permits. The decision of the Regional Administrator is based on an evaluation of the section 403(c) Ocean Discharge Criteria (40 CFR Part 125, Subpart M) for discharges from exploratory operations into the waters of Lease Sale 97, the Agency's recent permit decisions in other Alaskan OCS areas, and the Final Environmental Impact Statement (Final EIS) for OCS Lease Sale 97.

Any owner and/or operator authorized to discharge under a general permit may request to be excluded from coverage under the general permit by applying for an individual permit as provided by 40 CFR 122.28(b). The operator shall submit an application together with the reasons supporting the request to the Director, Water Division, EPA, Region 10 ("Director"). A source located within a general permit area, excluded from coverage under the general permit solely because it already has an individual permit (i.e., a permit that has not been continued under the Administrative Procedure Act), may request that its individual permit be revoked, and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply. Procedures for modification, revocation, termination, and processing of NPDES permits are provided by 40 CFR 122.62—122.64. As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act that is enforceable under section 309 of the Act.

II. Covered Facilities and Nature of Discharges

The general permit proposed today authorizes the discharge of drilling muds, drill cuttings, and associated operational wastewaters from exploratory operations in federal waters. Exploratory operations are defined as those operations involving the drilling of wells to determine the nature of potential hydrocarbon reserves. Under the permit, the number of wells from which discharges may occur is limited to a maximum of five at a single site. Exploration facilities covered by this general permit are included in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435).

This general permit authorizes the following discharges: drilling mid; drill cuttings and washwater; deck drainage; sanitary wastes; domestic wastes; desalination unit wastes; blowout preventer fluid; boiler blowdown; fire control system test water; non-contact cooling water; uncontaminated ballast water; uncontaminated bilge water; excess cement slurry; mud, cuttings, and cement at the seafloor; and test fluids. Descriptions of discharges are given in Part II.A. of the draft permit.

Drilling muds and cuttings are the major pollutant sources discharged from exploratory drilling operations.

III. Statutory Basis for Permit Conditions

Sections 301(b), 304, 308, 401, 402, and 403 of the Act provide the basis for the permit conditions contained in the permit. The general requirements of these sections fall into three categories, which are described below. A discussion of the basis for specific permit conditions follows in section IV of this fact sheet.

A. Technology-Based Effluent Limitations

1. *BPT effluent limitations*: The Act requires particular classes of industrial discharges to meet effluent limitations established by EPA. EPA promulgated effluent limitations guidelines requiring Best Practicable Control Technology Currently Available (BPT) for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435, Subparts A and D) on April 13, 1979 (44 FR 22069).

BPT effluent limitations guidelines required "no discharge of free oil" for discharges of deck drainage, drilling muds, drill cuttings, and well treatment fluids. This limitation required that a discharge shall not cause a film or sheen upon or discoloration on the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be desposited beneath the surface of the water or upon adjoining shorelines [40 CFR 435.11(d)]. The BPT effluent limitations guideline for sanitary waste required that the concentration of chlorine be maintained as close to 1 mg/1 as possible in discharges from facilities housing ten or more persons. For facilities continuously manned by nine or fewer persons or only intermittently manned by any number of persons, the BPT effluent limitations guideline for sanitary waste required no discharge of floating solids. A "no floating solids" guideline is also applied to domestic waste. BPT limitations on oil and grease in produced water allowed a daily maximum of 72 mg/1 and a monthly average of 48 mg/1.

2. *BAT and BCT effluent limitations:* As soon as practicable but in no case later than March 31, 1989, all permits are required by section 301(b)(2) of the Act to contain effluent limitations for all categories and classes of point sources which: (1) Control toxic pollutants (40 CFR 401.15) and nonconventional pollutants through the use of Best Available Technology Economically Achievable (BAT), and (2) represent Best Conventional Pollutant Control Technology (BCT). BCT effluent limitations apply to conventional pollutants (ph, BOD, oil and grease, suspended solids, and fecal coliform). In no case may BCT or BAT be less strigent than BPT.

BAT and BCT effluent limitations guidelines and New Source Performance Standards (NSPS) were proposed on August 26, 1985 (50 FR 34592). Promulgation of the final guidelines and standards for muds and cuttings is expected to occur in mid-1988. In the absence of effluent limitations guidelines for the Offshore Subcategory, permit conditions must be established using Best Professional Judgment (BPJ) procedures (40 CFR 122.43, 122.44, and 125.3). This permit incorporates BAT and BCT effluent limitations based on the Agency's Best Professional Judgment. Previous BPJ determinations

for offshore oil and gas exploratory operations were incorporated into the general permits for the Bering and Beaufort seas (49 FR 23734, June 7, 1984), Norton Sound (50 FR 23578, June 4, 1985), and Cook Inlet (51 FR 35460, October 3, 1986).

As required by section 304(b)(2)(B) of the Act, in developing the BPJ/BAT permit conditions, the Agency considered the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Director deemed appropriate.

The types of equipment and processes employed in exploratory drilling operations are well known to the Agency. Region 10 has issued numerous general and individual permits for such operations. The records for this permit and those earlier permits thoroughly discuss the types of equipment, facilities and processes employed in exploratory drilling operations. With regard to the engineering aspects of the application of various types of control techniques, there are no BAT permit limitations based on installation of control equipment. All proposed BAT permit limitations can be achieved through product substitution, the technology basis for the limitations in this permit. Any costs of achieving the effluent limitations and any non-water quality environmental impacts were also evaluated. A discussion of such evaluations is presented below with respect to any limitation where applicable.

As required by section 304(b)(4)(B) of the Act, Region 10 considered the same factors is determining BPJ/BCT permit conditions, but with one exception. Rather than considering "the cost of achieving such effluent reduction," any BCT determination includes "consideration of the reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources." BCT effluent limitations cannot be less stringent than BPT; therefore, if the candidate industrial technology fails the BCT "cost test", BCT effluent limitations are set equal to BPT.

Region 10's evaluation of the BAT factors, as discussed above, is also applicable to BCT, as well as to the Region's best professional judgment determinations of BPT in instances where there is no BPT effluent limitation guideline for a particular wastestream. Unlike the BAT permit limitations, there is one BCT limitation based on installation of control equipment. There is a 10 percent limitation on the oil content of cuttings, based on the efficiency of conventional cuttings washers. With respect to the BCT "cost test," all BCT limitations are equal to the BPT effluent limitations guidelines or to the Region's best professional judgment determinations of BPT. Therefore, no incremental cost will be incurred.

B. Ocean Discharge Criteria

Section 401 of the Act requires that an NPDES permit for a discharge into marine waters located seaward of the inner boundary of the territorial seas be issued in accordance with guidelines for determining the degradation of the marine environment. These guidelines, referred to as the Ocean Discharge Criteria (40 CFR Part 125, Subpart M), and section 403 are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal" (45 FR 65942, October 3, 1980).

If EPA determines that the discharge will cause unreasonable degradation, an NPDES permit will not be issued. If a determination of unreasonable degradation cannot be made because of a lack of sufficient information, EPA must then determine whether a discharge will cause irreparable harm to the marine environment and whether there are reasonable alternatives to on-site disposal. To assess the probability of irreparable harm, EPA is required to make a determination that the discharger, operating under appropriate permit conditions, will not cause permanent and significant harm to the environment during a monitoring period in which additional information is gathered. If data gathered through monitoring indicate that continued discharge may cause unreasonable degradation, the discharge must be halted or additional permit limitations established.

The Director has concluded that there is sufficient information to determine that exploratory oil and gas facilities operating under the effluent limitations and conditions in this general permit will not cause unreasonable degradation of the marine environment pursuant to the Ocean Discharge Criteria guidelines. Conditions imposed under section 403(c) of the Act are discussed below in section IV.D., Requirements Based on the Ocean Discharge Criteria Evaluation.

C. Section 308 of the Clean Water Act

Under section 308 of the Act and 40 CFR 122.44(i), the Director must require a discharger to conduct monitoring to determine compliance with effluent limitations and to assist in the development of effluent limitations. EPA has included several monitoring requirements in this permit, as listed in the table below.

IV. Specific Permit Conditions

A. Approach

The determination of appropriate conditions for each discharge was accomplished through:

(1) Consideration of technology-based effluent limitations to control conventional pollutants under BCT;

(2) Consideration of technology-based effluent limitations to control toxic and nonconventional pollutants under BAT; and

(3) Evaluation of the Ocean Discharge Criteria for discharges in the Offshore Subcategory, assuming conditions in (1) and (2), above, were in place.

Discussions of the specific effluent limitations and monitoring requirements derived from (1) through (3) appear below in sections B. through D., respectively. For convenience, these conditions and the regulatory basis for eacha are cross-referenced by discharge in the following table.

Discharge and permit condition	Statutory basis
Drilling muds and cuttings:	
Authorized muds and additives only	BAT.
No oil-based muds	BCT.
No diesel	BAT.
10% max. oil content of cuttings	BCT.
No free oil	BCT.
3 mg/kg cadmium and 1 mg/kg mercury in barite	BAT.
Monitoring of metals, oil content and toxicity.	Section 308.
Monitor volume discharged	Section 308.
Chemical inventory	Section 308.
Depth and area related discharge rate limits.	Section 403(c).
Deck drainage:	
No free oil	BCT.
Monitor discharge rate	Section 308.
Sanitary wastes:	
No floating solids	BCT.
Chlorine 1.0 mg/l (facilities with more than 10 people)	BCT.
Monitor discharge rate	Section 308.
Domestic wastes:	
No floating solids	BCT.
Monitor discharge rate	Section 308.
Miscellaneous discharges (Discharges 006 to 014 in the permit):	
No free oil	BCT.
Monitor discharge rate	Section 308.
Inventory of added substances	Section 308.
Test fluids:	
pH 6.5—8.5	BCT & Marine Water Quality Criteria.
No free oil	BCT.

Discharge and permit condition	Statutory basis
Oil & grease limits: 48 mg/l monthly avg., 72 mg/l daily max.	BCT.
Monitor frequency and volume of discharge.	Section 308.
All discharges:	
No halogenated phenol compounds, diesel oil, sodium chromate, sodium dichromate, or trisodium nitrilotriacetic acid.	BAT.
No floating solids	BCT.

B. BCT Requirements

1. *Oil and grease in test fluids:* Limited volumes of formation waters which are encountered during testing of the well are authorized for discharge as test fluids. Under BPT oil and grease in discharges of produced water were limited to a 48 mg/1 monthly average and a 72 mg/1 daily maximum based on oil/water separation technologies. Since formation waters may be present in test fluids, these limits are applied to the discharge of test fluids under BCT. This limitation is equal to BPT because Region 10 does not have technology performance data available at this time on which to base a more stringent limitation. As this limitation is equal to the BPT level of control, there is no incremental cost involved.

2. *Free oil and oil-based muds:* No discharge of free oil is permitted from discharges authorized by this permit. Region 10 has determined that the BPT effluent limitations guideline of no discharge of free oil from the discharge of deck drainage, drilling muds, drill cuttings, and well treatment fluids should apply to other discharges, including uncontaminated bilge water, uncontaminated ballast water, test fluids, desalination unit wastes, boiler blowdown, non-contract cooling water, excess cement slurry, blowout preventer fluid, fire control system test water, mud, cuttings and cement at the seafloor. Thus, the no free oil limitation is Region 10's best professional judgment determination of BPT controls for these discharges. They have been subject to a no free oil limitation in previous permits issued by Region 10, and past practices have not resulted in violations of this limitation.

Under the draft permit, the discharge of oil-based drilling muds (with oil as the continuous phase and water as the dispersed phase) is prohibited since oil-based muds would violate the BCT effluent limitation of no discharge of free oil.

No technology performance data available to Region 10 indicate that more stringent standards are appropriate at this time. Region 10 has, therefore, set BCT effluent limitations equal to the BPT level of control. As such, these limitations impose no incremental costs.

Compliance with the free oil limitation for deck drainage and miscellaneous discharges will be by visual observation for a sheen on the receiving water, except for deck drainage and bilge water under the conditions described below. This requirement is similar to that in the Region's BPT permits and will not result in any additional costs to the industry. The requirement was also a condition of Region 10's BAT/BCT permits for the Bering and Beaufort seas (49 FR 23734, June 7, 1984), Norton Sound (50 FR 23578, June 4, 1985), and Cook Inlet (51 FR 35460, October 3, 1986).

Compliance with the free oil limitation for muds and cuttings will be monitored by year-round use of the Static Sheen Test. The Static Sheen Test will also be required for the monitoring of deck drainage and bilge water during unstable or broken ice and stable ice conditions. This requirement for muds and cuttings was a condition of the Region's BPT permits and thus imposes no additional cost to industry. These requirements and those on deck drainage and bilge water were also conditions of the Region's BAT/BCT permits. Use of the Static Sheen Test will prevent a violation of the free oil limitation due to those discharges most likely to be contaminated with oil. This would not be possible with an after-the-fact visual observation of a sheen on the receiving water.

3. *Oil content of cuttings:* The draft general permit restricts the discharge of oil-contaminated cuttings by prohibiting the discharge of free oil (see paragraph 2. above) and by limiting the maximum mineral oil content of cuttings. The limitation of 10 percent by weight on oil content is based on the efficiency of conventional cuttings washers in removing oil from drill cuttings. Region 10 expects that if mineral oil-based drilling muds or water-based muds with high concentrations of mineral oil additives are used, drill cuttings would, at a minimum, have to be washed by cuttings washers to meet the free oil limitation. The limitation on the maximum oil content of drill cuttings has been imposed as an additional means of effectively controlling the discharge of oil from cuttings associated with these muds.

Region 10 expects that cuttings washers will routinely be required only for drilling operations which use mineral oil-based drilling muds or water-based muds with high concentrations of mineral oil additives, and not for all drilling operations. Due to the rare usage of such muds by exploratory drilling operations, very few, if any, Alaskan exploratory facilities will require the installation of cuttings washers. Any facility requiring a cuttings washer to meet the 10 percent oil limitation is expected to already require a cuttings washer to meet the BPT effluent limitation of no free oil. Therefore, there is no incremental cost involved beyond the cost of monitoring compliance, and the limitation passes the BCT cost test.

Region 10 has taken an approach to controlling the oil content of cuttings which differs from that taken by Regions 4 and 6 in the Gulf of Mexico permit (51 FR 284897). Regions 4 and 6 have imposed a visible sheen test to determine compliance of cuttings with the no free oil limit, in combination with a prohibition on the discharge of cuttings from oil-based mud systems. The prohibition on the discharge of cuttings from oil-based mud systems is necessary since some of these cuttings are expected to have free oil and the visible sheen test results would not be evident until after a discharge to the receiving water had occurred. Region 10 has chosen to require the Static Sheen Test rather than the visible sheen test. An advantage of the Static Sheen Test is that it is done prior to discharge and cuttings which do not pass the test cannot be discharged. This test is also appropriate for the harsh weather and extended periods of darkness common in Alaska. Although the 10 percent oil limitation in Region 10 is less stringent than the prohibition by Regions 4 and 6 on discharges of cuttings from oil-based mud systems, any cuttings which pass the 10 percent limitation must also pass the Static Sheen Test prior to discharge.

EPA is presently studying a newly developed technology for removing oil and grease from drill cuttings from oil-based and invert emulsion drilling muds discharged into the Gulf of Mexico. This new technology, if successful, may be able to achieve a limit lower than 10 percent oil and grease and not result in the discharge of free oil. Should this new information become available during the public notice period, Region 10 will consider it in developing the final permit.

The permit requires an analysis of drill cuttings for oil content daily when oil-based drilling fluids or oil additives are used. Analysis is also required daily when drilling fluids could be contaminated with hydrocarbons from the formation. In addition, analysis is required immediately on any sample that has failed the daily Static Sheen Test if a discharge has occurred. Two alternative analytical methods for

determining the oil content of drill cuttings are specified in the permit: (1) The soxhlet extraction procedure for oil and grease (as specified in 40 CFR Part 136), and (2) the American Petroleum Institute retort distillation procedure for oil (Recommended Practice 13B, 1980).

4. *pH*: The pH of discharged test fluids (which may have a substantially different pH from that of the ambient receiving water) has been limited to a range of 6.5–8.5 at the point of discharge. In Region 10's best professional judgment, this limitation appropriately equals a BPT level of control. No more stringent standard has been identified by the Region at this time. Therefore, Region 10 is setting a BCT effluent limitation for the pH of test fluids equal to that of BPT. This limitation will ensure that pH changes greater than 0.2 pH unit will not occur beyond the edge of the 100-meter mixing zone [40 CFR 125.121(c)]. This requirement has been and is routinely complied with by operations under previous BPT permits and thus, reflects no cost incremental to BPT.

5. *Floating solids*: The BCT prohibition on floating solids is equal to the BPT level of control for sanitary wastes. As with the free oil limitations for other waste streams, Region 10 has determined that the BPT effluent limitations guideline of no discharge of floating solids from the discharge of sanitary wastes should apply to all other discharges as well. Thus, the no floating solids limitation is Region 10's best professional judgment determination of BPT limitations for these discharges. They have been subject to this limitation in previous permits issued by Region 10, and past practices have not resulted in violations of this limitation. No technology performance data available to Region 10 indicate that a more stringent standard is appropriate at this time. Therefore, Region 10 has determined that the BCT effluent limitation on floating solids from these discharges is equal to the BPT level of control. As such, the extension of this limitation to all discharges will involve no incremental cost.

6. *Chlorine*: The requirement of maintaining residual chlorine levels as close as possible to, but no less than 1 mg/1 in sanitary waste discharges for facilities manned by ten (10) or more people is a BCT determination equal to BPT. There is therefore no incremental cost to the industry.

C. BAT Requirements

1. *Diesel oil*: The discharge of drilling muds and associated cuttings which have been contaminated diesel oil is prohibited. Diesel, which is sometimes added to a water-based mud system, is a complex mixture of petroleum hydrocarbons, known to be highly toxic to marine organisms and to contain numerous toxic and nonconventional pollutants. While this limitation thereby controls the toxic as well as nonconventional pollutants present in diesel, Region 10's primary concern is to control the toxic pollutants. The pollutant "diesel oil" is being used as an "indicator" of the listed toxic pollutants present in diesel oil which are controlled through compliance with the effluent limitation (i.e., no discharge). The technology basis for this limitation is product substitution of less toxic mineral oil for diesel oil.

Diesel as an Indicator of Toxic Pollutants: Region 10 selected "diesel" as an "indicator" as an alternative to establishing limitations on each of the specific toxic and nonconventional pollutants present in the diesel-contaminated waste streams. The listed toxic pollutants found in various diesel oils include naphthalene, benzene, ethylbenzene, phenanthrene, toluene, fluorene, and phenol. Diesel oil may contain from 20 to 60 percent by volume aromatic hydrocarbons. The light aromatic hydrocarbons, such as benzenes, naphthalenes, and phenanthrenes, constitute the most toxic major components of petroleum products. Mineral oils, with their lower aromatic hydrocarbon content and lower toxicity, contain lower concentrations of toxic pollutants than do diesel oils. Diesel oil also contains a number of nonconventional pollutants, including polynuclear aromatic hydrocarbons such as methylnaphthalene, dimethylnaphthalene, methylphenanthrene, and other alkylated forms of each of the listed toxic pollutants.

The Region has determined that eliminating the discharge of drilling fluids contaminated with diesel oil will reduce the levels of toxic pollutants present in discharged fluids. Results of the EPA/API Diesel Pill Monitoring Program (DPMP) and other studies show that when the amount of the diesel is reduced in drilling muds, the concentrations of toxic pollutants and the overall toxicity and the fluid generally is reduced. Available data clearly establish that diesel oil as a class contain significantly higher levels of toxic pollutants than do mineral oils as a class. It is reasonable and appropriate to conclude that BAT-level control of toxic pollutants (i.e., reduction in concentrations through substitution of mineral oil for diesel oil) will be achieved by regulating diesel oil as an indicator pollutant.

Region 10 has concluded that establishing effluent limitations for each of the seven toxic pollutants present in diesel oil is not economically or technically feasible at this time. The level achievable by BAT controls on the specific toxics can be calculated using available data on the three mineral oils which have been extensively characterized. However, the limited data on the many diesel and mineral oils, mud formulations, and the various additives used, and on the unquantified effects of drilling discharges all frustrate an attempt to develop specific toxic pollutant effluent limitations at this time.

Not only is it infeasible to establish limitations on the specific toxic pollutants, but to comply with specific limitations on each of the toxic pollutants would be costly and technically complex. The analytical costs for specific pollutant analyses would be much greater than the cost of analyzing for diesel by gas chromatography alone. The high cost of compliance monitoring, which may include awaiting results of analyses, which must be conducted onshore, possibly outside the State of Alaska, also would be unwarranted. Either operators would have to delay discharge until monitoring results confirmed compliance or they would discharge and risk permit noncompliance. A permit limitation that prohibits the discharge of diesel oil is economically and technologically feasible and allows a determination of permit compliance prior to discharge.

Mineral Oil as a Substitute of Diesel Oil: In the proposed modification to the Bering and Beaufort seas general permits (50 FR 29600), Region 10 presented information pertaining to the operational performance of mineral oil as a substitute for diesel oil. This information is herein incorporated by reference. API and other parties have contended in the past that survey data on the relative success rates of diesel oil and mineral oil pills refute the above findings that mineral oil is an acceptable substitute for diesel oil. Region 10 has carefully reviewed all the available data concerning the 1983–1984 API (Burgbacher 1985) and the 1983–1986 Offshore Operators Committee (OOC) (Ayers et al. 1987) surveys as well as results from the DPMP (U.S. EPA and API 1987).

In spite of industry's claim that diesel pills are more effective than mineral oil pills, the OOC survey did show that mineral oil was used by operators in 41

percent of the stuck pipe incidents. Of the 506 incidents in the OOC survey, 298 (or 59 percent) were treated with a diesel pill, while 208 (or 41 percent) were treated with a mineral oil pill. For some operators, mineral oil was the material of choice. Three operators out of 16 used mineral oil pills exclusively. It can be concluded that during the period of this study, mineral oil was in common use by operators in the Gulf of Mexico.

Mineral oil is also commonly planned for use in drilling operations on the Alaskan OCS. Operators under Region 10's existing Bering and Beaufort seas general permits have routinely requested authorization in advance to discharge these products. Differential sticking is not an uncommon drilling problem, and it is planned for in advance of drilling operations.

Results to date from the EPA/API DPMP also shed doubt on the industry's position that mineral oil is not an acceptable substitute for diesel oil in pill applications. The success rate of diesel pills as of April 21, 1987 in the DPMP (35.9 percent) was comparable to that reported for mineral oil pills in the OOC survey (32.7 percent). It is not clear why the diesel pill success rate in the DPMP was lower than that reported in the OOC survey (52.7 percent), since there were no apparent factors that might account for this difference. Both tabulations included data from the Gulf of Mexico and incorporate only the first pill of multiple pill sticking events. These findings are consistent with the other information available to Region 10 supporting the determination that mineral oil is an operationally acceptable substitute for applications where diesel oil has been used.

In summary, regarding the technology of product substitution, mineral oil-based fluids have a demonstrated product development and performance as acceptable substitutes for diesel oil-based fluids. This determination is based on the following: (1) The availability and successful formulation and use of chemical additives that are compatible with mineral oils, (2) the commercial availability of mineral oil spotting fluids, and (3) the demonstrated performance of mineral oil spotting fluids as documented by published case histories (see 51 FR 29604–06) and (4) a consideration of the performance statistics from the 1983–1984 API surveys, the 1983–1986 OOC survey, and the Diesel Pill Monitoring Program.

Cost Considerations: The prohibition on the discharge of diesel oil is a technology-based BAT limitation based on product substitution. Low toxicity mineral oils are available as product substitutes for diesel oil, and do not impose unreasonable additional costs on industry. Region 10 has quantified the increased cost associated with the use of a mineral oil pill in place of a diesel pill by assuming that mineral oil would be stored in a rented tank on the rig. The details of this analysis are contained in the proposed modification to the Bering and Beaufort seas general permit. The total cost per mineral oil pill is estimated to be $22,765 ($7,665 for oil, $13,900 for chemical additives, and $1,200 for storage tank rental). Estimates of the total cost for use of diesel pills range from $19,700 up to $32,200 (including hauling the contaminated mud ashore). If removal and barging of the mineral oil pill is required to meet the limitations on toxicity or free oil, the increased cost of a mineral pill over a diesel pill may be attributed primarily to the increased cost of mineral oil ($5,500), chemical additives ($4,700), and tank storage ($1,200), resulting in a total increased cost of $11,400.

The cost of drilling an exploratory well is approximately $40 to $50 million in the Beaufort Sea, not including the island or drilling structure, and roughly $20 to $30 million in the Bering Sea (Weeks and Weller 1984). The increased cost due to a mineral oil pill is approximately 0.05 percent or less of the total drilling cost. The cost associated with the prohibition on the discharge of diesel oil clearly is economically achievable for Alaskan offshore operations.

Environmental Concerns: While an environmental assessement under section 403(c) was not the basis for the limitation, Region 10, however, is considering the general environmental effects of diesel-contaminated muds in developing the proposed diesel oil prohibition. Diesel oil is highly toxic to marine organisms in the water column, but also poses a potential longer term threat to bottom-dwelling (benthic) organisms. Certain diesel oils, such as the frequency used No. 2 diesel fuel oil "are among the most toxic petroleum products to marine organisms" (National Research Council 1983, p. 105). Laboratory studies have demonstrated the higher toxicity of diesel oils relative to mineral oils (e.g., see U.S. EPA 1985, p. 4–34). Since diesel oil is known to be highly toxic, substitution of low toxicity mineral oils for diesel in drilling fluids will reduce the poptential hazard to marine organisms from these discharges.

Alternatives to Diesel Oil Prohibition (Removal of Diesel Pill and Oil Limitation): One suggested alternative to the diesel oil prohibition would be to allow the discharge of drilling muds in which a diesel pill had been used, provided that the pill is removed and the residual drilling mud meets specified limitations on oil content. Such an approach depends on accomplishing effective pill removal such that the drilling mud can meet all other effluent limitations. The oil content limitation would be set at a level which not only reflects BAT control of toxic pollutants in diesel oil but also provides adequate safeguards for the marine environment. The Diesel Pill Monitoring Program (DPMP) was conducted to address the effectiveness of pill recovery in removing diesel oil from drilling muds. Based on results available to date, Region 10 has concluded that the recovery techniques being implemented in the DPMP to date are not successful in recovering the diesel pill and reducing mud toxicity to acceptable levels. DPMP results to date indicate that the toxicity of drilling muds increases with their diesel oil content, and that pill recovery techniques currently in use may leave up to 30 percent of the diesel oil added as a pill. Hence, Region 10 has determined that the prohibition on the discharge of drilling fluids and cuttings contaminated with diesel oil is appropriate for the BAT level of control.

Region 10 has considered using "free oil," "oil-based drilling fluids," and "oil content of cuttings" as indicators of toxic pollutants. While the Region has determined that such effluent limitation will control the discharge of toxic pollutants in diesel oils, it is unnecessary to designate these pollutants as indicators since the same levels of control have been established under BCT, which are equal to levels of control required by the BPT effluent limitations guidelines. Therefore, redundant limitations under BAT are not proposed for these pollutant parameters.

Conclusion: Region 10 has evaluated alternative control technologies and alternative control parameters to reduce the toxic pollutants in discharged drilling muds. Based on this evaluation, the Region has determined that the prohibition on the discharge of diesel contaminated drilling mud is reasonable and appropriate since complete diesel pill recovery is unproven and substitution of a mineral oil pill for a diesel pill is technologically feasible and economically achievable.

2. *Mercury and cadmium in barite:* The permit contains limitations of 1 mg/kg mercury and 3 mg/kg cadmium in barite, a major constituent of drilling muds. These restrictions are designed to limit the discharge of mercury, cadmium, and other potentially toxic metals which can occur as contaminants in some sources of barite. An identical limitation is included in the general permits for the

Bering and Beaufort seas, Norton Sound, and Cook Inlet.

As discussed in the facts sheets for the above permits, the justification for the limitation under BAT is product substitution; i.e., Alaskan operators can substitute "clean" barite, which meets the above limitations, for contaminated barite which does not. Numerous offshore exploratory wells have been drilled in Alaska over the past years, and chemical analyses have shown that the barite used has not exceeded the limitations. Given that "clean" barite is available and that operators in the above referenced general permit areas have been complying with an identical limitation, Region 10 believes that this limitation is both technologically feasible and economically achievable.

Region 10 has determined that it is impractical at this time to place the limitations on drilling mud until additional data are collected.

Furthermore, if the limitation were placed on the drilling mud rather than on the barite, it would not be feasible for an operator to determine in advance if the discharge complied with the permit requirements since metals analyses must be conducted at commercial laboratories onshore. Such a requirement may impose costly and unreasonable delays while the analyses were being conducted.

Region 10 does recognize the possibility of changes in the available supply of "clean barite. The draft permit contains a provision (Part II.B.1.g.) which would allow the Director the discretion to grant a waiver from the limitations on a case-by-case basis if the permittee (1) satisfactorily demonstrates that barite which meets the limitation is not available, and (2) provides results of analyses of the substitute barite. In determining the availability of "clean" barite under this provision, Region 10 will reasonably consider all relevant factors, including the cost of obtaining barite which meets the limitations.

3. *Generic muds and authorized additives.* The draft permit limits the discharge of toxic substances in drilling fluids of allowing only the discharge of generic drilling muds (listed in Table 1 of the draft permit) and additives for which acceptable bioassay or chemical data are available. Permittees are required to certify in advance of discharge that only generic drilling muds and authorized additives will be discharged.

The generic muds listed in Table 1 of the draft permit are the same generic muds listed on Table 1 of the Cook Inlet NPDES general permit (51 FR 35460, October 3, 1986). The six listed generic muds are the result of several changes to the original eight generic muds (listed on previous tables in permits for Norton Sound, Bering Sea, and Beaufort Sea). Three lignosulfonate muds (previously 2, 7, and 8) have been combined into a single mud, Generic Mud No. 2. The Region will use the toxicity of the most toxic of the three muds (old Generic Mud No. 8) in performing additive toxicity calculations. If a permittee requests authorization to discharge an additive in Generic Mud No. 2 as listed in Table 2 of this draft permit and can demonstrate that generic mud components will not exceed the concentrations of old Generic Mud Nos. 2 or 7, Region 10 will use the toxicity values for those muds instead. Reference to "generic muds" throughout this fact sheet means the six muds currently listed on Table 1 of the draft permit.

Authorized additives which may be discharged in combination with Generic Muds Nos. 2 through 6 are listed in Table 2 of the draft permit. The Region has determined that the toxicity limitations (i.e., generic muds and authorized additives) constitute a reasonable approach which is expected to control not only listed toxic pollutants, but other toxic substances (i.e., toxic nonconventional pollutants) as well. The technology basis for this permit condition is product substitution: that is, mud additives and components which would cause the toxicity of a mud system to exceed that of Generic Mud No. 1 can be replaced by less toxic mud additives and components. This principle has been successfully applied in Region 10 with the development of several "non-generic" muds. These "non-generic muds" are functionally similar to Generic Mud No. 1 but they are less toxic and may be used with specialty drilling fluid additives (e.g., polymers) without exceeding the toxicity of Generic Mud No. 1.

Permittees may discharge additives listed in Table 2 of the draft permit up to the specified concentrations in Generic Muds Nos. 2 through 6 without prior authorization. This table is an updated version of Table 2 in the Cook Inlet general permit (51 FR 35460, October 3, 1986). Tables 1 and 2 of this permit may be administratively updated during the effective period of the permit. Updated versions will be mailed to permittees when they become effective, and will supersede all earlier versions. Any additive or mud receiving authorization in the future by administrative update will be evaluated according to the regional criteria used for this permit before the tables are amended.

Most additives listed in Table 2 of the permit may not be discharged in Generic Mud No. 1 without prior authorization because Region 10 has determined that the addition of additives would cause the toxicity of the discharged mud to be more toxic than Generic Mud No. 1 alone. The only additives listed on Table 2 which may be added to Generic Mud No. 1 are: aluminum stearate; calcium carbide; cellophane flakes; flakes of silicate mineral mica; inert spheres (glass or plastic); basic zinc carbonate (Mil-Gard); crushed granular nut hulls; sodium polyphosphate; vegetable plus polymer fibers, flakes, and granules; zinc carbonate and lime; and zinc oxide (Sulf-X ES). (Mention of any trade names or commerical products does not constitute endorsement or recommendation by the U.S. Environmental Protection Agency for use.). These additives were originally authorized in Table 2 of the Bering Sea (AKG283000) and Beaufort Sea (AKG284000) general permits. They are not expected to appreciably affect the toxicity of Generic Mud No. 1. Although the most recent versions of Table 2 (Norton Sound [AKG287000] and Cook Inlet [AKG285000]) did not clearly exclude other additives from discharge in Generic Mud No. 1, the Region has not authorized any other additives. Thus, this condition is not expected to have any effect on industry.

Any discharge of a generic mud which has been modified by addition of an additive not listed in Table 2 requires prior authorization by Region 10. Permittees may request authorization to discharge additives (including mineral oils) not listed in Table 2 by submitting appropriate information and bioassay data in advance of discharge. Region 10 will determine whether the use of requested additives is likely to cause the mud system to be more toxic than Generic Mud No. 1, which is the base formulation the Agency uses to determine acceptable toxicity levels for discharge of fluids. Other criteria (e.g., persistence and degradation) are also considered in the evaluation process, as appropriate. For the evaluation of mineral oil additives the draft permit contains a provision (Part II.B.1.f.) which allows an exception for the discharge of muds which exceed the toxicity of Generic Mud No. 1 if the least toxic available alternative is discharged.

In some cases, interim authorizations for the discharge of muds and additives may be granted if perliminary bioassay data are submitted and appear acceptable but the Region determines that additional bioassay testing or other analyses are required. For example, such testing may be required to examine possible cumulative or synergistic

effects if the additive is to be used in combination with a number of other additives or if a "non-generic mud" (described above) is to be used, with or without additives. Because the additional testing may take a considerable amount of time to conduct, interim authorization to discharge may be granted, if a reasonable amount of data are available, so that operations are not impaired for an unreasonable amount of time. The information obtained under the requirements of an interim authorization will be used in further evaluations of the subject additives or muds. Thus, interim authorizations do not set a precedent for future full authorization of the subject additives or muds. Interim authorizations may require testing a used drilling mud from a rig.

This approach to limiting toxicity is expected to control the discharge of listed toxic as well as nonconventional pollutants is drilling muds. For example, the toxicity of muds containing lubricants, including mineral oil products, may vary widely, and such additives may greatly increase the toxicity of the mud. Studies on diesel-contaminated drilling muds have shown toxicity to be strongly correlated with the content of aromatic hydrocarbons, which include listed toxic pollutants. Some mineral oils also contain aromatic hydrocarbons which are listed toxics, such as fluorene, naphthalene, and phenanthrene. The toxicity of muds containing these oils is assumed to be caused, in part, by the listed toxic pollutants as well as by the nonconventional pollutants. Region 10 has determined that it is technically and economically infeasible to directly limit the toxic pollutants in drilling muds, as discussed above in section IV.C.I. Therefore, the Region has determined that the toxicity limitations constitute a reasonable approach which is expected to control not only listed toxic pollutants, but other toxic substances (i.e., toxic nonconventional pollutants) as well.

Under section 308 of the Act, compliance with this permit condition will be monitored in two ways. First, by requiring that permittees certify that only generic muds and authorized additives will be discharged; and second, by requiring that permittees submit an end-of-well inventory listing all chemicals and the amounts of each added to each mud system. In addition, permittees must analyze at least one mud sample for metals content and toxicity. The draft permit requires that any discharged mud system which has a mineral oil lubricity of spotting agent must be sampled and analyzed when the mineral oil content is highest. In the event that no mineral oil lubricity or spotting agents are used, analyses are required on a sample of discharged mud use at the greatest well depth, typically referred to as an "end-of-well" sample. The metals data will be used to verify that mercury and cadmium limits on barite are adequately controlling metal concentrations in used muds. The Drilling Fluids Toxicity Test will provide a comparsion between the toxicity of used muds containing mixtures of additives and the bioassay data submitted on individual additives prior to discharge.

4. *Other toxic and nonconventional compounds.* Under the permit discharges of the following pollutants are prohibited: halogenated phenol compounds, trisodium nitrilotriacetic acid, sodium chromate, and sodium dichromate. The class of halogenated phenol compounds includes toxic pollutants, and sodium chromate and sodium dichromate contain chromium, also a toxic pollutant. Trisodium nitrilotriacetic acid is a nonconventional pollutant. The discharge of these compounds was previously prohibited in the BPT general permits for the Beaufort Sea and Norton Sound (48 FR 54881, December 7, 1983) as well as in the BAT/BCT general permits for the Bering and Beaufort seas, Norton Sound, the Cook Inlet. These compounds are therefore subject to BAT limitations. Bcause operators complied with this provision in the BPT permit, there is no additional cost to the industry.

The draft permit contains a provision that the discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the Minerals Management Service. These products contain primarily nonconventional pollutants. This provision previously appeared in the BPT permits for the Beaufort Sea and Norton Sound, as well as in the Region's other BAT/BCT permits. Because operators complied with the provision in the BPT permits, there is no additional cost to the industry.

D. Requirements Based on the Ocean Discharge Criteria Evaulation

1. *Drilling muds, cuttings, and washwater:* Additional restrictions on these discharges are necessary to ensure no unreasonable degradation of the environment. Lease Sale 97 includes water depths from 2 to about 1,000 meters deep. Discharge rate limitations on total muds and cuttings have been established in the Ocean Discharge Criteria Evaluation process in order to allow adequate dispersion of the discharges. These maximum rates are:

- 1,000 bbl/hr for discharges into waters greater than 40 m in depth,
- 750 bbl/hr for discharges into waters greater than 20 m but not more than 40 m in depth.
- 500 bbl/hr for dicharges into waters greater than 5 m but not more than 20 m in depth, and
- 250 bbl/hr for dicharges into waters greater than 2 m but not more than 5 m in depth.

These limits are necessary because for any given discharge rate, the dilution of drilling muds and cuttings is not as great in shallow waters as in deeper waters. However, at any particular water depth, greater dilution close to the discharge point will be achieved with a lower discharge rate. These maximum rates will ensure that acceptable toxicity limits will not be exceeded at the edge of the 100 m mixing zone (Bigham et al. 1984, p. 62).

Discharge of muds, cuttings, and washwater are prohibited in the following three areas: (a) Between the shore (mainland and island) and the 2 m isobath, (b) within 1000 m of river mouths or deltas during unstable or broken ice or open water conditions, and (c) near the Stefansson Sound Boulder Patch (see Part II.B.2. and 3. of the permit).

With regard to (a) and (b) above, EPA has extensively studied the nearshore zone of the Alaskan Beaufort Sea in two Ocean Discharge Criteria Evaluations (Jones & Stokes 1983, 1984). These evaluations have clearly shown that these nearshore areas provide important feeding and migratory habitat for a large number of species including fish, waterfowl, and mammals. Further, these are areas provide essential feeding and preferred habitat for species of major importance for substance and commercial fisheries. Concerning (c) above. Region 10 proposes a permit that does not authorize discharges within 1000 m of the Stefansson Sound Boulder Patch as defined by Dunton et al. (1983). The "Patch" is a rare and unique biological community that is susceptible to adverse affects caused by discharged drilling muds and cuttings. In accordance with 40 CFR 125.123(b), the Director has prohibited these discharges as the Region has determined they will cause inreasonable degradation of the marine environment. These prohibitions are also contained in the previous Beaufort Sea NPDES general permit (49 FR 23734, June 7, 1984).

Additionally, three areas included in the draft permit are of particular concern to Region 10. They involve discharges of drilling muds and cuttings: (a) to open water in water depths from 2–5 m, (b) below-ice to water depths shallower than 20 m, and (c) within 1000 m of an area of biological concern (i.e., a unique biological community or habitat). The Director has determined that controlled discharges to these areas, in accordance with 40 CFR § 125.123 (a) and the limitations and conditions in the draft permit, will not cause unreasonable degradation of the marine environment. Monitoring is required to verify that the discharge of effluents to these areas will not produce conditions in the future that would lead to unreasonable degradation. These monitoring requirements are the same as those required by the previous Beaufort Sea general permit, except that the monitoring requirements for below-ice discharges have changed from "any depth" to "waters less than 20 m deep." Region 10 believes that the OOC (Offshore Operators Committee) model can successfully be used to predict the fate of under-ice discharges into waters greater than 20 m deep (excluding ice thickness).

2. *Other discharges (003–015).* These discharges are adequately controlled by the technology-based limitations in Part II.C. through E. of the draft permit to ensure no unreasonable degradation of the marine environment due to those discharges.

V. Other Legal Requirements

A. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. Routine discharges specifically controlled by the permit are excluded from the provisions of section 311. However, this permit does not preclude the institution of legal action or relieve permittees from any responsibilities, liabilities, or penalties for other, unauthorized discharges of oil and hazardous materials which are covered by section 311 of the Act.

B. Endangered Species Act

Based on information in the Draft Ocean Discharge Criteria Evaluation and in the Final Environmental Impact Statement prepared for Federal Lease Sale 97, Region 10 has concluded that the discharges authorized by this general permit are not likely to adversely affect any endangered or threatened species nor adversely affect its critical habitat. Region 10 is requesting written concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on this determination. Region 10 will consult with the services as appropriate, depending upon the outcome of the request for concurrence, and otherwise will comply with the requirements of section 7 of the Endangered Species Act before issuing the final permit.

C. Coastal Zone Management Act

EPA has determined that the activities authorized by this general permit are consistent with local and state Coastal Management Plans. The proposed permit and consistency determination will be submitted to the State of Alaska for state interagency review at the time of public notice. The requirements for State Coastal Zone Management Review and approval must be satisfied before the general permit may be issued.

D. Marine Protection, Research and Sanctuaries Act

No marine sanctuaries as designated by this Act exist in the vicinity of the permit areas.

E. State Water Quality Standards and State Certification

No state waters are included in this permit.

F. Executive Order 12291

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to section 8(b) of that order.

G. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Most of the information collection requirements have already been approved by the Office of Management and Budget (OMB) in submissions made for the NPDES permit program under the provisions of the Clean Water Act. In addition, the environmental monitoring requirements pursuant to section 403(c) of the Clean Water Act in Part II.B.4 of this permit are similar to the monitoring requirements that were approved by OMB for the previously issued Beaufort Sea general permit (June 7, 1984; 49 FR 23734) and the Norton Sound general permit (50 FR 23578, June 4, 1985). The final general permit will explain how the information collection requirements respond to any OMB or public comments.

H. The Regulatory Flexibility Act

After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this general permit will not have a significant impact on a substantial number of small entities. This certification is based on the fact that the regulated parties have greater than 500 employees and are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5024 *et seq.* (February 9, 1984). These facilities are classified as Major Group 13—Oil and Gas Extraction SIC 1311 Crude Petroleum and Natural Gas.

Robert Burd,

Acting Regional Administrator, Region 10.

VI References

Ayers, R.C., Jr., J. E. O'Reilly, and L. R. Henry. 1987. Offshore operators committee, Gulf of Mexico spotting fluid survey. April 4, 1987, 3 pp. plus attachments.

Bigham, G.L., Hornsby, and G. Wiens. 1984. Technical support document for regulating dilution and deposition of drilling muds on the Outer Continental Shelf. Prepared for U.S. Environmental Protection Agency, Region 10, Seattle, WA, and Jones and Stokes Associates, Bellevue, WA, by Tetra Tech, Inc., Bellevue, WA. November 1984. 68 pp. plus appendices.

Burgbacher, J. 1985. Letter dated October 30, 1985, to Dennis Ruddy, Industrial Technology Division, EPA, with two-page attachment.

Dunton, K., E. Reimnitz, and S. Schonberg. 1982. An arctic kelp community in the Alaskan Beaufort Sea. Arctic 35(4): 465-484.

Jones & Stokes Associates. 1983. Final ocean discharge criteria evaluation, Diapir Field, OCS lease sale 71. Prepared for U.S. Environmental Protection Agency, Region 10. March 21, 1983. 160 pp. plus appendices.

Jones & Stokes Associates. 1984. Final ocean discharge criteria evaluation, Diapir Field, OCS lease sale 87 and state lease sales 39, 43, and 43a. Prepared for U.S. Environmental Protection Agency, Region 10, July 24, 1984. 137 pp. plus appendices.

National Research Council. 1983. Drilling discharges in the marine environment. National Academy Press. Washington, DC 180 pp.

Weeks, W.F. and G. Weller. 1984. Offshore oil in the Alaskan Arctic. Science 225: 371–378.

U.S. EPA. 1985. Assessment of environmental fate and effects of discharges from offshore oil and gas operations. EPA 440/4–85/002.

U.S. and API. 1987. Diesel pill monitoring program: Report Number Four. Prepared for the fourth meeting of the diesel pill monitoring program oversight committee, April 23, 1987.

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BILLING CODE 6560-50-M

[OPP-240077; FRL-3266-4]

State Registration of Pesticides; Alabama, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, from 23 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register**.

DATE: The last entry for each item is the date the State registration of that product became effective.

FOR FURTHER INFORMATION CONTACT: Owen F. Beeder, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC. Office location and telephone number: Room 716A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703)-557-7893.

SUPPLEMENTARY INFORMATION: This notice only lists the section 24(c) applications submitted to the Agency. The Agency has 90 days to approve or disapprove each application listed in this notice. Applications that are not approved are returned to the appropriate State for action. Most of the registrations listed below were received by the EPA in May through July 1987. Receipts of State registrations will be published periodically. Of the following registrations, none involve a changed-use pattern (CUP). The term "changed-use pattern" is defined in 40 CFR 162.3(k) as a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from a nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and nondomestic to domestic use.

Alabama

EPA SLN No. AL 87 0003. ICI Americas, Inc. Registration is for Gramoxone Super Paraquat Herbicide to be used on fescue to control endophyte. June 30, 1987.

Arizona

EPA SLN No. AZ 87 0006. Dow Chemical. Registration is for Lorsban 50W to be used on fruit and nut crops to control various insects. February 24, 1987.

EPA SLN No. AZ 87 0011. Gowan Co. Registration is for Prokil Dicofol EC to be used on Bermudagrass grown for seed to control mites. June 15, 1987.

EPA SLN No. AZ 87 0015. Gustafson, Inc. Registration is for Gustafson Flo-Pro IMZ Flowable Systemic Fungicide to be used as wheat and barley seed treatment to control common root rot and barley leaf stripe. July 27, 1987.

EPA SLN No. AZ 87 0016. Wilbur-Ellis Co. Registration is for Nu-Zone 10ME to be used on wheat and barley as seed treatment to control common root rot and barley leaf stripe. July 27, 1987.

California

EPA SLN No. CA 87 0002. Lake County Dept. of Agriculture. Registration is for Grasshopper Bait to be used on various crops to control grasshoppers. January 12, 1987.

EPA SLN No. CA 87 0011. California Dept. of Water Resources, Division of Flood Management. Registration is for Rodeo to be used on settling basins and flood channels to control alders, poison oak, wild roses, and willows. February 26, 1987.

EPA SLN No. CA 87 0016. California Dept. of Human Services. Registration is for Cythion Premium Grade Malathion to be used on wild rice to control mosquitoes. May 11, 1987.

EPA SLN No. CA 87 0018. Northrup King Co. Registration is for Malathion 25 Insect Spray to be used on seed trials of various commodities to control aphids. May 15, 1987.

EPA SLN No. CA 87 0019. Monterey County Agricultural Commissioner. Registration is for Mesurol 75 Wettable Powder to be used on sugar beets grown for seed to control linnets. May 20, 1987.

EPA SLN No. CA 87 0021. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Harvest Aid to be used on field corn (grain) for desiccation of corn grown for seed. April 3, 1987.

EPA SLN No. CA 87 0022. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Harvest Aid to be used on okra and cauliflower grown for seed for desiccation. March 3, 1987.

EPA SLN No CA 87 0023. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Harvest Aid to be used on wheat grown for seed to control various weeds. March 3, 1987.

EPA SLN No. CA 87 0024. Imperial County Agricultural Commissioner. Registration is for Poast to be used on alfalfa to control grassy weeds. June 1, 1987.

EPA SLN No. CA 87 0026. Desert Cotton Growers Association. Registration is for Gramoxone to be used on cotton to control annual weeds and perennial weeds. June 22, 1987.

EPA SLN No. CA 87 0027. Glenn County Dept. of Agriculture. Registration is for Apron 25W to be used on sugar beet seed to control *Pythium* damping-off and early season *Phytophthora* infections. July 6, 1987.

EPA SLN No. CA 87 0028. San Diego County Dept. of Agriculture/Weights and Measures. Registration is for Safer Insecticidal Soap to be used on strawberries to control spider mites. July 1, 1987.

Delaware

EPA SLN No. DE 87 0001. Union Carbide. Registration is for Arvin SC Thiodicarb Insecticide to be used on sweet corn used to control European corn borers, corn earworms, and fall armyworms. May 14, 1987.

Florida

EPA SLN No. FL 87 0004. Morgan International Products. Registration is for Rethrocide to be used on horses to control face and biting flies. April 16, 1987.

EPA SLN No. FL 87 0005. Pennwalt Corp. Registration is for Aquathol K Aquatic Herbicide to be used on ponds, lakes, reservoirs, marshes, bayous, and various areas where water is quiescent or moving to control hydrilla. May 13, 1987.

EPA SLN No. FL 87 0006. Pennwalt Corp. Registration is for Aquathol Granular Aquatic Herbicide to be used on ponds, lakes, reservoirs, marshes, bayous, and various areas where water is quiescent or moving to control hydrilla. May 13, 1987.

EPA SLN No. FL 87 0007. Mobay Corp. Registration is for Baygon 70% Wettable Powder to be used on turfgrass to control mole crickets. April 16, 1987.

EPA SLN No. FL 87 0008. Mobay Corp. Registration is for Baytex Liquid Concentrate to be used for aerial spray to control mosquito adults in mosquito-infested areas. May 7, 1987.

EPA SLN No. FL 87 0009. Union Carbide. Registration is for Temik Brand 10G Aldicarb Pesticide to be used on ornamental and nursery plants to control certain insects, mites, and nematodes. May 7, 1987.

EPA SLN No. FL 87 0010. D.A. Darnell Co. Registration is for Fly Guard to be used in homes and buildings to control house flies, mosquitoes, gnats, moths, and other flying insects. June 8, 1987.

Georgia

EPA SLN No. GA 87 0005. Unocal Corp. Registration is for N-TAC Desiccant to be used on lima beans and southern peas for plant desiccation. July 9, 1987.

Hawaii

EPA SLN No. HI 87 0003. Rohm and Haas Co. Registration is for Goal 1.6E Herbicide to be used on nonbearing age coffee plantings to control certain broadleaf weeds. April 13, 1987.

Idaho

EPA SLN No. ID 87 0010. Pennwalt Corp. Registration is for Topsin M 70W Fungicide to be used on bean crops for in-furrow treatment to control fusarium and rhizoctonia. May 18, 1987.

EPA SLN No. ID 87 0011. Pennwalt Corp. Registration is for Topsin M 4.5F Fungicide to be used on bean crops for in forrow treatment to control fusarium and rhizoctonia. May 18, 1987.

EPA SLN No. ID 87 0012. Wilbur-Ellis Co. Registration is for Red-Top Methyl Parathion 5 Spray to be used on lentils to control several insect pests. June 12, 1987.

EPA SLN No. ID 87 0013. FMC Corp. Registration is for Thiodan 3EC Insecticide to be used on conifers and Christmas trees to control Cooley spruce adelgid and Douglas fir needle midge. June 19, 1987.

EPA SLN No. ID 87 0014. FMC Corp. Registration is for Thiodan 50 WP Insecticide to be used on conifers and Christmas trees to control Cooley spruce adelgid and Douglas fir needle midge. June 19, 1987.

EPA SLN No. ID 87 0015. Pennwalt Corp. Registration is for Des-I-Cate Harvest Aid to be used on hops to control hops sucker growth. July 20, 1987.

EPA SLN No. ID 87 0016. Mobay Corp. Registration is for Sencor 4 Flowable Herbicide to be used on potatoes to control various weeds. July 7, 1987.

EPA SLN No. ID 87 0017. Mobay Corp. Registration is for Sencor DF 75% Dry Flowable to be used on potatoes to control various weeds. July 7, 1987.

EPA SLN No. ID 87 0018. Gustafson, Inc. Registration is for Gustafson Flo-Pro IMZ Flowable Systemic Fungicide to be used as seed treatment on wheat and barley to control common root rot and barley leaf stripe. July 24, 1987.

Iowa

EPA SLN No. IA 87 0003. FMC Corp. Registration is for Pounce 3.2 EC to be used on seed corn to control earworms. July 20, 1987.

Michigan

EPA SLN No. MI 87 0001. Platte Chemical Co. Registration is for Clean Crop Captan 50W to be used on blueberries to control anthracnose fruit rot and botyrytis gray mold. April 16, 1987.

EPA SLN No. MI 87 0004. American Cyanamid Co. Registration is for Cycocel Plant Growth Regulant to be used on geraniums as a growth regulator. May 22, 1987.

EPA SLN No. MI 87 0005. FMC Corp. Registration is for Pounce 3.2 EC Insecticide to be used on asparagus to control cutworms and asparagus beetles. June 2, 1987.

Minnesota

EPA SLN No. MN 87 0001. FMC Corp. Registration is for Furadan CR-10 to be used on rape seed for export to Canada to control crucifer and striped flea beetles. May 12, 1987.

Montana

EPA SLN No. MT 87 0002. FMC Corp. Registration is for Thiodan 50 WP Insecticide to be used on conifers (including Christmas trees) to control Cooley spruce adelgid and Douglas fir needle midge. July 10, 1987.

EPA SLN No. MT 87 0003. FMC Corp. Registration is for Thiodan 3EC Insecticide to be used on conifers (including Christmas trees) to control Cooley spruce adelgid and Douglas fir needle midge. July 10, 1987.

Nevada

EPA SLN No. NV 87 0001. ICI Americas. Registration is for Gramoxone Super Herbicide to be used on garlic to control broadleaf annual weeds and grass. May 27, 1987.

EPA SLN No. NV 87 0004. E.I. du Pont de Nemours & Co. Registration is for Du Pont Oust Herbicide to be used under asphalt and concrete pavements to control weeds. June 24, 1987.

EPA SLN No. NV 87 0005. Nevada Dept. of Agriculture. Registration is for Poast Herbicide to be used on alfalfa to control grassy weeds. July 1, 1987.

EPA SLN No. NV 87 0006. Chevron Chemical Co. Registration is for Ortho Diquat Herbicide H/A to be used on potatoes for desiccation to facilitate harvest. July 7, 1987.

EPA SLN No. NV 87 0007. ICI Americas. Registration is for Gramoxone Super Herbicide to be used on seeded onions to control broadleaf weeds and grasses. July 9, 1987.

EPA SLN No. NV 87 0008. Pennwalt Corp. Registration is for Des-I-Cate to be used on alfalfa to control potato vine. July 16, 1987.

North Carolina

EPA SLN No. NC 87 0002. FMC Corp. Registration is for Talstar 10 WP to be used on outdoor ornamentals to control insects and mites. March 27, 1987.

EPA SLN No. NC 87 0004. Chevron Chemical Co. Registration is for Ortho Diquat Herbicide to be used on evening primrose (seed crops only) for preharvest desiccation of foliage. June 6, 1987.

Oklahoma

EPA SLN No. OK 87 0002. PBI Gordon Corp. Registration is for Pestroy 8 EC to be used on pine trees to control southern pine beetles. July 9, 1987.

EPA SLN No. OK 87 0003. Sandoz Crop Protection Corp. Registration is for Banvel Herbicide to be used on grass to control annual and perennial broadleaf weeds. July 9, 1987.

Oregon

EPA SLN No. OR 87 0006. Uniroyal Chemical Co. Registration is for Omite-CR to be used on pears, postharvest and nonbearing trees only, to control two-spotted McDaniel spider mites and European red mites. June 29, 1987.

EPA SLN No. OR 87 0007. Platte Chemical Co. Registration is for Clean Crop Diazinon 14G to be used on cranberries to control cranberry girdler. July 14, 1987.

EPA SLN No. OR 87 0008. Union Carbide. Registration is for Weedar 64 Broadleaf Herbicide to be used on cranberry bogs to control tall weeds. July 16, 1987.

EPA SLN No. OR 87 0009. E.I. du Pont de Nemours & Co., Inc. Registration is for Du Pont Pydrin Insecticide 2.4 to be used on cranberries to control oblique-banded leafroller, orange tortrix, and aphids. July 22, 1987.

Pennsylvania

EPA SLN No. PA 87 0003. Union Carbide. Registration is for Larvin SC Thiodicarb Insecticide to be used on sweet corn to control armyworms, corn earworms, and European corn borers. May 29, 1987.

EPA SLN No. PA 87 0004. Union Carbide. Registration is for Larvin 3.2 Thiodicarb Insecticide to be used on sweet corn to control armyworms, corn earworms, and European corn borers. June 1, 1987.

EPA SLN No. PA 87 0005. E.I. du Pont de Nemours & Co. Registration is for Du Pont Phosdrin 4 EC Insecticide to be used on watercress to control aphids. June 30, 1987.

EPA SLN No. PA 87 0006. Union Carbide. Registration is for Larvin 3.2

Thiodicarb Insecticide to be used on soybeans to control slugs. July 23, 1987.

Puerto Rico

EPA SLN No. PR 87 0003. Pedro J. Vivon. Registration is for Maintain CF-125 to be used on pineapples as a growth regulator. May 18, 1987.

EPA SLN No. PR 87 0004. Pedro J. Vivon. Registration is for Toxaphene 8-EC to be used on pineapples to control gummosis moth. May 19, 1987.

Tennessee

EPA SLN No. TN 87 0008. FMC Corp. Registration is for Furadan 4F to be used on strawberries to control root weevils. June 15, 1987.

EPA SLN No. TN 87 0009. Fermenta Plant Protection Co. Registration is for Dacthal W-75 Herbicide to be used on upland grass at seeding to control crabgrass and other annual grasses and certain broadleafed weeds. June 19, 1987.

Virginia

EPA SLN No. VA 87 0004. Chempar Products. Registration is for Rozol Berry Vole Control to be used on crop producing fields to control field mice. May 15, 1987.

EPA SLN No. VA 87 0005. Union Carbide. Registration is for Larvin 3.2 Thiodicarb Insecticide to be used on sweet corn to control armyworms, corn earworms, and European corn borers. June 8, 1987.

EPA SLN No. VA 87 0006. Union Carbide. Registration is for Larvin SC Thiodicarb Insecticide to be used on sweet corn to control armyworms, corn earworms, and European corn borers. June 8, 1987.

Washington

EPA SLN No. WA 87 0019. Gustafson Corp. Registration is for Gustafson Flo-Pro IMZ Flowable Systemic Fungicide to be used on wheat and barley to control common root rot and barley leaf stripe. May 28, 1987.

EPA SLN No. WA 87 0020. Unocal Corp. Registration is for N-TAC Desiccant to be used on grapevines to control sucker growth. June 10, 1987.

EPA SLN No. WA 87 0022. Riverside/Terra Corp. Registration is for Dimethoate 4E to be used on lentils to control aphids and lygus. July 25, 1987.

EPA SLN No. WA 87 0023. Platte Chemical Co. Registration is for Clean Crop Dimethoate 267 to be used on lentils to control aphids and lygus. July 25, 1987.

EPA SLN No. WA 87 0024. Platte Chemical Co. Registration is for Clean Crop Dimethoate 400 to be used on lentils to control aphids and lygus. July 25, 1987.

EPA SLN No. WA 87 0025. Hopkins Agricultural Chemical Co. Registration is for Hopkins Basamid Granular to be used on nonbearing plants as a soil treatment. July 25, 1987.

EPA SLN No. WA 87 0026. ICI Americas, Inc. Registration is for Fusilade 2000 Herbicide to be used on various crops grown for seed to control grassy weeds. June 25, 1987.

EPA SLN No. WA 87 0027. Pennwalt Chemical Co. Registration is for Deccoquin 305 Concentrate to be used for postharvest use on Bartlett pears to control scald. June 30, 1987.

EPA SLN No. WA 87 0028. Uniroyal Chemical Co. Registration is for Omite-CR to be used on Christmas trees to control spider mites. July 6, 1987.

EPA SLN No. WA 87 0029. Uniroyal Chemical Co. Registration is for Comite to be used on mint to control spider mites. July 7, 1987.

EPA SLN No. WA 87 0030. Platte Chemical Co. Registration is for Clean Crop Diazinon 14G to be used on cranberries to control cranberry girdler. July 13, 1987.

West Virginia

EPA SLN No. WV 87 0001. Uniroyal Chemical Co. Registration is for Omite 6E to be used on apples to control European redmite and two-spotted mites. May 20, 1987.

Wyoming

EPA SLN No. WY 87 0004. Mobay Corp. Registration is for Dy-Syston 8 to be used on triticale for foliar application to control aphids and mites. May 20, 1987.

EPA SLN No. WY 87 0005. Mobay Corp. Registration is for Di-Syston 8 to be used on native and tame grass to control Russian wheat aphids. June 16, 1987.

EPA SLN No. WY 87 0006. FMC Corp. Registration is for Command 4 EC to be used on fallow croplands and crops of winter wheat and/or spring wheat to control preemergence weeds. July 21, 1987.

(Sec. 24 as amended, 92 Stat. 835 (7 U.S.C. 136))

Dated: September 14, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-22058 Filed 9-29-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Requirement Approval by Office of Management and Budget

September 21, 1987.

The following information collection requirements have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact Terry Johnson, Federal Communications Commission, telephone (202) 632-7513.

OMB No.: 3060-0051
Title: Ship/Aircraft License Expiration Notice and/or Renewal Application
Form No.: FCC 405-B

A revised form FCC 405-B has been approved for use through 6/30/90. The April 1986 edition with an expiration of 11/30/87 will remain in use until revised forms are available.

OMB No.: 3060-0090
Title: Registration of Canadian Radio Station Licensee and Application for Permit to Operate in the U.S.
Form No.: FCC 410

The approval on application form FCC 410 has been extended through 9/30/90. The March 1987 edition with an expiration of 9/30/87 will remain in use until updated forms are available.

OMB No.: 3060-0039
Title: Application for a New or Modified Common Carrier Microwave Radio Station License Under Part 21
Form No.: FCC 436

The approval on application form FCC 436 has been extended through 6/30/89. The November 1984 edition with a previous expiration of 8/31/87 will remain in use until updated forms are available.

OMB No.: 3060-0096
Title: Application for Ship Radio Station License and Temporary Operating Authority
Form No.: FCC 506/506-A

A revised application form FCC 506/506-A has been approved for use through 6/30/90. The February 1986 edition with an expiration date of 11/30/88 will remain in use until revised forms are available.

OMB No.: 3060-0056
Title: Application for Registration of Equipment to be Connected to the Telephone Network
Form No.: FCC 730

The approval on form FCC 730 has been extended through 8/31/90. The March 1987 edition with a previous

expiration date of 8/31/87 will remain in use until updated forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-22457 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

Lottery Rankings of 900 MHz SMRS Applicants for the Indianapolis, San Antonio, Charlotte and Greensboro Designated Filing Areas

September 18, 1987.

On August 21, 1987, the Federal Communications Commission conducted its sixth round of lotteries to select applicants to provide 900 MHz Specialized Mobile Radio (SMR) Service. These lotteries were used to rank applicants in each of the following Designated Filing Areas (DFAs):

#32 Indianapolis
#33 San Antonio
#35 Charlotte
#45 Greensboro

Lists of the forty top-ranked applications in each of these Designated Filing Areas are attached to this Public Notice. The top 20 selectees in each DFA will be granted authorizations to provide SMR service. The next 20 ranked applicants will be alternate selectees should it be determined that any of the winners are not qualified to be licensees, or if any of the winners fail to provide the Commission with required transmitter site information within the specified time period. Within 30 days of the publication of this Public Notice in the **Federal Register**, interested parties may advise the Commission of any matter that may reflect on an applicant's qualifications to be a licensee. A copy of any such pleading must be served on the applicant in question on or before the day on which the document is filed with the Commission. *See* § 1.47(b) of the Commission's rules, 47 CFR 1.47(b). Service can be accomplished pursuant to § 1.47(d) of the Commission's rules, 47 CFR 1.47(d). Matters raised in such pleadings will be resolved prior to issuance of any license to the applicant. Individual applications may be examined at the Private Radio Bureau's Public Reference Room in Gettysburg, PA. Copies of individual applications may be ordered from the Commission's copy contractor, International Transcription Services, at (717) 337-1433.

All applications ranked below number 40 are hereby dismissed and will not be returned to the applicants. There will be no individual notices of dismissal mailed to applicants. The Lottery Notice of August 5, 1987 contains the names and addresses of lottery participants.

For further information regarding the selection procedures, consult the November 4, 1986 Public Notice (1 FCC Rcd 543 (1986), 52 FR 1302 (January 12, 1987)) or contact Betty Woolford of the Land Mobile and Microwave Division at (202) 632-7125.

900 MHz Applications in the Indianapolis DFA

Rank and applicants name	Lottery code	File No.
Winners:		
1. Kohler, Alan C.	277	058529
2. German, Richard H.	207	056206
3. Wildes, Gregory G.	562	060389
4. Certified Systems, Inc.	097	055097
5. Blasucci, Daniel	061	057800
6. Schneider, Mary Elizabeth	471	051880
7. Styranovski, Myron	513	056886
8. Associated Technologies, Inc.	028	059693
9. Henschel, Benjamin L.	236	057223
10. Wawcomm Partnership	551	051703
11. Boyd, Claudia G.	069	056768
12. Feiler, Michael H.	182	059707
13. Euclidean Corporation	176	055883
14. Shaw, David Carl	478	058452
15. Esty Productions, Inc.	175	059082
16. Erekson, R. Crisman	174	051634
17. Louisiana Cellular Services, Inc.	313	054063
18. March Enterprises	321	058711
19. Metrowest Systems, Inc.	351	058355
20. Rosenthal, Paul C.	452	055290
Alternates:		
21. Mountain Relay Co.	368	052977
22. Crowningshield, Gloria	129	052700
23. Allison, Kenneth	019	059700
24. Stone, Jr., Earl Lee	508	057670
25. Select Communications and Data Acquisition	473	060399
26. Riley, Michael W.	447	060338
27. B T Cellular Corp.	038	056563
28. Columbus, R. Timothy	114	055620
29. Wang, Robert Y. & Jennifer W.	549	057180
30. Jones, Maureen A.	265	053328
31. Sheahan, Dennis P.	480	055563
32. Enterprise Electronics	172	055776
33. Atlantic Coast Communication, Inc.	029	057758
34. Telecommunications Network, Inc.	519	056577

900 MHz Applications in the Indianapolis DFA—Continued

Rank and applicants name	Lottery code	File No.
35. United Radiophone System	536	052017
36. Kenton, Richard	271	057070
37. Denault Jr., Herbert Maurice	150	058322
38. Skall, Gregg P.	494	052466
39. Cooper, Charles B.	121	054882
40. Cordaro, Vincent S.	123	056532

900 MHz SMR Applications in the San Antonio DFA

Rank and applicant name	Lottery code	File No.
Winners:		
1. Farquhar, George R.	0247	060132
2. Betterton, Floyd	0076	052830
3. Carter, Richard M.	0131	058987
4. San Diego Communications Group Inc.	0635	059665
5. Ciferri, Michael A.	0146	053792
6. Ryan, John P.	0629	053692
7. Otterbein, J. Cortney	0537	057890
8. Gaeta, Edwin L.	0279	059654
9. Longhorn Communications [1]	0807	060764
10. Sinelli, Paul R.	0678	059657
11. Repeaters For Rent Inc.	0602	059639
12. Parkhurst, Mark	0546	059994
13. Roe Comm Inc.	0616	054256
14. Dechert, Glen R.	0205	057567
15. Litt, Robert S.	0427	057964
16. Brasher, Patricia	0097	052619
17. Waller, David L.	0757	058465
18. Nashawaty, Thomas	0519	052417
19. Treanor, David	0731	055355
20. Cade, Samuel H.	0121	057271
Alternates:		
21. Kitzman, J Andrew	0386	052991
22. Dean, Richard C.	0204	056997
23. Fisher, Elizabeth B.	0260	057580
24. McLean, Brian J.	0472	054321
25. N Eyesh Properties Partnership	0516	051666
26. Risingsun, Richard E.	0612	051730
27. Hollister, Gary	0338	054225
28. Wang, Richard Y: Wang, Janet C.	0759	057050
29. TRS Inc.	0735	059663
30. Zadel, Edward M.	0798	055999
31. Sefceik, Robert E.	0653	059642
32. Schempp, Albert	0644	057916
33. Wawcomm Partnership	0762	051706
34. Jones, Maureen A.	0368	053329
35. Shenn, Jen: Song, Sue Jen	0665	057606
36. Shults, William O.	0672	058992
37. Hollar Communications	0337	053381
38. Luck, Charlotte T.	0435	057828

900 MHz SMR Applications in the San Antonio DFA—Continued

Rank and applicant name	Lottery code	File No.
39. G & S Communications Inc.	0278	054141
40. Kirkbride, Richard: Kirkbride Laura	0384	057287

[1] This application was not listed in the Lottery Notice dated August 5, 1987. Their address is: 3724 FM 1960 West, Suite 206, Houston, TX 77068.

900 MHz Applications in the Charlotte DFA

Rank and applicants name	Lottery code	File No.
Winners:		
1. Kahan, Eric,	272	051735
2. DHT Transportation, Inc.	151	059760
3. Battistini, Keith	045	060146
4. Cureton, Terry Lynn	132	059057
5. Hartpence, Elmer	233	054384
6. Electronic Communications Service	165	053765
7. Bobrowsky, Charles	063	053650
8. Folta, Edmund V	193	054845
9. Maxwell, Earl A	333	059294
10. Cooper, Charles B.	117	054880
11. E.F. Johnson Company	158	053484
12. Channel One Communications, Inc.	095	060217
13. Enterprise Electronics	172	055763
14. German, Richard H.	210	056204
15. Gerber, Bob	209	051716
16. Blair, Robert A.	058	058704
17. Friedland, Albert	197	053959
18. Telecommunications Network, Inc.	522	056579
19. Domencich, Thomas A.	155	055545
20. Perkins, Robert H.	406	052052
Alternates:		
21. Cordaro, Vincent S.	119	056530
22. N J Natural Gas Co., Inc.	378	058655
23. Capper, Emmett M.	086	052531
24. Must Bon Realty Company	376	054795
25. Rhodes, Sharon	447	060486
26. Loomis Radio Communications, Inc.	315	054074
27. Harper, Betty F.	228	058966
28. Shaw, David Carl	481	058338
29. General Electric Radio Services Corp.	208	058735
30. Morris Communications, Inc.	369	054276
31. WKH Cell Inc.	569	055732
32. Byrne, Patrick F.	082	054505
33. Certifiled System, Inc.	094	055080
34. Horner, Jack	247	053073

900 MHz Applications in the Charlotte DFA—Continued

Rank and applicants name	Lottery code	File No.
35. Belendiuk, Micael	052	056865
36. Wiztronics, Inc.	568	053829
37. Clear Channel Communications Corp.	102	053734
38. King James Partnership	278	059956
39. Dodd, Jr., William A.	154	053896
40. Silver, Irving	492	053266

900 MHz SMR Applications in the Greensboro DFA

Rank and applicant name	Lottery code	File No.
Winners:		
1. Wawcomm Partnership	0563	051696
2. Jekic, William W	0269	059775
3. East Coast Cellular	0164	058235
4. AMK Communications	0026	060651
5. Cureton, Terry L	0137	058795
6. Communications Engineering Co.	0117	052731
7. Calpage Inc.	0087	052993
8. Cristina, Daniel	0130	058376
9. Cleveland Mobile Radio Sales Inc.	0108	054765
10. Reyes, Sandra Gail	0458	059170
11. RB Management Services Inc.	0452	055704
12. Moroney, Robert G	0378	059360
13. Mays, Audie L	0345	053219
14. Liccardi, William J	0315	059373
15. DHT Transportation Inc.	0156	059759
16. Telecom Inc.	0535	060410
17. Dodd Jr, William A	0159	053895
18. Louthan, Ronald J	0326	059579
19. Battistini, Keith	0048	060147
20. Allen Electronics	0018	053490
Alternates:		
21. Lee, Bernard D	0310	057681
22. N J Natural Gas Co Inc.	0388	058656
23. Kenton, Richard	0283	057080
24. Munch, David	0381	060640
25. Berkovich, Marlene J	0056	0566411
26. Ward, Thomas G	0562	052071
27. Becker, Philip	0052	056697
28. Kahan, Eric	0278	051739
29. Mobile Radio Service Co	0375	052587
30. Bell, Carl E	0055	053887
31. Shibayama, Mas	0498	059921
32. Kay Jr, James A	0281	057369
33. Clinton, Joseph	0110	060362
34. Denault Jr, Herbert Maurice	0152	058332
35. Henry Bros Electronics Inc	0241	051981
36. Davis, J Michael	0146	054373

900 MHz SMR Applications in the Greensboro DFA—Continued

Rank and applicant name	Lottery code	File No.
37. Payne, John W	0415	054335
38. Knight, Wendy Jo	0289	053750
39. Marion, Joseph J	0337	057601
40. American Mobilephone Inc	0023	057691

Federal Communications Commission.

William J. Tricario,

Secretary.

[FR Doc. 87-22458 Filed 9-29-87; 8:45 am]

BILLING CODE 6712-01-M

[REPORT NO. 1679]

Petitions for Reconsideration and Clarification of Actions

September 23, 1987.

Petitions for reconsideration and clarification have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for review and copying in Room 239, 1919 M Street, NW., Washington, DC., or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Notwithstanding the general filing provisions of § 1.4(b)(1) of the Commission's rules, which specify shorter filing periods, oppositions to these petitions may be filed within 30 days of the date of public notice of these petitions in the **Federal Register**. Replies must be filed within 15 days after the time for filing oppositions has expired.

Subject: Inquiry into § 73.1910 of the Commission's Rules and Regulations Concerning Alternatives to the General Fairness Doctrine Obligations of Broadcast Licensees. (MM Docket No. 87-26)

Number of petitions received: 1.

Subject: Syracuse Peace Council against Television Station WTVH, Syracuse, New York (*Meredith* Fairness Doctrine case).

Number of petitions received: 2 (Although an adjudicatory proceeding, comments will be received in accordance with the same procedures specified in the Commission's *Order Requesting Comment* in this proceeding released January 23, 1987, FCC 87-33, 52 FR 2805 (January 27, 1987).

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 87-22455 Filed 9-29-87; 8:45 am]
BILLING CODE 6712-01-M

[PR Docket No. 87-345]

Hearing Designation Order; Mobile Marine Radio, Inc., et al.

AGENCY: Federal Communications Commission.

ACTION: Hearing Designation Order.

SUMMARY: The Commission has designated two mutually exclusive applications for VHF public coast station frequency 161.825 MHz for hearing. These stations propose to serve Mobile and Foley, Alabama.

DATE: applicants must file a notice of appearance within 20 days of the mailing of the designation order.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert DeYoung, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Hearing Designation Order in PR Docket No. 87-345 which designates the applications of Mobile Marine Radio, Inc. (MMR) and COM/NAV Marine, Inc. (COM/NAV) for hearing. The issues in this proceeding are to determine if MMR's application is subject to an additional frequency showing and to determine which applicant should be licensed based on various comparative criteria. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 87-22456 Filed 9-29-87; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Appointment of Receiver; Lyons Federal Trust and Savings Bank, Countryside, IL

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Lyons Federal Trust and Savings Bank, Countryside, Illinois, on September 24, 1987.

Dated: September 24, 1987.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,
Secretary.
[FR Doc. 87-22550 Filed 9-29-87; 8:45 am]
BILLING CODE 6720-01-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.: 224-010839-002.

Title: Port of Seattle Terminal Lease Agreement.

Parties:

Port of Seattle (Port)
American President Lines, Ltd. (Lessee)

Synopsis: The proposed agreement amends the basic lease between the parties to provide for the rental of a fifth container Crane at the Port's Terminal 5 by lessee.

Joseph C. Polking,
Secretary.

Dated: September 24, 1987.

[FR Doc. 87-22534 Filed 9-29-87; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

September 24, 1987.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

For further information contact: Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822).

OMB Desk Officer—Robert Fishman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7340).

Proposal to approve under OMB delegated authority the extension, with revision, of the following report:

1. Report title: Report of Condition for Edge and Agreement Corporations

Agency form number: FR 2886b
OMB Docket number: 7100-0086
Frequency: Quarterly or annually
Reporters: Edge and agreement corporations
Annual reporting hours: 4945 hours
Small businesses are not affected.

General description of report: This report collects balance sheet and income data from Edge and Agreement corporations. The data are used to supplement examination reports and support the applications process, to monitor aggregate institutional trends, and to measure the effect of and compliance with the Board's Regulation K. The proposed revisions consist of changes to Schedule E that are designed to maintain consistency with similar information collected from commercial banks in Schedule N of the Reports of Condition and Income (FFIEC 031-034). Under the proposal, the title of Schedule E would be changed to "Past Due, Nonaccrual Loans and Leases;" item 4, entitled Renegotiated "troubled" debt would be deleted; item 5, Total would be renumbered item 4; and a memorandum item would be added to collect restructured loans and leases included in the total reported in item 4.

This report is required and authorized by law [12 U.S.C. 602 and 605]. Certain

respondent data are given confidential treatment [5 U.S.C. 552(b)(4) and (8)].

Board of Governors of the Federal Reserve System, September 24, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-22466 Filed 9-29-87; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council, Meeting

The Consumer Advisory Council will meet on Thursday, October 22, and Friday, October 23. The meeting, which will be open to public observation, will take place in Terrance Room E of the Martin Building. The October 22 session is expected to begin at 9:00 a.m. and to continue until 5:00 p.m. with a lunch break from 1:00 p.m. until 2:00 p.m. The October 23 session is expected to begin at 9:00 a.m. and continue until 1:00 p.m. The Martin Building is on C Street, Northwest, between 20th and 21st Streets in Washington, DC.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

1. *Government Check-Cashing and Basic Banking Services.* Informational session led by the Basic Banking Subcommittee on cost and benfits of mandatory check cashing; and discussion of packages designed by trade associations on how to develop a basic banking account (tentative).

2. *Industry Survey on Home Equity Lines of Credit.* Briefing by staff on the results of an industry-sponsored survey of home equity lending by financial institutions (tentative).

3. *Developments Regarding Caps in Certain Adjustable Rate Transactions and Home Equity Lines of Credit.* Report by a Council subcommittee on proposed federal legislation to establish additional disclosure and advertising requirements for home equity lines of credit; and a briefing by staff on (1) a Board proposal that implements federal law mandating interest rate caps for adjustable rate mortgages (including home equity lines of credit) and solicits comment on disclosure of the creditor's right to terminate and to require payment in full once the maximum interest rate is reached, and (2) issues regarding whether different or additional Truth in Lending disclosure requirements should apply to home equity lines of credit.

4. *Community Reinvestment Act.* Report by the Community Affairs Committee on a proposed survey of Federal Reserve examiners to determine how banks' varios CRA activities are evaluated, and on th results of a survey of community groups' information needs concerning CRA; and discussion of the Federal Reserve's role in the implementation of privately negotiated CRA agreements.

5. *Update on 1986 Survey of Consumer Finances.* Briefing by staff on the results of the Board-sponsored 1986 nationwide survey of consumer finances.

6. *Interstate Banking.* Briefing by staff on interstate banking developments.

7. *Expanded Powers and Financial Services Restructuring.* Reports and recommendations by the Financial Structure Committee.

8. *Consumer Education.* Report by the Consumer Education Committe on its assessment of consumer education material available to the public, and recommendations for enhancing the Federal Reserve System's education program.

9. *Delayed Funds Availability.* Briefing by staff on consumer aspects of the Expedited Funds Availability Act, which directs the Board to issue rules governing institutions' disclosure policies, and mandatory schedules in connection with institution's delayed availability practices.

10. *Regulary Update.* Report by staff on the status of recent Board actions in the area of consumer financial services.

Other matters previously considered by the Council or initiated by Council members may also be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Ann Marie Bray, Secetary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Comments must be received no later than close of business Friday, October 16, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Ms. Bedelia Calhoun, Staff Specialist, at (202) 452-2412; Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users, may contact Earnestine Hill or Dorothea Thompson (202) 452-3544.

Board of Governors of the Federal Reserve System, September 24, 1987.

James McAfee,

Associate Secretary to the Board.

[FR Doc. 87-22462 Filed 9-29-87; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; BankWorcester Corporation et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) 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 statment 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 October 20, 1987.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *BankWorcester Corporation,* Worcester, Massachusetts; to become bank holding company by acquiring 100 percent of the voting shares of Worcester County Institution for Savings, Worcester, Massachusetts, which is a participant in the Massachusetts Saving Bank Life Insurance Program.

B. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Whitley City Bancshares, Inc.,* Whitley City, Kentucky; to become a bank holding company by acquiring 50.73 percent of the voting shares of Bank of McCreary County, Whitley City, Kentucky.

2. *Whitley City Bancshares, Inc.,* Whitley City, Kentucky; to merge with McCreary Bancshares, Inc., Whitley City, Kentucky, and thereby indirectly acquire Bank of McCreary County, Whitley City, Kentucky.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Embry Bankshares, Inc.*, Atlantic, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Embry National Bank, Atanta, Georgia, a *de novo* bank.

2. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 100 percent of the voting shares of Gulf-Bay Financial Corporation, Tampa, Florida.

D. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Associated Banc-Corp.*, Green Bay, Wisconsin; to acquire 100 percent of the voting shares of Valders Bancorporation, Valders, Wisconsin, and thereby indirectly acquire Valders State Bank, Valders, Wisconsin.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Gower Bancshares, Inc.*, Gower, Missouri; to become a bank holding company by acquiring 92.4 percent of the voting shares of Farmers Bank of Gower, Gower, Missouri.

F. **Federal Reserve Bank of Dalls** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Royal Bancshares, Inc.*, Farmers Branch, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Centre National Bank-Farmers Branch, Farmers Branch, Texas.

Board of Governors of the Federal Reserve System, September 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-22465 Filed 9-29-87; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies; Barney U. Brown, Jr.

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 October 15, 1987.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Barney U. Brown, Jr.*, Oklahoma City, Oklahoma; to acquire 1.74 percent; Barney U. Brown Trust, Oklahoma City, Oklahoma, to acquire 5.29 percent; and Red Rock Petroleum Co., Oklahoma City, Oklahoma; to acquire .01 percent of the voting shares of Guaranty Bancshares, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Guaranty Bank and Trust Company, Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, September 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-22463 Filed 9-29-87; 8:45 am]

BILLING CODE 6210-01-M

Applications To Engage de Novo in Permissible Nonbanking Activities; the United States Bank of Kuwait PLC et al.

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1) of 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 the Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 20, 1987.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The United Bank of Kuwait PLC*, London, England; to engage *de novo* through its subsidiary, United Bank Mortgage Services, which is to be incorporated in New York, New York, in servicing mortgage loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *SunTrust Banks, Inc.*, Atlanta, Georgia; to engage *de novo* through its subsidiary, SunTrust Insurance Company, Phoenix, Arizona, formerly Third National Life Insurance Company, in underwriting, as reinsurer, credit life and credit accident and health insurance pursuant to § 225.25(b)(8) of the Board's Regulation Y.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Business Bancorp*, San Jose, California; to engage *de novo* in providing data processing services to nonaffiliated financial institutions pursuant to § 225.25(b)(7) of the Board's Regulation Y. This activity will be conducted in the State of California.

Board of Governors of the Federal Reserve System, September 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-22464 Filed 9-29-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: Dallas District Office, chaired by Gerald

E. Vince, District Director. The topic to be discussed is health claims on food labels.

DATE: Tuesday, October 20, 1987, 1 p.m. to 3 p.m.

ADDRESS: FDA Library, 3032 Bryan St., Dallas, TX 75204.

FOR FURTHER INFORMATION CONTACT: Hazel J. Wallace, Consumer Affairs Officer, Food and Drug Administration, 1200 Main Tower Bldg., Dallas, TX 75202, 214-767-5433.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 23, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-22473 Filed 9-29-87; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Fiscal Year 1987 Fellowship Eligibility Criteria and Final Funding Preference for Post-baccalaureate Faculty Fellowship Grants

The Health Resources and Services Administration announces the fellowship eligibility criteria and final funding preference which will govern the distribution of Fiscal Year 1987 grant awards for Post-baccalaureate Faculty Fellowship Grants authorized by section 830(b) of the Public Health Service Act, as amended.

Proposed fellowship eligibility criteria and a funding prefernce were published for public comment in the **Federal Register** on June 29, 1987 (52 FR 24221). The proposed criteria for fellowship eligibility stated that potential fellows must:

1. Hold a baccalaureate degree.
2. Be employed by the applicant institution as a faculty member during the period of the awarded fellowship.
3. Be enrolled in a master's program in nursing or in a doctoral program which requires a substantial study, master's thesis or a doctoral dissertation, and anticipate meeting master's or doctoral degree requirements by August 31, 1988 or sooner.
4. Undertake a reported study, thesis or dissertation focusing on an:

(a) Investigation of cost-effective alternatives to traditional health care modalities, with special attention to the needs of at-risk populations; such as the elderly, premature infants, physically and mentally disabled individuals, and ethnic and minority groups; or

(b) Examination of nursing interventions that result in positive outcomes in health status, with attention to interventions which address family violence, drug and alcohol abuse, the health of women, adolescent care, and disease prevention.

5. Be licensed to practice as a registered nurse in a State.

The proposed funding preference stated that preference would be given to those schools that have been successful in recruiting or retaining minority faculty.

One professional organization and four schools of nursing responded to the notice. The Department has retained the eligibility criteria and funding preference as proposed for the reasons discussed below.

In terms of the criteria, it was suggested that:

(1) Proposed fellows should hold a baccalaureate degree in nursing;

(2) Eligibility should not be limited to the final year of study but be extended to the entirety of the degree program in which the faculty member is enrolled, including full-time, summer-only graduate programs;

(3) Two years should be allowed for completion of the study, thesis or dissertation; and

(4) The study areas be expanded.

The Department believes that restricting the baccalaureate degree to one in nursing would be contrary to the intent of the law. It would impact adversely on institutions which employ faculty with baccalaureate degrees in other disciplines who have the potential to make a contribution to nursing. Further, most schools admit students to Masters in Nursing programs only if the individual holds a baccalaureate degree in nursing or its equivalent.

The Department appreciates the fact that some faculty members may need assistance throughout the entirety of the academic programs they are pursuing and that many factors impinge both on decisions about part time versus full time study as well as the time an individual may need to complete a study. Nevertheless, the main intent of the Post-baccalaureate Faculty Fellowship program is to enable faculty to study areas of national concern through the mechanism of a fellowship. The Department has elected to limit funding to faculty able to complete a pertinent study and degree requirements within the budget year in order to:

(1) Assist faculty who might, without this assistance, need a longer period of time to complete their studies; and

(2) Provide some financial relief to faculty in the dissertation stage of study.

With regard to the expansion of study areas, while the Secretary is authorized to designate other areas of nursing practice considered to require additional study, there is immediate need to address the broad areas of concern designated in the authorizing legislation.

Comment was made that policy should be expanded to provide cost reimbursement for release time (faculty replacement salary costs) and to provide administrative compensation. These grants are authorized only for student support. They are provided to help schools increase the quality of their faculties by providing support through the schools to allow certain faculty members to complete degree requirements in the course of carrying out prescribed studies. The cost of hiring faculty to replace the fellows supported under the grant is not within the scope of this legislative authority.

Concerning the proposed funding preference, the comment was made that the preference would discriminate against schools located where minority faculty were not readily available for hiring. The Department realizes that there are many reasons why some schools have more success than others in recruiting and retaining minority faculty. Nevertheless, both the recruitment and retention of minority faculty must be the goal of all schools in order to maintain and increase the progress made toward a better racial mix in higher education in general and in the health professions particularly.

Fellowship Criteria

In order to be considered for a fellowship from an award made under section 830(b) of the Public Health Service Act, as amended, a person must:

1. Hold a baccalaureate degree.
2. Be employed by the applicant institution as a faculty member during the period of the awarded fellowship.
3. Be enrolled in a master's program in nursing or in a doctoral program which requires a substantial study, master's thesis or a doctoral dissertation, and anticipate meeting master's or doctoral degree requirements by August 31, 1988 or sooner.
4. Undertake a reported study, thesis or dissertation focusing on an:

(a) Investigation of cost-effective alternatives to traditional health care modalities, with special attention to the needs of at-risk populations, such as the elderly, premature infants, physically

and mentally disabled individuals, and ethnic and minority groups; or

(b) Examination of nursing interventions that result in positive outcomes in health status, with attention to interventions which address family violence, drug and alcohol abuse, the health of women, adolescent care, and disease prevention.

5. Be licensed to practice as a registered nurse in a State.

Final Funding Preference

In determining the order of funding, preference will be given to approved applications which satisfactorily demonstrate success in recruiting or retaining minority faculty. All eligible applications, however, will be reviewed and given consideration for funding.

(This program is listed at 13.147 in the *Catalog of Federal Domestic Assistance*)

Dated: September 24, 1987.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 87-22514 Filed 9-29-87; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Statement of Organization, Functions, and Delegations of Authority; National Institutes of Health

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 52 FR 16457, May 5, 1987) is amended to reflect the following changes in the Office of the Director, NIH: (1) Change the functional statement of the Office of Intramural Research (HNA4); and (2) establish the Office of Intramural Affairs (HNA43) in the Office of Intramural Research (HNA4). These changes will enable the Deputy Director for Intramural Research to fulfill his responsibilities for overall supervision and overview of the intramural activities of the NIH, while creating an organizational focal point for intramural policy and administrative responsibilities.

Section HN-B, Organization and Functions is amended as follows:

(1) Under the heading *Office of Intramural Research (HNA4)*, delete the functional statement in its entirety and substitute the following:

Office of Intramural Research (HNA4). (1) Acts on behalf of the Director, NIH, to implement and coordinate intramural research policy and programs; and (2) advises the Director, NIH, and staff on issues relating to the intramural program.

(2) Under the heading *Office of Intramural Research (HNA4)*, insert the following:

Office of Intramural Affairs (HNA43). (1) Advises the Deputy Director for Intramural Research on matters pertaining to the management of NIH intramural research programs; (2) formulates and recommends policies on such intramural research issues as personnel systems for scientists, research evaluation, use of humans and animals in research, outside work, commercialization of research findings, and scientific misconduct; (3) provides staff support to the Scientific Directors' meetings; (4) reviews intramural personnel actions, appointments to the Visiting Program, the NRC Research Associates Program, and the Intramural Research Training Award Program; (5) reviews outside work requests; (6) chairs and staffs the NIH Patent Policy Board, NIH Oversight Committee on AAALAC Accreditation, and the Positron Emission Tomography/Policy Advisory Committee; (7) monitors the evaluation of intramural research programs by Boards of Scientific Counselors; (8) manages the annual reporting on intramural research achievements, the NIH Lecture Series, and the foreign work-study program; (9) represents the OD on the NIH Animal Care and Use Committee, the Radiation Safety Committee, the Medical Board, and represents the intramural program on task groups and ad hoc committees; (10) performs a variety of activities involving the interactions of universities and industry with intramural research; and (11) responds to inquiries concerning intramural research.

Date: September 21, 1987.

Wilford J. Forbush,

Director, Office of Management, PHS.

[FR Doc. 87-22503 Filed 9-29-87; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; Establishment of New Notice of System of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to establish a new notice describing a system of records maintained by the Bureau of Land Management. The notice is entitled "Uniform Accountability System—Interior, BLM-30," and describes records on inventorying, distribution, and accountability for uniforms issued to employees authorized to wear the Bureau's uniform. The notice is published in its entirety below.

As required by section 3 of the Privacy Act of 1974, as amended (5 U.S.C. 552a(o)), the Office of Management and Budget, the President of the Senate, and the Speaker of the House of Representatives have been notified of this action.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. The Office of Management and Budget in its Circular A-130 requires a 60-day period to review such proposals. Therefore, written comments on this proposal can be addressed to the Department Privacy Act Officer, Office of the Secretary (PMA), Room 7357, Main Interior Building, U.S. Department of the Interior, Washington, DC 20240. Comments received on or before November 30, 1987, will be considered. The notice shall be effective as proposed without further publication at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: September 22, 1987.

Oscar W. Mueller, Jr.,

Director, Office of Management Analysis.

INTERIOR/LLM-30

SYSTEM NAME:

Uniform Accountability System—Interior, BLM-30.

SYSTEM LOCATION:

Division of Administrative Services, Bureau of Land Management, U.S. Department of the Interior, Washington, DC 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BLM employees or volunteers authorized to wear the uniform.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information identifying the individual's name, sex, position title, series, and grade, sizing information (such as height, weight, waist measurement, etc.), last seven digits of the individual's social security number, office cost accounting data, name and addresses for the administrative and shipping offices, type of appointment (such as full-time employee, volunteer, ranger, etc.), amount of allowance authorized, class(es) of uniforms authorized, dates of authorization, the name of the authorizing individual, and all ordering data (such as items shipped, exchanged, returned, etc.) are obtained

via uniform allowance authorization and ordering forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5901, Uniform Allowances, and 5 U.S.C. 301, Departmental Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to establish and maintain an individual uniform allowance account for BLM employees and volunteers, to ensure individual allowance amounts do not exceed the authorized limitations, to accommodate the efficient processing of individual uniform orders, to expedite payments to the contractor, and to bill appropriate BLM office accounts for uniform items received. The information contained in this system of records is provided to management through reports for purposes of expediting payments to the contractor, auditing of records, and maintenance of the overall program. Disclosure outside the Department of the Interior may be made (1) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) to disclose pertinent information to an appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, regulation, rule, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (4) to the Department of Treasury to effect payment to Federal, State, and local government agencies, nongovernmental organizations, and individuals; and (5) to a debt collection agency to effect payment to the contractor for items ordered by BLM employees and volunteers that are in excess of the authorized uniform allowance amount.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system 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 THE SYSTEM:

STORAGE:

An individual's allowance authorization, ordering, and shipping data are stored in a computer data base at the supplier's facility by the individual's name and account number (last seven digits of their social security number). A copy of the forms are stored in file folders at the supplier's facility and BLM administrative offices arranged alphabetically by name.

RETRIEVABILITY:

Indexed by individual's name and/or account number, order and shipping data, and BLM cost accounting data.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized and manual records.

RETENTION AND DISPOSAL:

BLM offices are required to maintain all file copies of transactions for a minimum of three years. The supplier is required to maintain all file copies of transactions for the life of the contract or termination of the individual's authorization (whichever terminates first). The records control schedule governing these records is pending the approval of the Archivist.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Administrative Services, Bureau of Land Management (850), Room 2444, Main Interior Building, 18th and C Sts., NW., Washington, DC 20240.

NOTIFICATION PROCEDURES:

A written request addressed to the Systems Manager is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see your records write to the Systems Manager describing as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the Systems Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

(1) Individual BLM employees and volunteers authorized to wear the uniform, (2) BLM state and administrative office's, and (3) the authorized supplier.

[FR Doc. 87-22500 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[AK-964-4213-15; F-14912-A]

Alaska Native Claims Selection; Northway Natives Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Northway Natives Incorporated for approximately 297 acres. The lands involved are within U.S. Survey No. 2630 (T. 14 N., R. 18 E., Copper River Meridian), in the vicinity of Northway, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Fairbanks Daily News-Miner*. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 (907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until October 30, 1987, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Charlotte M. Pickering,

Chief, Branch of Doyon Adjudication.

[FR Doc. 87-22492 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-JA-M

[NM-018-07-4410-08]

Availability of the Proposed Resource Management Plan/Final Environmental Impact Statement for the Taos Resource Area, Albuquerque District, NM

AGENCY: Bureau of Land Management, Albuquerque District, Taos Resource Area, New Mexico, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management announces the availability of the Taos Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS). This document identifies and analyzes the future options for managing 564,000 acres of public land and 1,800,000 acres of federal mineral estate in northeastern New Mexico. The Plan also contains recommendations that the Areas of Critical Environmental Concern (ACEC) be designated.

The Draft Taos RMP/EIS was made available for public review and comment on March 27, 1987. Comments received on the Draft were considered in preparing the Proposed RM/Final EIS. Any person who participated in the planning process and has an interest that is or may be affected by approval of the Proposed RMP may file a protest.

DATE: Protests must be postmarked no later than November 9, 1987.

ADDRESS: Comments should be sent to: Director, Bureau of Land Management, Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dan Wood, Area Manager, Taos Resource Area, Bureau of Land Management, Box 6168, Taos, New Mexico 87571-6168. Telephone (505) 758-8851.

SUPPLEMENTARY INFORMATION: The Proposed RMP provides a comprehensive framework for allocating public land and resources within the Taos Resource Area during the next 10 to 20 years. The document is primarily focused on resolving five key resource management issues that were identified with public involvement early in the planning process. The issues are: (1) Special Management Areas; (2) Transportation; (3) Vegetative Uses; (4) Land Ownership Adjustments and (5) Rights-of-Way Exclusion Areas. The "Continuing Management Guidance" section of the Proposed RMP describes those aspects of current management which are not at issue and will continue after the RMP is approved. The Continuing Management Guidance was developed primarily from laws, regulations, and manuals, as well as from previous land use plans.

The Proposed Plan is a slightly modified version of the Preferred Alternative (Alternative D) presented on the Draft RMP/EIS. Slight changes were made to the Special Management Areas and Land Ownership Adjustments issue resolutions of the Preferred Alternative as a result of comments received on the Draft RMP/EIS.

The Proposed Plan will protect important environmental values and sensitive resources while at the same time allowing development of resources which provide commercial goods and services.

Areas of Critical Environmental Concern

Eight ACEC's were recommended for designation in the Draft RMP/EIS and were described in the **Federal Register** on March 27, 1987. As a result of the comments received on the Draft RMP/EIS, the Proposed Plan recommends the designation of nine ACEC's. The Draft RMP recommended that the entire San Antonio/Pot Mountain SMA be designated as an ACEC. The Proposed Plan recommends the designation of two smaller ACEC's within the San Antonio SMA, and has dropped the ACEC recommendation for the remaining SMA acreage.

Dated: September 22, 1987.

Larry L. Woodard,

State Director.

[FR Doc. 87-22461 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-FB-M

[WY-920-07-4111-15; W-63426]

Proposed Reinstatement of Terminated Oil and Gas Lease; Washakie County, WY

September 21, 1987.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-63426 for lands in Washakie County, Wyoming, was timely filed and was accompanied by all the required rentals accuring from the date of termination.

The lessees have agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16-2/3 percent, respectively.

The lessees have paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-63426 effective June 1, 1987, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87-22475 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-22-M

[CO-942-06-4520-12]

Filing of Plats of Survey; Colorado

September 21, 1987.

The plat of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 a.m., September 21, 1987.

The plat representing the dependent resurvey of portions of the south and east boundaries and the subdivisional lines, and the survey of the subdivision of certain sections, T. 7 S., R. 96 W., Sixth Principal Meridian, Colorado, Group No. 719, was accepted August 21, 1987.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

Jack A. Eaves,

Chief, Cadastral Surveyor for Colorado.

[FR Doc. 87-22452 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-JB-M

[ES-940-07-4520-12; (ES 037647, Group 155)]

Filing of Plat of Dependent Resurvey; Minnesota

September 21, 1984.

1. The plat of the dependent resurvey of the south and west boundaries, a portion of the north and east boundaries and a portion of the subdivisional lines, Township 144 North, Range 39 West, Fifth Principal Meridian, Minnesota, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on November 5, 1987.

2. The dependent resurvey was made at the request of the Bureau of Indian Affairs.

3. All inquiries or protests concerning the technical aspects of the dependent resurvey must be sent to the Deputy

State Director for Cadastral Survey and Support Services, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., November 5, 1987.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey and Support Services.

[FR Doc. 87-22493 Filed 9-9-87; 8:45 am]

BILLING CODE 4310-GJ-M

[NM-940-07-4220-11; NM NM 52329]

Amended Notice of Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended notice.

SUMMARY: This notice amends the Notice published in FR Doc. 85-27048 appearing on page 47121 in the issue of Thursday, November 14, 1985.

The first and second lines of the summary are amended to read "Summary: The Corps of Engineers proposes that 21,880.70 acre." Line 15 is amended to read "The Corps of Engineers." Lines 15-17, from the bottom, are amended to read "Those unsurveyed portions of sections 7, 18, 19, 30, and 31 lying west of the Cibola National Forest."

Column 2, line 15, from the top is amended to read "21,880.70 acres in McKinley County."

Dated: September 18, 1987.

Malcolm J. Schnitker,

Deputy State Director, Operations.

[FR Doc. 87-22494 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-FB-M

[WY-930-07-4220-11; W-0150196, W-28577, W-094183, W-059320, W-0195835, W-0321051, W-068665, W-058362, W-074121]

Proposed Modification and Continuation of Withdrawals; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service proposes that the withdrawal of approximately 1,504.43 acres covering portions of 34 recreation/administrative sites in the Medicine Bow National Forest be modified to establish a 20-year term and to modify the segregation on 8 sites to be closed only to mining location. These lands have been and will remain closed to mining. All of the lands have been and will remain open to mineral leasing. Additionally, certain legal descriptions will be modified to conform to current surveys.

DATE: Comments must be received by December 29, 1987.

ADDRESS: Comments should be sent to the Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Rochelle S. Ames, Wyoming State Office, (307) 772-2071.

The Forest Service proposes that the existing land withdrawn by Public Land Order Nos. 5140, 3777, 2978, 2796, 3250, 4265, 2278, 4788, 3310, 1658*, and 2643 dated October 18, 1971, August 10, 1965, March 18, 1963, October 19, 1962, October 10, 1963, August 30, 1967, February 27, 1961, April 2, 1970, January 17, 1964, June 17, 1958, and April 6, 1962, respectively, be continued for a period of 20 years, and that order marked with an asterisk (*) be modifed to segregate the lands only from location under the mining laws; pursuant to section 204 of the Federal land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Sixth Principal Meridian

**Barber Lake Picnic Ground*

T. 16 N., R. 78 W.,
Sec. 29, NW¼SW¼NE¼SE¼, NE¼SE¼NW¼SE¼.

Battle Creek Campground

T. 13 N., R. 87 W.,
Sec. 15, E½SE¼NW¼SE¼, W½SW¼NE¼SE¼.

Beaver Meadows Campground

T. 14 N., R. 79 W.,
Sec. 3, lots 6, 10, 11.

Bobbie Thomson Campground

T. 14 N., R. 79 W.,
Sec. 27, SW¼NW¼NE¼, E½SE¼NE¼NW¼.

Bottle Creek Campground

T. 14 N., R. 85 W.,
Sec. 13, W½SW¼SW¼SE¼, SE¼SE¼SW¼.

Brooklyn Lake Administration Site

T. 16 N., R. 79 W.,
Sec. 11, NW¼SW¼SW¼.

**Brooklyn Lake Recreation Area*

T. 16 N., R. 79 W.,
Sec. 10, SE¼NE¼NE¼;
Sec. 11, W½SW¼NW¼NW¼.

Brush Creek Administrative Site

T. 16 N., R. 81 W.,
Sec. 20, S½NE¼NE¼NW¼, NW¼NE¼NW¼, E½SW¼NE¼NW¼, SE¼NE¼NW¼.

Centennial Administrative Site

T. 15 N., R. 78 W.,
Sec. 4, NE¼NE¼SE¼.
T. 16 N., R. 78 W.,
Sec. 33, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SE¼SE¼.

Deep Creek Campground

T. 17 N., R. 79 W.,
Sec. 9, S½NW¼NE¼SE¼, N½SW¼NE¼SE¼.

Fox Creek Park Administrative Site

T. 13 N., R. 78 W.,
Sec. 21, S½SW¼NE¼SE¼ (excluding Parcel 2 of Tract 37) (portion of lot 4), S½SE¼NW¼SE¼ (portion of lot 3), N½NE¼SW¼SE¼, N½NW¼SE¼SE¼ (portion of lot 4).

French Creek Campground

T. 15 N., R. 81 W.,
Sec. 34, NE¼SW¼NE¼.

Hidden Valley Community Picnic Ground

T. 15 N., R. 72 W.,
Sec. 26, S½SE¼SE¼SW¼;
Sec 35, NW¼NW¼NE¼, NE¼NE¼NW¼.

Hog Park Reservoir Recreation Area

T. 12 N., R. 84 W.,
Sec. 8, S½SE¼SW¼NW¼, S½SW¼SE¼NW¼, E½SE¼NW¼.

Holmes Campground

T. 14 N., R. 79 W.,
Sec. 4, NW¼NW¼NE¼.
T. 15 N., R. 79 W.,
Sec. 33, S½SW¼SW¼SE¼.

Jack Creek Campground

T. 15 N., R. 87 W.,
Sec. 12, N½SW¼NE¼SE¼, NW¼NE¼SE¼.

Keystone Administrative Site

T. 14 N., R. 79 W.,
Sec. 22, E½E½SW¼NE¼, W½SE¼NE¼.

**Lake Marie Picnic Ground*

T. 16 N., R. 80 W.,
Sec. 24, SW¼SE¼SE¼;
Sec. 25, N½NW¼NE¼NE¼.

Lake Owen Recreation Area

T. 14 N., R. 78 W.,
Sec. 25, S½SW¼SE¼;
Sec. 36, N½NW¼NE¼, NE¼NE¼NW¼.

**Libby Creek Picnic Ground*

T. 16 N., R. 78 W.,
Sec. 28, E½NE¼SW¼SW¼, SE¼SW¼, W½SW¼SE¼, SE¼SW¼SE¼;
Sec. 33, N½NW¼NE¼.

Libby Flats Observation Point

T. 16 N., R. 79 W.,
Sec. 20, NW¼SE¼NW¼, E½NE¼SW¼NW¼.

Lincoln Park Campground

T. 16 N., R. 81 W.,
Sec. 8, NE¼NE¼NE¼, N½SE¼NE¼NE¼.

Little Sandstone Campground

T. 14 N., R. 87 W.,
Sec. 33, E½SW¼SE¼NW¼, W½SE¼SE¼NW¼, NE¼NW¼NE¼SW¼, NW¼NE¼NE¼SW¼.

Lost Creek Campground

T. 14 N., R. 86 W.,
Sec. 33, E½SW¼SW¼NW¼, SE¼SW¼NW¼.

**Mirror Lake Picnic Ground*

T. 16 N., R. 79 W.,
Sec. 19, S½N½ of lot 3, N½S½ of lot 3.
T. 16 N., R. 80 W.,
Sec. 24, SE¼NE¼NE¼SE¼, NE¼SE¼NE¼SE¼.

**Nash Fork Picnic Ground*

T. 16 N., R. 79 W.,
Sec. 13, NW¼SW¼SW¼SE¼, NE¼SE¼SE¼SW¼.

Pelton Creek Campground

T. 13 N., R. 79 W.,
Sec. 19, S½SE¼SE¼SE¼;
Sec. 30, NE¼NE¼NE¼.

Pike Pole Campground

T. 14 N., R. 80 W.,
Sec. 31, SW¼SW¼SE¼.

Sandstone Administrative Site

T. 13 N., R. 87 W.,
Sec. 10, SE¼SW¼SW¼NW¼, S½SE¼SW¼NW¼, NE¼NW¼NW¼SW¼, N½NE¼NW¼SW¼.

**Silver Lake Campground*

T. 16 N., R. 80 W.,
Sec. 34, SE¼NE¼SE¼NE¼, NE¼,SE¼SE¼NE¼;
Sec. 35, S½NW¼SW¼NW¼, N½SW¼SW¼NW¼.

Six-Mile Gap Campground

T. 12 N., R. 80 W.,
Sec. 5, NE¼NE¼NE¼, E½NW¼NE¼NE¼.

Snowy Range Natural Area

T. 16 N., R. 79 W.,
Sec. 13, NW¼NE¼SW¼SW¼, S½NE¼SW¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼, SW¼SE¼SW¼;
Sec. 14, SW¼SE¼SW¼NE¼, S½SW¼SW¼NE¼, SE¼SE¼SE¼NW¼, NE¼NE¼NE¼SW¼, S½N½NE¼SW¼, S½NE¼SW¼, S½N½NW¼SW¼, S½NW¼SW¼, S½SW¼, S½NE¼NE¼SE¼, NW¼NE¼SE¼, S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 15, S½NE¼NE¼SE¼, S½NE¼SE¼, SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, N½N½, N½S½NE¼, N½SE¼NW¼;
Sec. 24, N½NW¼, N½S½NW¼.

South Brush Creek Campground

T. 16 N., R. 81 W.,
Sec. 21, S½NE¼NW¼NE¼, N½SE¼NW¼NE¼, SE¼NW¼NW¼NE¼, NE¼SW¼NW¼NE¼.

**Upper Nash Fork Campground*

T. 16 N., R. 79 W.,
Sec. 14, W½SE¼NW¼NE¼, SW¼NW¼NE¼.

The area described contains approximately 1,504.43 acres in Albany and Carbon Counties, Wyoming.

The purpose of these withdrawals is to protect the financial investment in the recreational and administrative facilities on these sites. The withdrawals segregate the lands from the operation of the mining laws, and those sites marked with an asterisk (*) are further segregated from the operation of the public land laws generally. All of the lands have been and will remain open to mineral leasing. A modification in the segregative effect of the lands marked with an asterisk (*) is proposed to remove the segregation on the lands to the operation of the public land laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawals may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Hillary A. Oden,
State Director.
September 18, 1987.
[FR Doc. 87-22495 Filed 9-29-87; 8:45 am]
BILLING CODE 4310-22-M

Minerals Management Service

Development Operations Coordination Document; Placid Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Placid Oil Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 5882 and 6994, Blocks 29 and 31, respectively, Green Canyon Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Houma and Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on September 21, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: September 21, 1987.

J. Rogers Pearcy,
Regional Director, Gulf of Mexico OCS Region.
[FR Doc. 87-22440 Filed 9-29-87; 8:45 am]
BILLING CODE 4310-MR-M

Development Operations Coordination Document; Taylor Energy Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Taylor Energy Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1134, Block 191, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on September 21, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: September 21, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-22441 Filed 9-29-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Research and Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the Meeting of the Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development (BIFAD) on October 8, 1987.

The primary purposes of the meeting are to: (1) Review Participant Training concerns and issues; (2) to review the recommendation of the June Meeting in Rhode Island; (3) to react to proposed activities over the next year around the theme, "Getting Ready for the 90's"; (4) and to review proposed plans for the JCARD Sub-Committee on Agricultural Research and Technology Transfer.

JCARD will meet from 10:00 a.m. to 5:00 p.m. on October 8 in the State Plaza Hotel, 2117 E Street NW., Washington, DC. Any interested person may attend, may file written statements with the Committee before or after the meetings, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. John Stovall, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meetings. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Washington, D.C. 20523 or telephone him at (202) 647-6987.

Date: September 23, 1987.

John Stovall,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Research and Development, Board for International Food and Agricultural Development.

[FR Doc. 87-22496 Filed 9-29-87; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-265]

Certain Dental Prophylaxis Methods, Equipment and Components Thereof; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Sanofi, S.A. and Sanofi, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on September 21, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contracting the Commission's TDD terminal on 202-724-0002.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: September 21, 1987.

[FR Doc. 87-22570 Filed 9-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-242]

Certain Dynamic Random Access Memories, Components Thereof and Products Containing Same; Issuance of Limited Exclusion Order

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has issued a limited exclusion order in the above-captioned investigation prohibiting the unlicensed importation of certain dynamic random access memories (DRAMs) of 64 and 256 kilobits, or any combinations thereof (such as DRAMs of 128 kilobits), manufactured abroad by Samsung Company, Ltd. and/or Samsung Semiconductor & Telecommunications

Co., Ltd., or any of their affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns, whether assembled or unassembled, or incorporated into a carrier of any form, including Single-Inline-Packages and Single-Inline-Modules, or assembled into circuit boards of any configuration. The order also prohibits the unlicensed importation of computers (such as mainframe, personal, and small business computers), facsmilie equipment, telecommunicatons switching equipment, and printers containing infringing DRAMs of 64 or 256 kilobits (or any combinations thereof such as 128 kilobits) manufactured by Samsung Company, Ltd. and/or samsung Semiconductor & Telecommunications Co., Ltd., or any of their affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns.

Authority: The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.58 of the Commission's Rules of Practice and Procedure (19 CFR 210.58).

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 19, 1986, in response to a complaint filed on February 7, 1986, by Texas Instruments, Inc. (TI) of Dallas, Texas to determine whether there is a violation of section 337 (19 U.S.C. 1337) and 19 U.S.C. 1337a in the importation and sale of certain dynamic random access memories (DRAMs). The complaint alleged that such important and sale by the nineteen named respondents constitute unfair methods of competition and unfair acts by reason of infringement of certain claims of ten U.S. patents owned by TI. The complaint further alleged that the effect or tendency of these unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. During the course of the proceedings, thirteen of the original nineteen respondents were terminated from the investigation on the basis of license and settlement agreements.

On May 21, 1987, the presiding administrative law judge (ALJ) issued her initial determination (ID), finding that there is a violation of section 337 and 19 U.S.C. 1337a in the importation and sale of certain DRAMs by two of the remaining respondents, Samsung Company, Ltd. and Samsung Semiconductor & Telecommunications Co., Ltd., and that there is no violation of section 337 and 19 U.S.C. 1337a in the importation and sale of certain DRAMS by the other four remaining respondents, Hitachi, Ltd. and Hitachi America, Ltd. (the Hitachi respondents) and NEC Coporation and NEC Electronics, Inc. Subsequently, the Hitachi respondents were terminated from the investigation on the basis of a license and settlement agreement. 52 FR. 26577 (July 15, 1987). On July 24, 1987, the Commission ordered review of certain portions of the ID, and requested written submissions regarding certain specific questions raised by the issues under review. The Commission vacated certain portions of the ID, including those concerning the Hitachi respondents, and determined not to review the remainder of the ID, which thereby became the determination of the Commission. The Commission also requested written submissions concerning the questions of remedy, bonding, and the public interest. 52 FR 29077 (Aug. 5, 1987). Having considered the record in this investigation, including the written submissions of the parties and comments from the U.S. Customs Service and members of the public, the Commission made its determinations disposing of the issues on review, and the questions of remedy, bonding, and the public interest.

Notice of this investigation was published in the **Federal Register** of March 19, 1986 (51 FR 9537).

Copies of the Commission's Action and Order, the nonconfidential versions of opinions issued in connection therewith, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-imparied individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: Setember 21, 1987.

[FR Doc. 87-22568 Filed 9-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-262]

Certain Hard Sided Molded Luggage Cases; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a consent order agreement: La Societe Delsey and Delsey Luggage, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on September 10, 1987.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202-523-0161. Hearing imparied individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: September 23, 1987.

[FR Doc. 87-22572 Filed 9-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-603-10]

Industrial Forklift Trucks; Revised Schedule for the Subject Investigation

AGENCY: International Trade Commission.

ACTION: Revised schedule for the subject investigation.

SUMMARY: The Commission has revised its schedule in connection with its preliminary investigation No. TA-603-10, concerning industrial forklift trucks, to reflect a 45-day postponement of the hearing approved on September 1, 1987. The Commission will now hold its hearing on October 22, 1987.

EFFECTIVE DATE: September 21, 1987.

FOR FURTHER INFORMATION CONTACT: Lawrence Rausch (202-523-0300), 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

On August 28, 1987, the Commission received a request from Clark Equipment Company, acting on its own behalf and on behalf of certain other parties to the investigation, asking that the Commission postpone the hearing to be held in connection with this investigation for a period of 90 days. On September 1, 1987, the Commission decided to postpone the hearing for a nonrenewable period of 45 days and cancelled its public hearing scheduled for September 2, 1987. Notice of the investigaiton and originally scheduled hearing was published in the **Federal Register** of July 29, 1987 (52 FR 15258).

Participation in the Investigation

Persons wishing to participate in the investigation as parties who have not previously entered an appearance in accord with the procedures set forth in the earlier notice may request an opportunity to enter an appearance. Such requests will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown.

Revised Schedule

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on October 22, 1987, at the U.S. International Trade Commission Building, 701 E. Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on October 14, 1987. Parties will be contacted after that date regarding time allocations for the hearing. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs by October 19, 1987. Posthearing briefs must be submitted not later than the close of business on October 27, 1987. All written submissions, including briefs, should be filed in accordance with the procedures described in the **Federal Register** notice of July 29, 1987.

Parties are encouraged to limit their testimony at the hearing to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before October 19, 1987.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: September 22, 1987.

[FR Doc. 87-22571 Filed 9-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-248]

Certain Plastic Fasteners and Processes for the Manufacture Thereof; Decision To Review Initial Determination and To Extend Deadline for Completion of Investigation

AGENCY: International Trade Commission.

ACTION: Review of initial determination and extension of deadline for completion of investigation.

SUMMARY: Notice is given that the Commission has determined to review the presiding administrative law judge's (ALJ's) initial determination (ID) that there is no violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation. Further, the Commission has determined to extend the deadline for completion of the investigation until December 18, 1987. This action is taken pursuant to Commission rules 210.53-210.56, 210.59 (19 CFR 210.53-210.56, 210.59).

FOR FURTHER INFORMATION CONTACT: Stephen McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0421.

SUPPLEMENTARY INFORMATION: On June 18, 1986, the Commission instituted an investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain plastic feasteners. The investigation was instituted on the basis of a complaint filed by Dennison Manufacturing Company, alleging unfair methods of competition and unfair acts by reason of the alleged manufacture abroad by a process which, if practiced in the United States, would infringe: (1) Claims 1-4 and 8-12 of U.S. Letters Patent 4,183,894; (2) claims 1-6, 9-11, and 13 of U.S. Letters Patent 4,304,743; (3) claims 1-2, 6-7, and 11-15 of U.S. Letters Patent 4,416,838, and (4) would infringe claims 1-4 and 8-12 of U.S. Letters Patent 4,429,437, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated in the United States.

On June 19, 1987, the ALJ issued an ID that there is no violation of section 337. Complainant and respondents filed petitions for review of various parts of the ID pursuant to § 210.54(a) (19 CFR 210.54(a)) of the Commission's rules.

Having examined the record in this investigation, including the ID, the petitions for review, and the responses thereto, the Commission has concluded that review of the ID is warranted. The Commission does not require further written submissions from the parties regarding the merits of the ID and the determination of no violation of section 337.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles.

Accordingly, the Commission is interested in receiving written submissions which address the form of remedy, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of remedy, it must consider the effect of that remedy upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or cease and desist order(s) would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers. The Commission is therefore interested in written submissions which address the aforementioned public interest factors in the context of this investigation.

If the Commission finds that a violation of section 337 has occurred and orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond which should be imposed.

Written Submissions

While the Commission has determined that no hearing will be held in this investigation and no written submissions are necessary regarding the ID, the parties to the investigation and interested Government agencies are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or proposed cease and desist order(s) for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions on remedy, the public interest, and bonding, must be filed by October 23, 1987. Reply submissions on remedy, the public interest, and bonding, must be filed by October 30, 1987.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

Copies of the nonconfidential version of the ALJ's ID and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: September 18, 1987.

[FR Doc. 87-22569 Filed 9-29-87; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Pollution Control; Consent Decree; Ashland Chemical Co. et al.

In accordance with Departmental policy, 28 CFR 50.7, section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and section 7003(d) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973(d), notice is hereby given that on September 16, 1987, a proposed consent decree in *United States v. Ashland Chemical Company, a division of Ashland Oil, Inc., et al.*, Civil Action No. CA87-0475, was lodged with the United States District Court for the District of Rhode Island. The proposed consent decree involves claims by the United States for recovery of clean-up costs incurred and to be incurred at the Picillo Farm Superfund Site in Coventry, Rhode Island as well as claims for injunctive relief. These claims were brought against defendants Ashland Chemical Company, a division of Ashland Oil, Inc.; GAF Corporation; General Electric Company; and Monsanto Company pursuant to RCRA and CERCLA.

The proposed consent decree requires the defendants to perform the remedial action selected in the Record of Decision issued by the United States Environmental Protection Agency on March 3, 1987, which specifies removal of three piles of contaminated soil at the Site to a secure off-site landfill. The estimated cost for the government to perform this remedial action is approximately $3.5 million. The defendants are also required to pay $100,000 to the state of Rhode Island and the United States Environmental Protection Agency for past costs expended at the Site. In return, the defendants are given a release from claims for past costs at the Site and a release for the costs associated with a future groundwater remedial investigation and feasibility study to be conducted at the Site. The defendants are also given a release for certain natural resource damage claims.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Ashland Chemical Co., et al.*, D.J. Ref. No. 90-11-2-131.

The proposed consent decree may be examined at the Office of the United States' Attorney for the District of Rhode Island, 223 Federal Building and Courthouse, Kennedy Plaza, Providence, Rhode Island 02903 and at the Region I Office of the United States Environmental Protection Agency, John F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203. Copies may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $4.00 (10 cents per page reproduction cost) payable to the Treasurer to the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-22443 Filed 9-29-87; 8:45 am]

BILLING CODE 4410-01-M

Pollution Control; Consent Decree; Renora, Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 16, 1987, a proposed consent decree in *United States v. Renora, Inc., et al.*, Civil Action No. 86-3462, was lodged with the United States District Court for the District of New Jersey. The proposed consent decree involves claims by the United States for recovery of certain clean-up costs incurred at the Renora Superfund Site in Edison, New Jersey. These claims were brought against defendants pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607.

The proposed consent decree only deals with the liability of defendants Ronald Kaschner, Viking Wire, Inc., Jersey State Power Equipment Manufacturing Co., and Whatman, Inc. The decree requires these defendants to pay $78,000 towards the government's pasts costs associated with the Site. In return, the defendants are given a release from claims for past costs at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Renora, et al.*, D.J. Ref. No. 90-11-3-113.

The proposed consent decree may be examined at the Offce of the United States' Attorney for the District of New Jersey, Federal Building, 970 Broad Street, Newark, New Jersey 07102 and at the Region II Office of the United States Environmental Protection Agency, 26 Federal Plaza, Room 437, New York, New York 10278. Copies may also be examined at the Environmental Enforcement Section, Land and Natural Resources Divsion of the Department of Justice, Room 1517, Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.80 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Divsion.

[FR Doc. 87-22442 Filed 9-29-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Aramco Service Co. et al

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 13, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 13, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 21st day of September 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Aramco Service Co. (workers)	Houston, TX	9/21/87	9/8/87	20,097	Oil.
Centralab, Incorp., Ceramic Dept. (workers)	El Paso, TX	9/21/87	9/9/87	20,098	Ceramic capacitors.
Chalmers Rig Service, (workers)	Abilene, TX	9/21/87	9/8/87	20,099	Oil.
Corona Plastics (AFL-CIO)	Denville, NJ	9/21/87	9/8/87	20,100	Plastic products.
Foremost Petroleum Co. (workers)	Victoria, TX	9/21/87	9/1/87	20,101	Oil & gas.
Harowe-Servo Controls, Inc. (UERMW)	Westchester, PA	9/21/87	9/11/87	20,102	Electromechanical devices.
Inland Steel Co. (USWA)	E. Chicago, IN	9/21/87	9/9/87	20,103	Steel.
Lynda Lee Fashions, Inc. (LGWU)	Rutland, VT	9/21/87	8/25/87	20,104	Dresses.
Otis Engineering Corp. (workers)	Carrollton, TX	9/21/87	9/11/87	20,105	Tools.
Rebel Geophysical, Inc.	Denver, CO	9/21/87	9/3/87	20,106	Oil & Gas.
Reliance Electric, Inc. (workers)	Columbiana, OH	9/21/87	9/9/87	20,107	Castings.
Trans-Buckeye Crop. (USWA)	Steubenville, OH	9/21/87	9/11/87	20,108	Steel.
USX Steel-Minnesota Ore Oper. (U.S.W.A.)	Mt. Iron, MN	9/21/87	9/10/87	20,109	Taconite.
Van Leer Containers, Inc. (Company)	Jersey City, NJ	9/21/87	9/10/87	20,110	Steel containers.

[FR Doc. 87-2248 Filed 9-29-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19,671 and TA-W-19,671A]

Revised Determinations on Reconsideration; Hobart Corp.

In the matter of Hobart Corporation, Torrence Street and Huffman Avenue, Dayton, Ohio.

On August 21, 1987, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for former workers of the Hobart Corporation's Torrence Street plant in Dayton, Ohio. The affirmed notice was published in the **Federal Register** on September 1, 1987 (52 FR 32975).

The application for reconsideration from the International Union of Electronic and Electrical Workers (IUE) claims that the Hobart Corporation is transferring its production of food weighing scales from Dayton to Taiwan. According to the union, the transferred production will be sold to Hobart's domestic customers.

On reconsideration, the Department confirmed the union's claims that Hobart transferred production of food weighing scales to an overseas location. The findings show that a substantial amount of the production from the Torrence Street plant in Dayton, Ohio was transferred to Taiwan in 1987. The Torrence Street plant ceased production in May, 1987. Additional findings show that the first shipment of the transferred production re-entered the U.S. for sale to domestic customers in September, 1987.

Also, on reconsideration it was found that the Huffman Avenue plant is a parts distribution center for 15 other plants of the Hobart Corporation, none of which have workers certified eligible to apply for adjustment assistance. A substantial part of Huffman's operations are not derived from any single plant of Hobart.

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased company imports of articles like or directly competitive with food weighing scales at Hobart Corporation contributed importantly to the decline in production and to the total or partial separation of workers at the company's Torrence Street plant in Dayton, Ohio. In accordance with the provisions of the Trade Act of 1974, I make the following revised determinations.

All workers of the Torrence Street plant, Dayton, Ohio of Hobart Corporation who became totally or partially separated from employment on or after March 1, 1987 and before September 1, 1987 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

It is further determined that the Department's negative determination for workers at the Huffman Avenue plant, Dayton, Ohio of Hobart Corporation be affirmed.

Signed at Washington, DC, this 21st day of September, 1987.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 87-22479 Filed 9-29-87; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Parker Hannifin Corp., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period September 14, 1987—September 18, 1987.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-19,900; Parker Hannifin Corp., Cylinder Division, Plymouth, MI

TA-W-19,989; Anamag, Inc., Shelbyville, IN

TA-W-19,894; HPM Corp., Eastern Div., Hartford, CT

TA-W-19,959; Motion Control, Industries, Ridgway, PA

TA-W-19,887; Art Embroidery, West New York, NJ

TA-W-19,873; McNally Pittsburg, Inc., Ohio Div., Wellston, OH

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-19,914; Donnelley Rocappi, Cherry Hill, NJ

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-19,983; SKF Automotive Products, Casey, IL

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-19,970; AT & T Information Systems, Charlotte, NC

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,046; Elm Coal Corp., Paintsville, KY

U.S. imports of coal are negligible the ratio of imports to domestic production is less than one percent.

TA-W-19,977; Energy Exchange Corp., Oklahoma City, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,881; Emerson Electric, U.S. Electrical Motors Div., Prescott, AZ

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,006; Drelco Co., Inc., Iraam, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,995; Edco Drilling and Producing, Mt. Gilead, OH

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-20,035; TMBR/Sharp Drilling, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-19,912; Cachuma Drilling Corp, Vernal, UT

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-19,898; Litton Industrial Automation Systems, Inc., New Britain Machine Div., New Britain, CT

A certification was issued covering all workers of the firm separated on or after June 24, 1986.

TA-W-19,891; E.J. Fennel, Inc., Hagerstown, MD

A certification was issued covering all workers of the firm separated on or after July 6, 1986.

TA-W-19,984; Trico Products Corp., Buffalo, NY

A certification was issued covering all workers of the firm separated on or after July 27, 1986.

TA-W-19,802; AT & T Network Systems, Allentown, PA

A certification was issued covering all workers of the firm separated on or after June 3, 1986.

TA-W-20,023; Storey Manufacturing Co., Ennis, TX

A certification was issued covering all workers of the firm separated on or after July 15, 1986.

TA-W-19,954; FL Phillips Drill Co., Inc., Milwaukee, OR

A certification was issued covering all workers of the firm separated on or after July 14, 1986.

TA-W-19,916; Franklin Mint Co., Franklin Center, PA

A certification was issued covering all workers of the firm separated on or after July 7, 1986.

I hereby certify that the aforementioned determinations were issued during September 14, 1987—September 18, 1987. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business ours or will be mailed to persons who write to the above address.

Dated: September 22, 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-22478 Filed 9-29-87; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

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 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; telephone 202/786-0322.

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 agency action, pursuant to the 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 45, United States Code.

1. Date: October 15-16, 1987
   Time: 7:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after April 1, 1988.
2. Date: October 22-23, 1987
   Time: 7:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after April 1, 1988.
3. Date: October 27-28, 1987
   Time: 7:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of General Programs, for projects beginning after April 1, 1988.

Susan Metts,

Assistant Chairman for Administration.

[FR Doc. 87-22510 Filed 9-29-87; 8:45 am]

BILLING CODE 7536-00

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 30, 1987. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the **Federal Register** on July 24, 1987.

The applications received are as follows:

1. Applicant

David C. White, Institute for Applied Microbiology, University of Tennessee, Knoxville, Tennessee 37932.

Activity for Which Permit Requested

Enter Specially Protected Area. The applicant is conducting a study of shallow water benthic marine microorganisms, and requests access to Litchfield Island Specially Protected Area for taking of samples.

Location

Palmer Station vicinity, Antarctica.

Dates

December 1987—March 1988

2. Applicant

Robert G. Robbins, ITT/Antarctic Services, Inc., 621 Industrial Avenue, Paramus, New Jersey 07652.

Activity for Which Permit Requested

Enter Specially Protected Area. The applicant proposes to enter Specially Protected Area No. 17, Litchfield Island, to inspect a boating operations survival cache. Inspection is conducted twice annually during December and March. The applicant will also examine notification signs that indicate Litchfield Island is a specially protected area, and participate in a census of bird populations.

Location

Palmer Station vicinity, Antarctica

Dates

November 1987—November 1988

3. Applicant

J. Alan Campbell, P.O. Box 209, Athens, Georgia 30603.

Activity for Which Permit Requested

The applicant proposes to enter protected areas accessible from McMurdo Station, Antarctica to observe, draw/sketch, paint, and photograph Antarctic wildlife. The applicant is an artist who is being supported by the National Science Foundation to document, depict, and interpret the Antarctic landscape, wildlife, and the Antarctic experience.

Location

McMurdo Station and vicinity, Antarctica.

Dates

December 1987–February 1988.

4. Applicants

Edward G. Atkins, Children's Television Workshop, One Lincoln Plaza, New York, New York 10023.

Activity for Which Permit Requested

Taking, Enter Specially Protected Areas, Enter Site of Special Scientific Interest. The applicant will be filming scientific investigators working in Antarctica. The applicant requests permission to enter protected areas and film scientists working with protected species at close range.

Location

McMurdo Station and vicinity.

Dates

November 16–30, 1987.

5. Applicant

Barry Lopez, Finn Rock, Oregon 97488.

Activity for Which Permit Requested

Take, enter Specially Protected Areas, enter Sites of Special Scientific Interest. The applicant will be writing articles about scientific investigators working in Antarctica. He requests permission to enter protected areas and observe at close range scientists working with protected species of birds and mammals.

Location

McMurdo Station and vicinity; Palmer Station vicinity.

Dates

November 1987–February 1988.

6. Applicant

Charlotte Evans, 741 Sport Hill Road, Easton, Connecticut 06612.

Activity for Which Permit Requested

Take, enter specially protected areas, enter sites of special scientific interest. The applicant will be writing news and feature articles about scientific investigators working in Antarctica. The applicant requests permission to enter protected areas, and observe at close range scientists working with protected species of birds and mammals.

Location

McMurdo Station and vicinity; Palmer Station and vicinity.

Dates

November 16–30, 1987 and January 4–February 4, 1988.

7. Applicant

Bailey Smith Barash, Turner Broadcasting System, Box 105366, Atlanta, Georgia 30348.

Activity for Which Permit Requested

Taking, Enter Specially Protected Areas, Enter Site of Special Scientific Interest. The applicant will be filming scientific investigators working in Antarctica. The applicant requests permission to enter protected areas and film scientists working with protected species at close range.

Location

McMurdo Station and vicinity.

Dates

November–December 1987.

Charles E. Myers,

Permit Office.

[FR Doc. 87-22499 Filed 9-29-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revised Meeting Agenda

In accordance with the purposes of section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on October 8–10, 1987, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on September 21, 1987. Portions of this meeting for Thursday, October 8, 1987 have been cancelled to accommodate the availability of participants, and sessions have been added.

Thursday, October 8, 1987

8:30 a.m.–8:45 a.m.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:45 a.m.–9:45 a.m.: Revision to the Backfit Rule (Open)—Discuss the recently published revision to the Backfit Rule.

10:00 a.m.–11:00 a.m.: Integrated Safety Assessment Program (Open)—Discuss proposed NRC Staff's plan for implementation of ISAP taking into account ACRS's comments in its report of July 15, 1987..

11:00 a.m.–11:30 a.m.: Future ACRS Activities (Open)—Discuss anticipated subcommittee activities and items proposed for consideration by the full Committee.

11:30 a.m.–12:30 p.m.: and 1:30 p.m.–2:15 p.m.: Management Allocation of Resources (Closed)—Discuss NRC internal allocation of resources, including personnel, to provide technical advice regarding nuclear waste management and disposal.

This session will be closed to discuss information the release of which would represent an unwarranted invasion of personal privacy and information that involves the internal personnel rules and practices of NRC.

2:15 p.m.–3:15 p.m.: Zion Nuclear Station (Open)—Briefing and discussion of full field exercises to exercise emergency plans following a severe core melt accident.

3:30 p.m.–4:15 p.m.: Chernobyl Nuclear Accident (Open)—Discuss proposed NRC Staff implementation of NRC recommendations regarding the lessons learned from this accident and their applicability to U.S. nuclear power plant design and operation.

4:15 p.m.–5:15 p.m.: Planning Subcommittee Meeting Agenda

(Open)—Discuss proposed agenda items for the Planning Subcommittee Meeting to be held October 22–24, 1987 and discuss scheduling of ACRS reviews.

I have determined in accordance with subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss information related to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)), and information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m.

Date: September 24, 1987.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 87–22567 Filed 9–29–87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–454, STN 50–455 and STN 50–456]

Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing; Commonwealth Edison Co.

September 22, 1987.

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendments to Facility Operating License Nos. NPF–37 and NPF–66 issued to Commonwealth Edison Company (the licensee), for operation of Byron Station, Units 1 and 2 located in Ogle County, Illinois, and Facility Operating License No. NPF–72, issued to the licensee, for operation of Braidwood Station, Unit 1, located in Will County, Illinois. It is the staff's intention to apply this amendment, if it is found acceptable, to Braidwood Station, Unit 2, when it receives its operating license.

The amendment would revise Technical Specifications 4.2.3.4, 4.4.4.1, 4.4.6.1, 4.4.9.3.1 and 4.5.1.2, and Technical Specification Tables 4.3–1, 4.3–2, 4.3–3, 4.3–6, 4.3–7, 4.3–8 and 4.3–9 for a one-time extension to 32 months for the interval for performing certain 18-month instrument surveillances, in accordance with the licensee's application for amendment dated September 3, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 30, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall filed a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael Miller, Isham, Lincoln, and Beale, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i) through (v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 3, 1987, which is available for public inspection at the Commission's Public Document

Room, 1717 H Street, NW., Washington, DC; the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101; and the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Bethesda, Maryland this 22nd day of September, 1987.

For the Nuclear Regulatory Commission.

Jan A. Norris,

Acting Director, Project Directorate III-2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87-22564 Filed 9-29-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-458]

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Gulf States Utilities Co.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-47 issued to Gulf States Utilities Company, for operation of the River Bend Station, Unit 1, located in West Feliciana Parish, Louisiana.

The proposed amendment would revise Attachment 3, "TDI Diesel Engines Requirements," to the River Bend Station Operating License, NPF-47. This revision would modify the provisions on maintenance and surveillance for the TDI emergency diesel generators. The revision would incorporate the recommendations of Revision 2 to Appendix II of the TDI Diesel Generator Owners Group Design Review and Qualification Revalidation (DR/QR) report, submitted May 1, 1986, as reflected in the staff's generic Safety Evaluation Report (SER), NUREG-1216, "Safety Evaluation Report Related to the Operability on Reliability of Emergency Diesel Generators Manufactured by Transamerica Delaval, Inc.," August 1986. The NRC staff's evaluation of the River Bend Station DR/QR report is documented in Supplement 3 to the Safety Evaluation Report related to the operation of River Bend Station, NUREG-0989.

The proposed license condition change is in accordance with the licensee's application dated August 4, 1986 as amended August 15, 1986, supplemented September 26, 1986, and amended September 8, 1987.

A previous notice on this subject was published in the **Federal Register** on October 22, 1986 (51 FR 37512).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Gulf States Utilities Company (GSU) addressed the above three standards in the amendment:

1. No significant increase in the probability or the consequences of an accident previously evaluated results from this change because:

The Transamerica Delaval Inc. (TDI) Owners Group DR/QR Report requires inspections that are more thorough than the inspections currently being performed in accordance with the manufacturers recommendations. Gulf States Utilities' (GSU's) commitment to the DR/QR Report is designed to increase the reliability of the Division I and II diesel generators. Implementing revision 2 of Appendix II of TDI DR/QR report will increase the reliability of the diesel generators at River Bend Station (RBS). Furthermore, this change is within the existing safety analysis provided in the RBS Final Safety Analysis Report (FSAR).

Thus, there is no increase in the probability or consequences of any accident previously evaluted.

2. This change would not create the possibility of a new or different kind of accident from any accident previously evaluated because:

The change clarifies the existing commitments presently being adhered to. The River Bend Station Unit 1 Facility Operating License (NPF-47) currently contains a condition that GSU shall implement the TDI requirements as incorporated within the license. By implementing the recommendations of Revision 2 of Appendix II of the TDI DR/QR Report, GSU will be implementing a program that has undergone extensive industry and regulatory review (reference NUREG-1216 dated July, 1986). Implementing revision 2 of Appendix II of the TDI DR/QR report will increase the reliability of the diesel generators at RBS. Thus no new or different kind of accident scenario is introduced for any accident previously evaluated.

3. This change would not involve a significant reduction in the margin of safety because:

The change makes the license condition consistent with the NRC Staff approved program (reference NUREG-1216) which ensures that the design adequacy and manufacturing of the TDI diesel generators for nuclear standby service is within the range normally assumed for diesel engines designed and manufactured in accordance with General Design Criterion (GDC) 17 and 10 CFR Part 50, Appendix B. Therefore, this change does not reduce any margin of safety as defined in the Technical Specifications Bases.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the analysis.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 30, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for

leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo, Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental peititions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i) through (v) and 2.714(d).

For further details with respects to this action, see the application for amendment dated August 4, 1986, as amended August 15, 1986, supplemented September 26, 1986 and amended September 8, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Bethesda, Maryland, this 25th day of September, 1987.

For the Nuclear Regulatory Commission.

Walter A. Paulson,

Project Manager, Project Directorate-IV, Division of Reactor Projects-III, IV, V and Special Projects.

[FR Doc. 87-22565 Filed 9-29-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-458]

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Gulf States Utilities Co.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-47 issued to Gulf States Utilities Company, for operation of the River Bend Station, Unit 1, located in West Feliciana Parish, Louisiana.

The proposed amendment would revise license condition 2.C(1), Attachment 1, Item 4.b. This license condition requires that the licensee verify that adequate radio communication capability exists from all appropriate plant areas prior to startup following the first refueling outage. The revision would replace this license condition with new license conditions Items 5., 6., and 7., of Attachment 1. Proposed Item 5. would require that the installation of equipment improvements

to the security radio communications system be accomplished by May 31, 1988. Proposed Item 6. would require that testing be conducted to determine if adequate radio communications capability exists from appropriate plant areas and this testing would be accomplished prior to startup following a subsequent outage with a planned duration of seven days or longer following May 31, 1988. Proposed Item 7. would require that any further modifications or testing which may be determined to be necessary as the result of acceptance testing, be performed during a subsequent outage of sufficient duration but prior to start-up following the second refueling outage in accordance with the licensee's application for amendment dated September 8, 1987.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application. The staff modified items 1. and 3., below, to delete safeguards information.

1. No significant increase in the probability or the consequences of an accident previously evaluated results from this change because:

The River Bend Station (RBS) communication system is designed to provide reliable intraplant and interplant (plant-to-offsite) communication under both normal plant operation and accident operations. An independent and redundant communication system exists for communications between the Central Alarm Station (CAS) and Secondary Alarm Station (SAS), operators, security officers, watch officers, and armed response personnel through the use of several different types of systems. The SER related to the operation of River Bend Station (NUREG–0939) has reviewed the RBS communication system in Section 9.5.2 and determined that the communication system is designed to provide a reliable intraplant and interplant (or plant-to-offsite) communications under both normal plant operations and accident conditions, to start-up, continue safe operation, or safely shut down. The two-way radio communications systems is not an initiator of any accident in FSAR Chapters 6 and 15. No Limiting Conditions for Operation are identified in the Technical Specifications for security communications. In addition, this change does not revise any safety analyses as described in the Final Safety Analysis Report.

2. This change would not create the possibility of a new or different kind of accident from any accident previously evaluated because:

River Bend Station relies on an established onsite physical protection system and a dedicated, well trained security force to implement an accepted program with capabilities for the protection of design basis threats to the plant. No changes are proposed to these other measures of protection, (i.e., Physical Barriers, Access Control, Detection Capabilities and Response Force). Therefore, there is no anticipated decrease in levels of overall program effectiveness. Radiological sabotage, attach threats and other miscellaneous event potentials are based on postulated considerations. This change has no significant effect on such contingencies. This provides additional assurance prior to installation and system testing that the system does not initiate any new or different kinds of accident from any previously evaluated.

3. This change would not involve a significant reduction in the margin of safety because:

No plant system, as it relates to plant operations and other security systems, will be altered as a result of this change. As identified in NUREG–0908, "Acceptance Criteria for the Evaluation of Nuclear Power Reactor Security Plans," for those cases where areas have been identified where use of portable radios could interfere with plant monitoring equipment, etc., an alternate means of communication exists with the CAS and SAS via several other alternate systems. These alternate means of communications will continue to be available during the extended period.

In addition, the CAS and SAS will continue to have the capability with alternate communication systems to provide fully independent and redundant communication with local law enforcement and the plant control room(s). This adheres to NUREG–0416, "Security Plan Evaluation Report Workbook." Security force control and coordination links are separate and distinct from all other internal administrative operations, logistics, telemetry, and process control communication systems in the facility.

This system will improve the existing radio communications throughout RBS. The proposed change does not reduce the margin of safety defined in the current Technial Specification Bases for security communications. Therefore, this proposed change does not significantly decrease the margin of safety.

This change is not considered, as stated above, to increase the probability or consequences of a previously analyzed accident due to the requested extended period for installation and testing of the system. The security force will continue to function as it has during the first cycle with the current system. Therefore, this request does not create the possibility of a new or different type of accident. The system, once completed, will improve the existing radio communications. Therefore, continuing operation with the current system will not involve a significant reduction in the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the analysis.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 30, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be

affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo, Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i) through (v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 8, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Bethesda, Maryland, this 24th day of September, 1987.

For the Nuclear Regulatory Commission.

Walter A. Paulson,

Project Manager, Project Directorate-IV, Division of Reactor Projects-III, IV, V and Special Projects.

[FR Doc. 87-22566 Filed 9-29-87; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

OSHA "Hazard Communication" Standard; Open Public Meeting

AGENCY: Office of Management and Budget.

ACTION: Notice of public meeting.

SUMMARY: The Office of Management and Budget (OMB) will solicit comments on the recordkeeping, notification and other paperwork requirements of the Occupational Safety and Health Administration's (OSHA) recently expanded standard, "Hazard Communication" (29 CFR 1910.1200) at a public meeting. Members of the public are invited to provide comments and suggestions concerning these requirements and the associated paperwork. This meeting will be conducted under the authority of the

Paperwork Reduction Act of 1980 (Pub. L. 96-511).

DATE: October 16, 1987, beginning at 9:00 a.m.

ADDRESS: The meeting will be held at the New Executive Office Building, Room 2010, 726 Jackson Place, NW., Washington DC, (use 17th Street entrance). To obtain entrance into the building, please call (202) 395-6880 with your full name and birthdate by October 14 and request that your name be placed on the access list. Attendees who notify OMB in writing do not need to call to be cleared into the building.

FOR FURTHER INFORMATION CONTACT: Scott H. Jacobs, Human Resources and Housing Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6880.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (PRA) requires OMB to review Federal information requirements and to provide interested persons early and meaningful opportunity to comment on information requirements imposed by Federal agencies (44 U.S.C. 3517). Public participation in review of such requirements is appropriate in assisting OMB and other Federal agencies to carry out the goals of the Act. Under the Act and implementing regulations at 5 CFR 1320.4(b), agencies must ensure that collections of information have practical utility, are the least burdensome necessary to achieve program objectives, and are not duplicative of information otherwise available. The Act prohibits agencies from conducting or sponsoring any collection of information which has not received OMB approval or an OMB control number.

OMB conducted a public meeting on April 2, 1987, on the paperwork requirements of the Hazard Communication Standard, which at that time covered only manufacturers (the transcript and all submitted documents for that meeting are available to the public in OMB paperwork docket 1218-0072 at the above address). On August 24, 1987, pursuant to an order from the U.S. Court of Appeals for the Third Circuit, OSHA published a final rule expanding coverage of the Standard to the nonmanufacturing sector. Recognizing that "there may be additional information" regarding the "feasibility or practicality" of the expanded rule, OSHA asked that comments on the final rule be submitted within 60 days so that OSHA could determine whether additional rulemaking is required. Subsequently, OMB has received several letters from the affected public requesting that OMB conduct a second public meeting under the PRA to examine the paperwork requirements of OSHA's expanded Standard.

On September 10, 1987, OSHA submitted the paperwork requirements of the Standard to OMB for review under the PRA. These requirements include chemical hazard evaluation, written hazard communication programs, labeling, development and provision of Material Safety Data Sheets (MSDS), and the paperwork and notification aspects of access to trade secrets. OSHA has estimated that the expanded Standard imposes a paperwork burden of 34,780,000 hours in the first year, and 8,080,000 hours in subsequent years. OSHA's statement of justification and calculation of burden for the paperwork requirements is available from the Department of Labor, Office of the Assistant Secretary for Administration and Management (Paul Larson, 523-6331). A detailed explanation of the evidence in the public record and policy considerations upon which OSHA based the information collection and paperwork requirements of the expanded Standard can be found in the preamble to the final rule (52 FR 31852).

The purpose of this public meeting is to solicit comments from a wide range of individuals and organizations on the information collection requirements of the expanded standard. These comments will assist OMB in determining if the information requirements of the Standard are consistent with the Paperwork Reduction Act, and, if not, in suggesting possible revisions to the Standard. Copies of these comments will also be placed in OSHA's public record for this Standard. Comments provided for the OMB public meeting of April 2, 1987, need not be resubmitted.

Commenters are urged to present their views with as much data as possible so that the merits of their cases can be evaluated. Comments are welcome on all aspects of the paperwork requirements of the standard; however, the audience will be particularly encouraged to comment on the following issues:

Burden Estimates

• What will be the paperwork burden required for compliance with the standard? How many hours will be required to comply with the paperwork requirements? What will be the costs of compliance associated with these requirements?

Transmittal of Hazard Information

• Does each recordkeeping, notification and paperwork component of the expanded "Hazard Communication" standard contribute to the efficient, effective transmittal of hazard information? Can these components be made more efficient or effective?

Consumer Products

• What is the practical utility of the paperwork requirements that apply to consumer products? Are there specific classes or categories of products that should or should not be covered?

Sealed Containers

• Are the paperwork provisions covering sealed containers the least burdensome necessary to address the hazards?

Multi-Employer Worksites

• What is the practical utility of the paperwork requirements covering multi-employer worksites? Are these provisions the least burdensome necessary to address the hazards and conditions at those sites?

Solid Products

• OSHA has included a limited exemption from labeling requirements for solid metal. Should this limited exemption be applied to other solid products, such as wood or plastics?

Generic Hazard Communication Program

• Are there administrative actions that OSHA or other agencies of the Federal government can take to reduce the paperwork burden, such as developing a generic hazard communication program?

Computerized Hazard Information Systems

• Are computerized hazard information systems widely available that can assist in reducing the time and resources needed to comply with the paperwork provisions of the Standard?

Coverage of "De Minimis" Exposures

• What would be the practical utility of paperwork provisions for substances or exposure circumstances for which exposures or risks may be "de minimis"? If appropriate, could the paperwork provisions be revised so as to exclude "de minimis" situations?

Impact on Community Right-to-Know

• What will be the paperwork burden and associated costs required for compliance with sections 311 and 312 of

the Superfund Amendments and Reauthorization Act, following the expansion of scope of the Standard to nonmanufacturers? Does the expansion affect the practical utility of the section 311 and 312 paperwork requirements? Are there regulatory alternatives that OSHA could adopt which would achieve the goals of sections 311 and 312 while reducing the paperwork burdens?

Persons who wish to speak at the public meeting should notify OMB in writing or by telephone at the above number by October 14, and should provide the full names and birthdates of all attendees, as well as an estimate of the time needed. Oral presentations will be limited to 15 minutes for each individual or organization, except under special circumstances. An agenda of the meeting and a list of attendees will be available on October 15. Persons who are unable to attend but who wish to provide comment may do so in writing. Comments, particularly recommendations for alternatives, should be as detailed and specific as possible, and should include supporting data. All written comments should be submitted on or before October 19, 1987, to the following address: Office of Management and Budget; OIRA Docket Library; Room 3201; Washington, DC 20503, Attn: Scott Jacobs.

Joseph R. Wright, Jr.,

Deputy Director.

[FR Doc. 87-22591 Filed 9-29-87; 8:45 am]

BILLING CODE 3110-01-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, 450 Fifth Street, NW., Washington, DC 20549.

Extension

File No. 270-94, Rule 17a-11;
File No. 270-25, Rule 15A-1, Forms X-15AJ-1, X-15AJ-2;
File No. 270-35, Rule 17f-2(c);
File No. 270-37, Rule 17f-2(e);
File No. 270-11, Rule 15b3-1;
File No. 270-38, Rule 19b-4 and Form 19b-4;
File No. 270-36, Rule 11Ab2-1 and Form SIP;

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 extension of OMB clearance the following rules and forms under the Securities Exchange Act of 1934:

Rule 17a-11-Supplemental Current Financial and Operational Reports to be made by Certain Exchange Members, Brokers and Dealers. Six hundred respondents incur as estimated average of one hour to comply with the Rule.

Rule 15Aj-1 (17 CFR 240.15Aj-1) and Forms X-15AJ-1 and X-15AJ-2 (17 CFR 249.802 and 803) which provide for registered securities associations to file annual amendments to their registration statements to reflect changes made during the preceding year in the information contained in those statements. One respondent incurs an estimated average of three burden hours to comply with this rule.

Rule 17f-2(c) (17 CFR 240.17f-2(c)) which generally requires registered national securities exchange and registered national securities associations to submit plans for collecting, processing and forwarding fingerprint cards to the FBI. A respondent incurs an estimated average of one burden hour to comply with this rule.

Rule 17f-2(e) (17 CFR 240.17f-2(e)) which generally requires members of national securities exchanges, brokers, dealers, registered transfer agents and registered clearing agencies claiming exemptions from the fingerprint requirement to prepare and maintain a statement supporting their claim for exemption. One respondent incurs an estimated total of one-half burden hour to comply with the rule.

Rule 15b3-1 (17 CFR 240.15c3-3) which requires brokers or dealers to amend the information contained in Form BD whenever such information becomes inaccurate for any reason. One respondent incurs an estimated average of two-thirds of an hour to comply with the rule.

Rule 11Ab2-1 and Form SIP (17 CFR 240.11Ab2-1) which outline the requirements for filing an application to register as an exclusive processor of securities information. One respondent incurs 440 burden hours to comply with this rule.

Submit comments to OMB Desk Officer: Mr. Robert Neal (202) 395-7340, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503.

September 25, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-22553 Filed 9-29-87; 8:45 am]

BILLING CODE 8010-01-W

[Release No. 34-24942; File No. SR-CBOE-87-38]

Self-Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Government Securities Options Permits

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 13, 1987, the Chicago Board Options Exchange, Inc., ("Exchange") 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 the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The addition is italicized; there are no deletions.

Additional Government Security Options Permits

Rule 3.22A. The Exchange may issue up to 20 three-year permits for effecting transactions in Government security options settled by physical delivery, since no new permits may be issued under Rule 3.20. All of these permits shall expire three years after [insert date to be set by the Exchange after SEC approval]. These additional permits shall have the same terms as the old permits with the following exceptions. There is no right to purchase a regular membership. No member or member organization may hold more than two permits. A member who is a sole proprietor may employ a nominee to use a permit, with the approval of the Membership Committee. The Membership Committee may withdraw, temporarily or permanently, some or all unused permits.

In addition, the Exchange (1) may provide that the 20 permits described above also enable permit holders to effect transactions as market makers and floor brokers in option contracts on interest rate measures traded on the Exchange and/or (2) may issue up to 75 additional permits on the same terms as the permits described above, except that they shall expire three years after the date trading begins in interest rate measures, which permits would enable permit holders to effect transactions as market makers and floor brokers in option contracts on Government securities and on interest rate measures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to give the Exchange the flexibility to facilitate the development of the exchange's market for the trading of option contracts on interest rate measures, which market is scheduled to open later this year. The proposed permits would have the same terms as those permits recently approved by the SEC in filing SR-CBOE-87-15, except that the proposed permits would expire three years after the date trading begins in interest rate measures. In addition, the Board may provide that the 20 permits that are limited to the trading of government securities option contracts settled by physical delivery be broadened to include option contracts on interest rate measures. The proposed permits are designed to provide inexpensive access in order to attract market-makers and floor brokers to trade a new product, namely, option contracts on interest rate measures. The statutory basis for this proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934, in that the proposed permits are designed to facilitate transactions in option contracts on interest rate measures.

(B) Self-Regulatory Organization's Statement on Burden on Competiton

The proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be approriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 21, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 25, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-22551 Filed 9-29-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24941; File No. SR-NYSE-87-10]

Self-Regulatory Organizations; Amendment to Proposed Rule Change by New York Stock Exchange, Inc. Relating to Trading Review, Investigation and Reporting Requirements, Annual Compliance Reports, Customer Complaint Statistics, and Compliance Official Examination.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 28, 1987, the New York Stock Exchange, Inc. 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 the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On March 26, 1987, the Exchange filed a proposed rule change (the "March Filing") that, among other changes, amends Rules 342 and 351 to codify, clarify and make explicit certain supervisory and compliance obligations of members and member organizations.[1] Amendment No. 1 makes additional changes to those two rules.

The Exchange proposes to amend proposed rule 342.21 to confine the scope of the review of trades to seeking to identify trades that may violate "the provisions of the Securities Exchange Act of 1934, the rules under that act and the rules of the Exchange prohibiting insider trading and manipulative and deceptive devices." This conforms with the requirements of the "no reasonable cause" statement required by proposed rule 351(e). In addition, the application of the "no reasonable cause" statement to employee trades is narrowed to cover only those trades of a particular quarter actually reviewed.

As discussed in Item II(A) below, the Exchange also makes minor textual changes to proposed rules 342.30 (Annual Reports) and 342.20 (Information Requests).

Finally, the Exchange is amending proposed rule 342.13(b) to provide that the person designated to direct day-to-day compliance activity, as well as any other person who directly supervises ten or more persons engaged in compliance activity, must pass the Compliance Official Qualification Examination.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

[1] *See* Securities Exchange Act Release No. 24363 (April 7, 1987), 52 FR 13781.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of Amendment No. 1 is to revise the text of the changes proposed in the March Filing to (a) clarify the Exchange's orginal intent in drafting the proposed rules and (b) reflect practical and drafting suggestions made in comment letters received by the Exchange in response to publication of the proposed rules (the "Comment Letters") and in discussions with the Commission staff. The following paragraphs discuss the key changes.

(a) *Proprietary and employee trading review.* Many of the Comment Letters indicate that their writers (the "Commentators") interpret proposed rule 342.21 to require a review of each and every proprietary and employee trade. In addition, some Commentators objected to reviewing trades for violations of all Federal securities laws. Proposed rule 342.21 has been revised to make clear the Exchange's original intent that the review procedures need not necessarily mandate an examination of every trade, but could use sampling techniques. The proposed rule also conforms the review requirement to the scope of the statement that rule 351(e) requires; i.e., the review seeks to identify trades that may violate "the provisions of the Securities Exchange Act of 1934, the rules under that act and the rules of the Exchange prohibiting insider trading and manipulative and deceptive devices".

In reviewing the consequences of using sampling techniques for the written statement that proposed rule 351(e) requires, it became evident that conceptually the rule 351(e) statement and the sampling technique that could be employed as a review procedure were in tension. Members or member organizations whose sample disclosed no questionable trades could state that they have "no reasonable cause to believe" that a violation had occurred. But how could members or member organizations whose samples disclosed one or more questionable trades do so? If their sampling techniques were valid, they would know that all their trades were questionable in the same proportion as their samples' trades had proven to be. They would likely have to go back and review all their trades in order to make the required statement.

Since the likely practical consequence of the statement requirement was to cause the review of all trades during the first pass, the Exchange determined to address Commentators' concerns about the burden of reviewing trades by reducing the frequency of employee trade reviews.

Amendment No. 1 implements that determination by confining the "no reasonable cause" statement as it applies to employee trades to cover only those trades actually reviewed. An information circular will make clear that each employee account must be reviewed at least once a year. Thus, member or member organizations that uncover one or more questionable employee trades will not then have to review every employee trade of the current quarter to make the required statement.

The Exchange will also use its authority to exclude classes of trades in furtherance of achieving an appropriate balancing of the review burden against the benefits of review. Initially, the Exchange anticipates permitting members and member organizations to exclude proprietary trades of 1000 shares or less so long as their procedures adequately address the possibility of splitting trades into 900-share lots to avoid review.

In addition, the Exchange has amended proposed rule 342.21 to make clear that the accounts that will be subject to review will include the accounts of family members of employees. An information circular will amplify what is meant by family members.

(b) *Annual report.* At the suggestion of the Commentators, the Exchange has revised the language of proposed rule 342.30 to provide for the identification and analysis of future systems and procedures to detect violations of federal securities laws and rules and Exchange rules.

(c) *Information requests.* In response to Commentators' concerns with respect to complying with the Exchange's information requests by specified dates when the nature or volume of a response legitimately requires adjustments, the language of proposed rule 342.20 has been revised to provide that information must be provided by the date required by the Exchange. This makes clear that the Exchange can adjust deadlines for members or member organizations which show reasonable grounds for not meeting the timetable of an information request.

(d) *Compliance official qualification examination.* To make the Exchange's original intent clearer, proposed rule 342.13(b) has been revised to state that the person at a member organization designated to direct day-to-day compliance activity as well as any other person at such organization who directly supervises ten or more persons engaged in compliance activity must pass the Compliance Official Qualification Examination. The Exchange determined that, rather than testing the person or persons with overall responsibility for compliance, the most effective way of promoting responsible compliance activity would be to have (i) the person or persons designated to direct day-to-day compliance activity and (ii) persons directly supervising ten or more persons engaged in compliance activity take the Compliance Official Qualification Examination. While it is desirable that the person or persons with overall responsibility for compliance have a good understanding of the Federal securities laws and rules and the Exchange rules, unless he or she is also the person or persons supervising compliance on a daily basis (which is often not the case at larger member organizations), the provision would miss its mark. The revised text corrects this mistargeting.

(2) *Statutory basis.* As noted in the March filing, the statutory basis for the proposed rule change is section 6(b)(5) of the Act. The NYSE also stated that the rule change also relates to Section 9, 10, and 14 of the Act. See March filing.

B. Self-Regulatory Organization's Statement on Burden on Competition.

As noted in the March filing, the NYSE continues to believe that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.

At the time of the March filing the NYSE had received four letters commenting on drafts of the rules included in the proposed rule change.[2] Subsequently, the NYSE received thirteen additional comment letters, which have been filed with the Commission.[3] The NYSE has submitted, at the request of Commission staff, a memorandum to the Division of Market Regulation discussing the thirteen additional comment letters it has received and the Exchanges response.[4]

[2] *See* March Filing for a summary of these comment letters.

[3] The Commission also received five comment letters in response to their publication of the proposal.

[4] Copies of the comment letters and the NYSE's memorandum are available from the Commission at the address noted below in Section IV or from the NYSE.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing.[5] 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. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submittted by October 21, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 25, 1987.

Shirley E. Hollis,

Assistant Secretary.

FR Doc. 87-22552 Filed 9-29-87; 8:45 am]

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[5] The Commission notes that comments received in response to the March filing are presently being considerded, and requests that comments submitted pursuant to the present filing should be limited to the content of the above-described amendments.

[Release No. 34-24939; File No. SR-MSE-86-5]

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

The Midwest Stock Exchange, Inc. ("MSE" or "Exchange") submitted on August 14, 1986, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and Rule 19b-4 thereunder to amend its standards for listing on the Exchange.[1]

Notice of the proposed rule change together with its terms of substance was provided by issuance of a Commission release (Securities Exchange Act Release No. 23564), August 26, 1986) and by publications in the **Federal Register** (51 FR 31862, September 5, 1986). The Commission did not receive any comments on the proposal in response to its solicitation, although the MSE forwarded to the Commission nine comment letters it had received in response to its own solicitation of comments.[2]

Under the MSE's proposed rule change, two new listing requirements would be added to Article XXVIII, Rule 7, of the Rules of the MSE. First, listed companies would be required to maintain a minimum of two independent directors on their board of directors. Second, all listed companies would be required to establish an Audit Committee composed of a majority of independent directors.[3] The Exchange states that these changes have been proposed to help ensure that companies listed on the MSE will continue to maintain their financial integrity and favorable reputation while meeting minimal standards necessary for the protection of investors.

As defined by the MSE's proposed rule, the term independent director would mean "a person, other than an officer or employee of the company or its subsidiaries or any other person having a relationship which, in the opinion of the board of directors, would interfere with the exercise of independent judgment in carrying out the responsibilities of a director."[4] The Audit Committee, which the proposed rule requires companies to establish and maintain, would be required to have the majority of its membership composed of independent directors.[5]

Amendment No. 1 to the proposed rule change adds a provision that addresses the application of these revised standards to companies that are currently listed on the MSE. It provides that, upon approval of the proposed rule change, all companies currently listed on the Exchange will be notified of the revised standards and informed that they have two years from the date of such notification to come into compliance with those standards.[6] The

[1] On June 3, 1987, the MSE submitted amendment No. 1 to File No. SR-MSE-86-5. This amendment adds a provision to the proposed rule that sets out procedures under which currently listed companies must come into compliance with the proposed revised requirements.

[2] *See* note 5, *infra*.

[3] The New York Stock Exchange, Inc. ("NYSE"), the American Stock Exchange, Inc. ("Amex") and the National Association of Securities Dealers ("NASD") have similar requirements for audit committees and independent directors. The NYSE Listed Company Manual, § 303.00, requires domestic listed companies to establish and maintain an Audit Committee comprised solely of independent members of the board of directors. The Amex Company Guide, section 121, recommends that every listed company have at least two independent directors. This provision also recommends that every listed company establish and maintain an Audit Committee composed solely of independent directors. Subdivision D, Schedule D, Part II of the By-Laws of the NASD requires National Market System ("NMS") companies quoted on the NASD's Automated Quotation System ("NASDAQ") to maintain a minimum of two independent directors on their board of directors. In addition, NASDAQ/NMS companies must have an Audit Committee with the majority of its membership made up of independent directors. These requirements were part of a group of corporate governance standards which the Commission recently approved for NASDAQ/NMS companies. *See* Securities Exchange Act Release No. 24633, June 23, 1987, 52 FR 24234, (hereafter "NASDAQ/NMS Release").

[4] The definition of independent director in the proposed MSE rule is similar to the definitions used in the comparable NYSE, Amex and NASD rules. *See* note 3, *supra*. The NYSE rule defines independent director as being independent of management and free from any relationship that, in the opinion of its board of directors, would interfere with the exercise of independent judgment as an audit committee member. Under the NYSE rule, directors who are affiliates of the company or officers or employees of the company or its subsidiaries would not be qualified for audit committee membership.

The Amex rule defines independent directors as directors who are not officers of the company; who are neither related to its officers nor represent concentrated or family holdings; and who, in the view of the company's board of directors, are free from any relationship that would interfere with the exercise of independent judgment.

The recently adopted NASD rule defines independent director as a person other than an officer or employee of the company or its subsidiaries or any other individual having a relationship which, in the opinion of the board of directors, would interfere with the exercise of independent judgment in carrying out the responsibilities of a director.

[5] MSE issued a notice to its members and listed companies soliciting comments on the proposed rule change on July 12, 1985. Eight of the comment letters received were from companies currently listed on the MSE and one letter was from an MSE member broker-dealer. All of the nine comment letters expressed support for the proposed rule change. The proposed rule change was approved by the Executive Committee of the MSE Board of Governors on July 23, 1986.

[6] There are currently 18 MSE listed companies. Eight of those companies are exclusively listed on

Continued

MSE would require such listed companies to notify the Exchange in writing, within the two year period, of their compliance with the rules. Companies applying for listing after approval of the proposed rule change would be required to comply with the revised standards prior to Exchange approval of their application.[7]

As noted above, the proposed MSE rule change would adopt independent director and audit committee listing standards for MSE listed companies that are similar to standards required by Amex, and NYSE and which were recently adopted, along with a number of other corporate governance requirements, by the NASD for NASDAQ/NMS companies. As the Commission stated in its order approving the adoption of corporate governance standards for NASDAQ/NMS companies, the exchanges have become accepted as sources of fundamental investor protection and therefore it is reasonable for an SRO to continue to set standards affecting minimum investor protection. As noted in the NASDAQ/NMS Release, the establishment of minimum exchange listing and NASDAQ/NMS authorization standards create uniformity that helps to assure investors that all the companies traded in those markets have the fundamental safeguards they have come to expect of major companies.[8] As a consequence of this, investors are spared the costs of evaluating the significance of varying corporate structures in making investment decisions.

The MSE proposal seeks to adopt standards which the Commission understands, and the comments of MSE listed companies indicate, have been met or surpassed by most major U.S. corporations. In addition, the Commission does not believe that compliance with these proposed standards will impose substantial cost burdens on those MSE companies that will need to come into compliance with these new standards. In this regard, the Commission believes that Amendment No. 1 to the proposed rule change grants existing MSE issuers a sufficient period of time to comply wtih the new standards.

Based on the above, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder in that they will serve to protect investors and the public interest.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 24, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-22506 Filed 9-29-87; 8:45 am]

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the MSE. The remaining 10 companies are listed on both the MSE and the NYSE and, thus, are already in compliance with the new MSE standards. The MSE's procedures for bringing currently listed companies into compliance with the new standards are similar to the procedures employed by the NASD with the adoption of new corporate governance standards for NASDAQ/NMS companies. The NASD has given existing NASDAQ/NMS companies 18 months from the effective date of the changes (i.e., until February 1, 1989) to come into compliance with their new standards. New companies receiving NASDAQ/NMS designation must be in compliance with the corporate governance standards. *See* Commission's order approving NASDAQ/NMS corporate governance standards, note 3, *supra*, at 5.

[7] The MSE did not solicit comments from members and listed companies on the contents of Amendment No. 1. However, of the eight listed companies commenting on the original proposed rule change, all supported the proposal and four of those companies indicated that they were already in compliance with the proposed standards.

[8] *See* Commission's order approving NYSE requirement for audit committee composed solely of independent directors. Securities Exchange Act Release No. 13346, March 9, 1977, 11 SEC Doc. 1945.

[Release No. 34-24940; File No. SR-NYSE-87-29]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc. Relating to the Order Size of Specialist's "One-Half Point Error Guarantee" (Rule 123A.47(b)) From 1,099 Shares to 2,099 Shares

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 28, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amending Rule 123A.47(b)[1] to increase specialists responsibility for errors up to one-half point for Super DOT[2] market, marketable limited price orders and limited price orders from 1,099 shares to 2,099 shares.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose for adopting Rule 123A.47(b) in October, 1982,[3] was to provide for a more efficient, cost-efficient way of resolving errors in order executions reported through the Super DOT System.[4] Ever since the Designated

[1] Under Rule 123A.47(b), a specialist guarantees the execution price he reports to member firms via Super DOT, unless the reported price is more than ½ point away from the actual execution price, in which case the actual price is binding.

[2] The NYSE's Super DOT system is an order routing and execution system for market and marketable limited price orders up to a certain size. Currently the size limit for the system is 2,099. Super DOT electronically routes orders from a NYSE Member's office to the specialist in the particular stock on the floor of the NYSE.

[3] *See*, Securities Exchange Act Rel. No. 19366 (December 22, 1982), 47 FR 58420. Under the Rule is a specialist reports an erroneous execution price to a subscribing Super DOT member firm, he absorbs the difference between the erroneous reported price and the actual price, provided the difference is less than one-half point form the actual price. When the difference between the reported price and actual price is greater than one-half point, the specialist is permitted to correct the erroneous price through the Super DOT system; he is not, however, liable for the difference between the reported price and the actual price. In this case, the member firm has the option to either place the transaction in its error account or require the customer to absorb the difference.

[4] According to the Exchange, it costs a member firm an average of $75–$80 per trade to correct an erroneously reported execution price. In addition, reported errors are not corrected immediately; there is usually a lag in correcting erroneously reported prices. During the time lag, member firms usually quote the erroneous price to their customers. The one-half point guarantee provided in Rule 123A.47(b) protects both the member firm and its customer since the specialist aborbs any price

Continued

Order Turnaround ("DOT") System was first introduced, the Exchange has remained sensitive to the needs of its membership constituency to provide a fast, efficient, cost-effective way to send orders to the Floor and receive back execution reports.

As other system enhancements were added, the entire system became known as Super DOT. When the last amendment was made to Rule 123A.47(b) in July, 1985, the average trade size was 1,860 shares.[5] In the first six months of 1987, the average trade size has increased to 2,045 shares.[6]

This request to increase the size of orders that will be subject to the "one-half point error guarantee" requirement contained in Rule 123A.47(b) from 1,099 shares to 2,099 shares directly responds to specific member firm subscriber requests to permit them to obtain the inherent efficiencies of Super DOT for larger orders.

(2) Statutory Basis for the Proposed Rule Change

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act in that it will ". . . foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, . . ." and section 17A(a)(1) of the Act in that it will enhance "the prompt and accurate clearance and settlement of securities transactions, ..."

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others

The Exchange has not solicited comments on the proposed rule change and no unsolicited comments have been received.

difference below one-half a point. In addition, the Rule eliminates the cost a member firm would incur if it were to correct the erroneous price.

[5] *See* Securities Exchange Act Rel. No. 22498 (October 2, 1985) 50 FR 41082. The amendment permitted the Exchange to determine the size of market, marketable limited price orders and limited price orders that are subject to the "one-half point error guarantee" provision of Rule 123A.47(b).

[6] NYSE Business Research Department Statistics.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE.

All submissions should refer to the file number in the caption above and should be submitted by October 21, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 24, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-22509 Filed 9-29-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16002; 812-6682]

Applications; Prudential-Bache Municipal Bond Fund et al.

September 24, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: Prudential-Bache Municipal Bond Fund ("Fund"), The Prudential Insurance Company of America ("Prudential"), and Prudential Reinsurance Company ("PruRe").

Relevant 1940 Act Sections: Exemption requested under section 17(b) from the provisions of section 17(a), permission for joint transactions under section 17(d) and Rule 17d-1 thereunder, and an exemption under section 6(c) for prospective relief.

Summary of Application: Applicants seek an order to allow its Insured Series, and any other series of the Fund that may be established in the future having an investment objective and investment policies and restrictions that are substantially similar to those of the Insured Series ("Future Insured Series"), to purchase the portfolio insurance coverage described herein from an affiliate and to accept full settlements arising from claims made upon the insurance.

Filing Date: The application was filed on April 10, 1987, and amended on September 11, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on October 19, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Prudential-Bache Municipal Bond Fund, One Seaport Plaza, New York, New York 10292. The Prudential Insurance Company of America, Prudential Plaza, Newark, New Jersey 07101. Prudential Reinsurance Company, 100 Mulberry Street, Newark, New Jersey 07102.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney (202) 272-2190 or Brion R. Thompson, Special Counsel (202) 272-3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copies who can be

contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations:

1. Prudential is the investment adviser of the Fund, an open-end, diversified, management investment company registered under the 1940 Act. The Fund currently consists of three separate series; additional series may be added in the future. The investment objective of the Insured Series of the Fund is to provide the maximum amount of income that is eligible for exclusion from federal income taxes consistent with the preservation of capital, and this objective is to be achieved, *inter alia*, through investing in municipal obligations that are insured. This insurance may be either "New Issue Insurance" obtained by the issuer or underwriter of a municipal bond or note at the time of issuance, "Secondary Market Insurance" on a particular municipal bond or note purchased by the Insured Series or a previous bondholder or noteholder, or "Portfolio Insurance" maintained by the Insured Series. Unlike New Issue or Secondary Market Insurance (which continues in force for the life of the municipal obligation), Portfolio Insurance covers obligations only while held by the Insured Series.

2. New Issue, Portfolio and Secondary Market Insurance may be obtained from AMBAC Indemnity Company ("AMBAC"), among other unaffiliated insurers, (each an "Insurer") guaranteeing the scheduled payment of principal and interest on certain securities while in the portfolio of the Insured Series. In selecting an Insurer, consideration is given to the insurance premium rates charged, the capacity or allocation of insurance made available for a given issuer, ratings given to an Insurer by a nationally recognized rating agency, and the level of service provided by and reputation of an Insurer.

3. PruRe reinsures, in part, AMBAC's insurance obligations on an excess of loss basis to protect against catastrophic losses incurred by AMBAC for all of AMBAC's financial guaranty policies. Since PruRe's reinsurance applies to New Issue, Secondary Market and Portfolio Insurance written for the Insured Series and other bond funds, PruRe's interest is not limited solely to those losses which may be experienced by the Insured Series. However, PruRe is one of five reinsurers that are parties to a reinsurance treaty with AMBAC that provides for reinsurance of $30 million in excess of $200 million only after all of AMBAC's first layer reinsurance has been used. Because the Insured Series is expected to generate a portfolio of municipal obligations of several hundred million dollars, the reinsurance policy limits provided by PruRe on the aggregate loss cover are not anticipated to be greater than 10% of the Insured Series' portfolio of municipal obligations for which Portfolio or Secondary Market Insurance has been obtained. Further, PruRe has never been called upon to pay under the reinsurance treaty with AMBAC, which has been in effect approximately four and a half years.

4. The premiums on any policy of Portfolio or Secondary Market Insurance will be paid by the Insured Series directly to an Insurer and, by virtue of the Insurer's reinsurance arrangement, indirectly to PruRe or another affiliate of Prudential providing reinsurance to that Insurer. Insurance premiums on New Issue Insurance are typically paid for by the issuer of or the obligor on a municipal obligation; the Insured Series indirectly pays for the insurance through the price it pays for the security.

5. The proposed insurance would involve the payment by the Insured Series to Insurers of premium rates determined by the Insurers within a rate framework applicable to all mutual funds and filed with applicable state insurance regulatory authorities based upon an Insurer's determination of the creditworthiness of the issuers of the municipal obligations, the risk of default by such issuers, the potential liability arising from insuring such issues, and the demand of mutual funds to apply for such insurance. Neither the Fund, Prudential nor PruRe will have any role in setting such rates. The insurance premiums paid to the Insurers and the level of insurance coverage obtained by the Insured Series will be negotiated at arm's length and will not be directly affected by an unrelated Insurer's reinsuring with an affiliate of Prudential.

6. The premium rates for each issue of municipal bonds, notes or other securities protected by a policy obtained by the Insured Series are irrevocably fixed by the terms of the insurance. The premium for Secondary Market Insurance on municipal obligations for which the Insured Series has purchased Portfolio Insurance is determined at the time the Insured Series purchases the Portfolio Insurance, and the premium will not be paid at the time of sale to another holder unless it increases the net sale price of the security. In addition, the Portfolio Insurance will be non-cancellable and will remain in force as long as the Insured Series exists and the premium is paid, the Insurer is in business and the securities continue to be held by the Insured Series. Further, the Secondary Market Insurance and New Issue Insurance will also be non-cancellable and will remain in force as long as the Insurer is in business and the securities insured thereby remain outstanding. The Insured Series will not participate in the proposed Portfolio Insurance unless the Fund is entitled to charge such Insured Series for the expense of the required Portfolio Insurance premium. Premiums paid for Secondary Market Insurance will be treated as capital costs by the Fund, which will increase the cost basis of the investment, and thereby reduce the effective yield of the investment.

7. If there is a payment default on an obligation held by the Insured Series, once an Insurer makes the required payment the Insured Series will be in the same position it would have been in had there been no default. Furthermore, the Insurer's obligation to pay the principal of and interest on a security is fixed regardless of the identity of the shareholder, thus preserving the fairness of the transaction.

Applicants' Legal Conclusions:

1. Prudential, the Fund's investment adviser, is an "affiliated person" of the Fund under section 2(a)(3)(E) of the 1940 Act. PruRe is an "affiliated person" of Prudential under section 2(a)(3)(C) of the 1940 Act. Therefore, PruRe may be deemed an "affiliated person of an affiliated person" of the Fund for purposes of the prohibitions in sections 17(a) and 17(d) of the 1940 Act against transactions by a registered investment company and affiliates thereof. Applicants request an order under section 17(b) of the 1940 Act to the extent that the proposed reinsurance of the Insured Series by PruRe might be deemed to be the sale of property to the Insured Series. Applicants also request an order under section 17(b) of the 1940 Act to the extent that, in the event of a payment default on a security held by the Insured Series and covered by a policy of New Issue, Portfolio or Secondary Market Insurance, the Insured Series acquires rights to payments under such policy by an Insurer and the making of payments under the reinsurance to an Insurer by PruRe might be deemed the purchase of securities from the Insured Series. To the extent that the reinsurance of Portfolio or Secondary Market Insurance might be considered to involve a joint transaction, Applicants request an order under Rule 17d-1 of the 1940 Act to permit PruRe to reinsure Portfolio Insurance and Secondary Market Insurance for the Insured Series. Applicants further request an order

under section 6(c) of the 1940 Act from the application filing requirements of section 17(b) and Rule 17d-1 to permit the Insured Series, as well as any Future Insured Series of the Fund, to purchase municipal obligations insured by AMBAC and any other unaffiliated Insurer whose insurance obligations are reinsured by PruRe or any other affiliated person of Prudential.

2. The order requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Also, the proposed transactions will be reasonable and fair, will not involve overreaching on the part of any person concerned, will be consistent with the investment policy of the Insured Series, and no party will be disadvantaged by any Insured Series purchasing insurance from AMBAC of any other Insurer, whose insurance obligations are reinsured by PruRe or any affiliate of Prudential. The terms of the reinsurance between PruRe and an Insurer will be negotiated at arm's length and will not directly involve the Fund or any series thereof. The Fund will pay premium rates to Insurers that are fixed in nature, easily ascertainable and comparable to the rates paid by other mutual funds for the same or similar coverage, so no party will be disadvantaged by the Fund purchasing insurance from an Insurer. PruRe has not been established solely for the purpose of effecting the proposed transactions.

Applicants' Conditions:

If the requested order is granted, Applicants agree to the following conditions:

1. If the Fund selects an Insurer (i.e., an unaffiliated insurer whose obligations are reinsured by PruRe or any other affiliate of Prudential), the selection will be in the best interests of the Fund.

2. Applicants will seek an amended order prior to such time as PruRe determines to reinsure the obligations of an affiliated insurer that insures municipal obligations that may be purchased by the Fund.

3. Each Insured Series will not settle any claim under Portfolio Insurance provided by an Insurer for less than full payment without obtaining a further exemptive order or other relief from the SEC.

For the SEC, by the Division of Investment Management, under delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-22508 Filed 9-29-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24464]

Filings Under the Public Utility Holding Company Act of 1935 ("Act"); Magnolia Power Co. et al.

September 24, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 19, 1987 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s) as filed or as amended, may be granted and/or permitted to become effective.

Monongahela Power Company, et al. (70-7300)

Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554, The Potomac Edison Company ("Potomac"), Downsville Pike, Hagerstown, Maryland 21740, and West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, wholly owned electric-utility subsidiaries of Allegheny Power System, Inc., a registered holding company, have filed a post-effective amendment to their application-declaration pursuant to sections 6(a), 6(b) and 7 and Rule 50 thereunder.

By order dated June 12, 1987 (HCAR No. 24410), Monongahela, Potomac and West Penn were authorized to issue and sell from time to time through December 31, 1987, pursuant to the alternative competitive bidding procedures, their first mortgage bonds in maximum aggregate principal amounts of $115 million, $110 million, and $35 million, respectively. On July 1, 1987, Monongahela issued and sold $40 million of its bonds. No other bonds have yet been sold. Because the companies intend to redeem certain of their currently outstanding first mortgage bonds with all but $40 million of the proceeds from the issuance and sale of the bonds, and because interest rates may not decline sufficiently during 1987 to permit such redemptions, the applicants-declarants now request authorization for Monongahela to issue and sell up to $75 million and West Penn up to $35 million of remaining bonds, through December 31, 1988.

GPU Service Corporation, et al. (70-7429)

GPU Service Corporation ("Service Company") and General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07960, have filed a declaration pursuant to sections 6(a), 7 and 12(b) of the Act and Rule 45 thereunder.

Service Company proposes to enter into a revolving credit agreement ("Credit Agreement") with the Bank of New York ("Bank") under which Service Company would issue to the Bank from time to time until September 30, 1990, Service Company's unsecured promissory notes ("Notes") in an aggregate principal amount of up to $15.4 million at any one time outstanding. Each Note would mature not less than 30 days and not more than one year from its date of issuance, and would bear interest, at the election of Service Company, at a rate set by using any one of four rate-setting methods. The Credit Agreement provides that GPU will unconditionally guarantee Service Company's payments of principal and interest on the Notes and other obligations under the Credit Agreement.

Alabama Power Company (70-7431)

Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, Georgia Power Company ("Georgia"), 333 Piedmont Avenue, N.E., Atlanta, Georgia 30308, Gulf Power Company ("Gulf"), 500 Bayfront Parkway, Pensacola, Florida 32501, and Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi 39501, wholly owned subsidiaries of The Southern Company, a registered holding company, and Southern Electric Generating Company ("SEGCO"), 600 North 18th Street, Birmingham, Alabama 35291, a subsidiary of Alabama and Georgia,

have filed a declaration pursuant to section 12(c) of the Act and Rule 42 thereunder.

The companies propose, at any time or from time to time through December 31, 1992, to acquire and retire their first mortgage bonds and preferred stock, as well as pollution control or industrial development revenue bonds issued by public bodies for their benefit, up to the respective aggregate amounts indicated in the following table:

	First mortgage bonds (principal amount) $ millions	Preferred stock (par or stated value $ millions	Revenue bonds (principal amount) $ millions
Alabama	225	30	315
Georgia	1,110	240	1,365
Gulf	75	10	125
Mississippi		10	
SEGCO	9		20

The proposed transactions in which such securities are to be acquired may include purchases on the open market, purchases in privately negotiated transactions, and acquisitions pursuant to tender or exchange offers to the then current holders in which the consideration offered consists of cash, first mortgage bonds, preferred stock or revenue bonds (as the case may be) of a newly issued series, or a combination thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-22507 Filed 9-29-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Senior Executive Service Performance Review Boards; List of Members

AGENCY: Small Business Administration.

ACTION: Listing of personnel serving as members of this agency's Senior Executive Service Performance Review Boards.

SUMMARY: Public Law 95-454 dated October 13, 1978, (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is a listing of those individuals currently serving as members of this Agency's PRB:

1. John R. Cox, Associate Administrator, for Business Development
2. Charles Freeman, Regional Administrator, New York
3. Charles R. Hertzberg, Deputy Associate Administrator for Financial Assistance
4. William A. Powell, Regional Administrator, Kansas City
5. Lawrence R. Rosenbaum, Comptroller
6. Richard L. Osbourn, Director of Personnel, (Non-voting Technical Advisor)
7. George H. Robinson, Director of Equal Employment Opportunity and Compliance (Non-voting Equal Employment Advisor)
8. Martin D. Teckler, Deputy General Counsel
9. Thomas Topuzes, Regional Administrator, San Francisco
10. Janice E. Wolfe, Deputy Associate Administrator for Management Assistance (SBDC)
11. Lawrence J. Dempsey, Assistant Inspector General for Investigations, General Services Administration
12. Paul F. Gibbons, Inspector General, Federal Home Loan Bank Board.

James Abdnor,

Administrator.

September 25, 1987.

[FR Doc. 87-22575 Filed 9-29-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1119]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on October 22, 1987 at 9:30 a.m. in Conference Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washingotn, DC.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting is to continue the plan of work for the Study Group during the 1986-1990 period.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, DC 20520; telephone (202) 647-2592.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

Date: September 17, 1987.

[FR Doc. 87-22444 Filed 9-29-87; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 87-9-57]

Fitness Determination of WRA, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 87-9-57, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that WRA, Inc., is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, Room 6420, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than October 2, 1987.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Air Carrier Fitness Division, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366-2342.

Dated: September 24, 1987.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 87-22530 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Noise Compatibility Program; Lambert-St. Louis International Airport; St. Louis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA announces its findings on the noise compatibility program submitted by the city of St. Louis Airport Authority under the provisions of Title I of the Aviation

Safety and Noise Abatement Act (ASNA) of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-federal responsibilities in Senate Report No. 96-52 (1980). On April 29, 1987, the FAA determined that the noise exposure maps submitted by the city of St. Louis Airport Authority under Part 150 were in compliance with applicable requirements. On August 23, 1987, the Administrator approved the Lambert-St. Louis International Airport noise compatibility program. All of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Lambert-St. Louis International Airport noise compatibility program is August 23, 1987.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Ornes, ACE-615B, Federal Aviation Administration, Airports Division, 601 E. 12th St., Kansas City, Missouri 64106, Telephone No. (816) 374-6614. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for the Lambert-St. Louis International Airport, effective August 23, 1987.

Under section 104(a) the Aviation Safety and Noise Abatement Act (ASNA) of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government.

Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable Airspace and Air Traffic Control Systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability or unacceptability of that land use under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program, nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Kansas City, Missouri.

The city of St. Louis Airport Authority submitted to the FAA on February 17, 1987, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from April 1986 through June 1987. The Lambert-St. Louis International Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on April 29, 1987. Notice of this determination was published in the **Federal Register** on May 11, 1987.

The Lambert-St. Louis International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to beyond the year 1991. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on April 29, 1987, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 17 proposed actions for noise abatement and mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective August 23, 1987.

Outright approval was granted for all of the specific program elements. Noise abatment measures include re-evaluation and adjustment of noise monitoring sites, continuation of existing informal, voluntary noise abatement procedures, and restrictions on engine test run-ups and night-time powerbacks. Also included are actions by the sponsor to support noise related legislation and oppose continued use of stage 1 aircraft. Noise mitigation measures involve elimination or control of incompatible land uses by continuation of existing acquisition or acoustical treatment programs, rezoning and adoption of fair disclosure ordinances as spelled out in detail in the Record of Approval.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on August 23, 1987. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices for the Lambert-St. Louis International Airport.

Issued in Kansas City, Missouri, on September 14, 1987.

Paul K. Bohr,

Director, Central Region.

[FR Doc. 87-22580 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

Noise Compatibility Program and Request for Review; Palm Springs Municipal Airport; Palm Springs, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA announces its determination that the Noise Exposure Maps submitted by the city of Palm Springs, California for the Palm Springs Municipal Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and the 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is August 24, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas J. Conley, Environmental Protection Specialist, AWP-611.3, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, (213) 297-1621.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the Noise Exposure Maps submitted for the Palm Springs Municipal Airport, Palm Springs, California, are in compliance with applicable requirements of Part 150, effective August 24, 1987.

Under Section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR), Part 150, promulgated pursuant to Title 1 of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the Noise Exposure Maps and related descriptions submitted by the city of Palm Springs, on June 30, 1986. The specific maps under consideration are 4E and 4F in the submission. The FAA has determined that the Noise Exposure Maps for the Palm Springs Municipal Airport are in compliance with applicable requirements. This determination is effective on August 24, 1987. The FAA's determination on an airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, nor is it a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by provisions of section 107 of the Act. These functions are inseperable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under FAR Part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator who submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of the FAR Part 150, that the statutorily required consultation has been accomplished. Copies of the noise exposure maps and the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue SW., Room 617, Washington, DC. 20591

Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 S. Aviation Boulevard, Room 6E25, Hawthorne, California 90261

Mr. Allen Smoot, Director of Transportation & Energy, P.O. Box 1786, Palm Springs, California 92263-1786.

Questions may be directed to the individual named above under the heading, for further information contact.

Issued in Hawthorne, California, on September 2, 1987.

James J. Wiggins,

Manager, Airport Planning & Programming Branch, Western-Pacific Region.

[FR Doc. 87-22470 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket S-814]

Application for a Waiver of Section 804 of the Merchant Marine Act, 1936, as Amended To Permit the Charter of Two Foreign-flag Vessels, American President Lines, Ltd.

American President Lines, Ltd. (APL), by application of September 17, 1987, requests a waiver of the provisions of section 804 of the Merchant Marine Act, 1936, as amended (Act), so as to permit APL to charter two foreign-flag vessels to be deployed between ports in the Philippine Islands and Hong Kong and/or Kaohsiung.

APL plans to charter two foreign-flag self-sustaining vessels each of approximately 400 TEU capacity, principally to carry canned and fresh pineapple from the Philippines to destinations on Trade Route 29. The vessels would be deployed in a weekly service from the Philippines to Hong Kong at the present time and later, if circumstances warrant, Kaohsiung. APL wishes to charter the vessels for a period of approximately one year.

APL advises that in addition to the carriage of pineapple, it would make space available for other cargoes that may be offered, but the principal purpose would be for pineapples. Currently, no U.S.-flag service is offered in this trade except for APL's PRESIDENT KENNEDY shuttle, but this service would continue whether or not APL is successful in obtaining the pineapple contract.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington DC. 20590. Comments must be received no later than 5:00 P.M. on October 9, 1987. This notice is published

as a matter of discretion. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies).

By Order of the Maritime Administrator
Date: September 25, 1987.

James E. Saari,

Secretary.

[FR Doc. 87-22502 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: September 25, 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: 1545-0415.
Form Number: W-4P.
Type of Review: Revision.
Title: Withholding Certificate for Pension or Annuity Payments.
Description: Used by the recipient of pension or annuity payments to designate the number of withholding allowances he or she is claiming, an additional amount to be withheld, or to elect that no tax be withheld, so that the payer can withhold the proper amount.
Respondents: Individuals or households.
Estimated Burden: 2,496,204 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.

Comptroller of the Currency

OMB Number: 1557-0057.
Form Number: CC 7021-01 and CC 7027-01.
Type of Review: Extension.
Title: Establishment of Domestic Branches, Seasonal Agencies and CBCT's.
Description: This collection of information contains data needed to evaluate applications.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Burden: 3,425 hours.

OMB Number: New.
Form Number: G-Fin: G-Fin-W..
Type of Review: New Collection.
Title: Registration and Withdrawal of Government Securities Brokers and Dealers.
Description: The Government Securities Act of 1986 requires all financial institutions that act as government securities brokers and dealers to notify designated Federal regulatory agencies of their broker/dealer activities, unless exempted from the notice requirement by Treasury Department regulations. These forms are developed to meet the requirement of the act.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Burden: 250 hours.
Clearance Officer: Eric Thompson, (202) 447-1632, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.
OMB Reviewer: Robert Fishman, (202) 395-7340, Office of Management and Budget, Room 3228, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 87-22526 Filed 9-29-87; 8:45 am]

BILLING CODE 4810-25-M

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, DC on October 27 and 28, 1987 of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies, Securities Committee,

The agenda for the Public Securities Association, U.S. Government and Federal Agencies Securites Committee meeting provides for a working session on October 27 and the preparation of a written report to the Secretary of the Treasury on October 28, 1987.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-05, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commerical and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commerical or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Charles O. Sethness,

Assistant Secretary (Domestic Finance).

[FR Doc. 87-22504 Filed 9-29-87; 8:45 am]

BILLING CODE 4810-25-M

Customs Service

[T.D. 87-105]

Revocation of Individual Broker's License No. 5502; Robert J. Fusco

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: Notice is hereby given that the Secretary of the Treasury, on July 15, 1987, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and Part 111.74 of the Customs Regulations, as amended (19 CFR 111.74), revoked the individual broker's license No. 5502 issued to Robert J. Fusco, New York, in January 1976. The decision is effective as of September 15, 1987.

Dated: September 23, 1987.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 87-22525 Filed 9-29-87; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 189
Wednesday, September 30, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR FR 35608, September 22, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday September 28, 1987.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Proposed statement to be presented to the House Subcommittee on Financial Institutions Supervision, Regulation and Insurance on proposals to establish a secondary market for agricultural loans.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: September 28, 1987.

James McAffee,

Associate Secretary of the Board.

[FR Doc. 87-22666 Filed 9-28-87; 3:19 pm]

BILLING CODE 6210-01-M

INTERNATIONAL TRADE COMMISSION

[USITC SE-87-36]

TIME AND DATE: Monday, October 5, 1987 at 2:00 p.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints: Certain Marine Automatic Pilots and Components Thereof (Docket Number 1418)
5. FY 89 Budget
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161

Kenneth R. Mason,

Secretary.

September 24, 1987.

[FR Doc. 87-22585 Filed 9-25-87; 5:07 pm]

BILLING CODE 7020-02-M

INTERNATIONAL TRADE COMMISSION

[USITC SE-87-37]

TIME AND DATE: Wednesday, October 14, 1987 at 10:00 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints: Certain Programmable Digital Clock Thermostats (Docket Number 1419)
5. Inv. 731-TA-384 (P) (Nitrile Rubber from Japan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason

Secretary.

September 24, 1987.

[FR Doc. 87-22586 Filed 9-25-87; 5:07 pm]

BILLING CODE 7020-02-M

NEIGHBORHOOD REINVESTMENT CORPORATION

TIME & DATE: 2:00 p.m.—Tuesday, October 6, 1987.

PLACE: 1325 G Stret, NW., Suite 800, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Director of Communications, 376-2623.

AGENDA:

I. Call to Order and Remarks of Chairman
II. Approval of Minutes, June 17, 1987
III. Budget Committee Report
—Approval of FY 1988 Line Item Budget
—Approval of Enhanced Level of FY 1989 Budget Submission to OMB
IV. Executive Director's Activity Report
V. Annual Appointment of Audit Committee
VI. Treasurer's Report

Carol J. McCabe,

Secretary.

[FR Doc. 87-22672 Filed 9-28-87; 3:57 pm]

BILLING CODE 7570-01-M

Corrections

Federal Register
Vol. 52, No. 189
Wednesday, September 30, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 27, 28, and 61

Revision of User Fees for Cotton Classification, Testing, and Standards

Correction

In rule document 87-21467 beginning on page 35215 in the issue of Friday, September 18, 1987, make the following corrections:

1. On page 35217, in the second column, in the table, in entry "3.5c" in the second column, "14.0c.5c" should read "14.0c".

§ 28.956 [Corrected]

2. On page 35220, in § 28.956, in the first column, in the table, in entry "9.0", in the second column, in the second line, "gainned" should read "ginned".

PART 61—[CORRECTED]

3. On page 35221, in the first column, under amendatory instruction 16, in the authority, in the second line, "(7 U.S.C. 1624, unless)" should read "(7 U.S.C. 1624) unless".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

National Commission on Dairy Policy; Advisory Committee Meeting

Correction

In notice document 87-21781 appearing on page 35564 in the issue of Tuesday, September 22, 1987, make the following correction:

In the second column, under *Time and place:*, in the second line, "at the Washington Blvd." should read "at the Sheraton National Hotel, Columbia Pike and Washington Blvd."

BILLING CODE 1505-01-D

federal register

Wednesday
September 30, 1987

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 107 et al.

Hazardous Materials, Editorial Corrections and Clarifications; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, 173, 175, 177, 178, and 179

[Docket No. HM-189E, Amdt. Nos. 107-17, 171-95, 172-111, 173-204, 775-41, 177-71, 178-89, and 179-41]

Hazardous Materials; Editorial Corrections and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Hazardous Materials Regulations (HMR) is to correct certain editorial errors and to make minor regulatory changes which will not impose any new requirements on persons subject to the HMR.

EFFECTIVE DATE: September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Ann Boylan, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, Telephone (202) 366-4488.

SUPPLEMENTARY INFORMATION: In its maintenance of the HMR, RSPA performs an annual review of the regulations to detect errors which may be causing confusion to users. Inaccuracies detected in Title 49, Code of Federal Regulations (CFR), Parts 100 through 199, revised as of October 1, 1986, include typographical errors, incorrect references to other rules and regulations in the CFR and misstatements of certain regulatory requirements. Additionally, in response to inquiries which RSPA received concerning the clarity of particular requirements specified in the HMR, changes are made which should reduce uncertainties.

Since these amendments do not impose new requirements, notice and public procedure are unnecessary. For the same reason, these amendments are effective without the customary 30-day delay following publication. This will allow these changes to appear in the next revision of 49 CFR.

The RSPA has determined that this rule, as promulgated, is not a major rule under the terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A final regulatory evaluation and environmental assessment was not prepared, as these amendments are not substantive changes to the HMR.

Based on limited information available concerning the size and nature of entities likely to be affected by these amendments, I certify that these amendments will not, as promulgated, have a significant economic impact on a substantial number of small entities.

The following is a section-by-section summary of the amendments:

Appendix A to Subpart B of Part 107. The address for the Office of Motor Carriers is changed to read: "Chief, Field Programs Division, Office of Motor Carrier Safety Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590. Day 202-366-1975 and Night 202-267-2100."

Section 107.315(c). Civil penalty payments are no longer remitted to the Chief Counsel's office. Certified checks or money orders are made payable to the "Department of Transportation" and sent to: Chief, General Accounting Branch (M-86.2), Accounting Operations Division, Office of the Secretary, Room 2228, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

Sections 171.7 (c)(21) and (c)(31). In paragraph (c)(21), the address for the American Welding Society is changed to read "550 N.W. Le Jeune Road, Miami, Florida 33126." In paragraph (c)(31), the address for INTEREG is changed to read, "4000 West Victoria Avenue, Chicago, Illinois 60646."

Section 171.8. The definition of "reportable quantity" is revised to read: "Reportable quantity (RQ) for the purposes of this subchapter means the quantity specified in Column 3 of the Appendix to § 172.101 for any material identified in column 1 of the Appendix." This change is necessary to correspond to amendments made under Docket HM-145F in final rules published in the **Federal Register** on November 21, 1986 [51 FR 42174] and February 17, 1987 [52 FR 4824].

Section 172.101. In column 5(b) of § 172.101, "173.316" is added for the proper shipping name "Air, refrigerated liquid, (*cryogenic*)." In column 4 of § 172.101, the word "liquid" is added following "Flammable", for the proper shipping name "Ethylene glycol diethyl ether." These changes are necessary to correct omissions made under Docket HM-166U final rule published in the **Federal Register** on April 20, 1987 [52 FR 13034].

Section 172.102. The shipping name "N,N-Diethylene diamine", is corrected to read "N,N-Diethylethylene diamine", UN 2685. The shipping name "Dicyclohexylammonium nitrate" is corrected to read "Dicyclohexylammonium nitrite", UN 2687. (This correction is also made in Appendix A to Subpart B.)

Section 172.400. In paragraph (c) the reference to "MAGNETIZED MATERIAL labels" is removed. The MAGNETIZED MATERIAL label which appeared in § 172.446 was removed under Docket HM-166S final rule published in the **Federal Register** on November 25, 1985 [50 FR 48419].

Section 172.510. Paragraph (b) is removed and reserved. The tank cars which required a DOME placard are no longer in service.

Section 172.512. Paragraph (a)(1) erroneously refers to § 172.504(c)(1). The correct reference is § 172.504(c).

Section 173.34. In note 1 of paragraph (e)(9), "method of external" should read "method or external".

Section 173.115. In paragraph (b)(2)(ii), the typographical error "-his subchapter" is corrected to read "this subchapter."

Section 173.253. In paragraph (a)(2), "Spec. IM" is corrected to read, "Spec. 1M".

Section 173.271. In paragraph (a)(7), the typographical error "Speification" is corrected to read "Specification". In paragraph (a)(9), on the second line, "111A00F2" is corrected to read "111A100F2".

Section 173.272. In paragraph (i)(2), "test requirements prescribed in § 178.219-10" is corrected to read "test requirements in § 178.210-10".

Section 173.294. In paragraph (a), line 1, the word "monochloroacetic" is corrected to read "chloroacetic". In paragraph (a)(3), line 6 should read "304 or 316".

Section 173.304. In paragraph (a)(4), the word "without" is corrected to read "with the".

Section 173.386. In paragraph (d), the typographical error "zgquirements" is corrected to read "requirements".

Section 173.421-1. In paragraph (a), reference to "§ 173.425" is corrected to read "§ 173.424".

Section 173.427. In paragraph (a), reference to § 173.421 (b), (c), and (d)" is corrected to read "§ 173.421 (b), (c) and (e)".

Section 175.31 In paragraph (a), the office designation "FAA Air Transportation Security Field Office" is changed to "FAA Civil Aviation Security Office".

Section 177.824. In paragraph (f), the language is changed to reflect the recent reorganization within the Office of Motor Carriers, which consolidates the hazardous materials functions into the Office of Motor Carrier Safety Field Operations.

Section 177.825 In paragraph (b)(1), the introductory language is changed to read: "A preferred route consists of either or both:" to indicate that a preferred route need not consist of both an interstate highway and a state-designated route. In line 16 of paragraph (c), the typographical error of "shippper" is corrected to "shipper".

Section 177.861. In paragraph (a), line 10, a comma is inserted following the word "buildings" to read: "buildings, * * *."

Section 178.54. The entire DOT 4B240-FLW specification contained in §§ 178.54 through 178.54-23 is removed and reserved. Section 178.54 for 4B240 cylinders was removed from Part 178 under Docket HM-166U final rule published in the **Federal Register** on April 20, 1987 [52 FR 13034]. The amendment is being reprinted in this document to ensure the removal of all applicable sections.

Section 178.135-8. Paragraph (a)(1) is amended to include an example of the specification markings on a DOT-37C drum.

Section 179.3. In paragraph (c), the last line is changed from "DOT Special Permits" to read "exemptions".

Section 179.4. In paragraph (a), "special permit" is changed to read "exemptions".

Section 179.103-5. As amended under Docket HM-166U final rule, paragraph (b)(1), line 12, the word "value" is corrected to read "valve".

Section 179.222. This section was added under Docket HM-166U final rule. The section heading "§ 179.222 *Chloroprene*" is correctly designated "§ 179.222-1 *Chloroprene.*"

List of Subjects

49 CFR Part 107

Hazardous materials, Program procedures.

49 CFR Part 171

Hazardous materials transportation, Incorporated by reference.

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 175

Hazardous materials transportation, Air carriers.

49 CFR Part 177

Hazardous materials transportation, Carriage by public highway.

49 CFR Part 178

Hazardous materials transportation, Shipping container specifications.

49 CFR Part 179

Hazardous materials transportation, Specifications for tank cars.

In consideration of the foregoing, 49 CFR Parts 107 through 179 are amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for Part 107 is revised to read as follows:

Authority: 49 App. U.S.C. 1421(c); 49 App. U.S.C. 1802, 1806, 1808-1811; 49 CFR 1.45 and 1.53 and App. A of Part 1, Pub. L. 89-670 (49 U.S.C. 1653(d), 1655).

Appendix A to Subpart B of Part 107 [Amended]

2. The address for the Office of Motor Carriers in Appendix A to Subpart B of Part 107 is changed to read as follows:

Chief, Field Programs Division, Office of Motor Carrier Safety Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590. Day 202-366-1975 and Night 202-267-2100.

3. Paragraph (c) of § 107.315 is revised to read as follows:

§ 107.315 [Amended]

* * * * *

(c) Payment of a civil penalty must be made by certified check or money order payable to the "Department of Transportation" and sent to the Chief, General Accounting Branch (M-86.2), Accounting Operations Division, Office of the Secretary, Room 2228, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

4. The authority citation for Part 171 is revised to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1808; 49 CFR Part 1, unless otherwise noted.

§ 171.7 [Amended]

5. In paragraph (c)(21) of § 171.7, the address for the American Welding Society is changed to read "550 N.W. LeJeune Rd., Miami, Florida 33126." In paragraph (c)(31) of § 171.7, the address for INTEREG is changed to read, "4000 West Victoria Avenue, Chicago, Illinois 60646".

6. In § 171.8, the definition for "reportable quantity" is revised to read as follows:

§ 171.8 [Amended]

* * * * *

"Reportable quantity (RQ)" for the purposes of this subchapter means the quantity specified in Column 3 of the Appendix to § 172.101 for any material identified in Column 1 of the Appendix.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

7. The authority citation for Part 172 is revised to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1808; 49 CFR Part 1, unless otherwise noted.

§ 172.101 [Amended]

8. In the § 172.101 Hazardous Materials Table:

a. "§ 173.316" is added in column 5(b) for the proper shipping name "Air, refrigerated liquid (*cryogenic*)."

b. The word "liquid" is added following the word "Flammable" in column 4 for the proper shipping name "Ethylene glycol diethyl ether".

§ 172.102 [Amended]

9. In the § 172.102 Optional Hazardous Materials Table:

a. The shipping name "N,N-Diethylene diamine" is corrected to read "N,N-Diethylethylene diamine", UN 2685.

b. The shipping name "Dicyclohexylammonium nitrate" is corrected to read "Dicyclohexylammonium nitrite", UN 2687.

§ 172.400 [Amended]

10. In paragraph (c) of § 172.400, the words "or the MAGNETIZED MATERIAL label" are removed.

Appendix A to Subpart B [Amended]

11. In Appendix A to Subpart B, the shipping name "N,N-Diethylene diamine" is corrected to read "N,N-Diethylethylene diamine", UN 2685.

In Appendix A to Subpart B, the shipping name "Dicyclohexylammonium nitrate" is corrected to read "Dicyclohexylammonium nitrite", UN 2687.

§ 172.510 [Amended]

12. Paragraph (b) of § 172.510 is removed and reserved.

§ 172.512 [Amended]

13. In paragraph (a)(1) of § 172.512, reference to "§ 172.504(c)(1)" is corrected to read "§ 172.504(c)".

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

14. The authority citation for Part 173 is revised to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

§ 173.34 [Amended]

15. In note 1 of paragraph (e)(9) of § 173.34, "method of external" is corrected to read "method or external".

§ 173.115 [Amended]

16. In paragraph (b)(2)(ii) of § 173.115, the typographical error "-his subchapter" is corrected to read "this subchapter."

§ 173.253 [Amended]

17. In paragraph (a)(2) of § 173.253, "Spec. IM" is corrected to read "Spec. 1M".

§ 173.271 [Amended]

18. In § 173.271, paragraph (a)(7), the typographical error of "Speification" is corrected to "Specification". In paragraph (a)(9), "111A00F2" is corrected to read "111A100F2".

§ 173.272 [Amended]

19. In paragraph (i)(2) of § 173.272, reference to "§ 178.219-10" is corrected to read "§ 178.210-10".

§ 173.294 [Amended]

20. In the first line of paragraph (a) of § 173.294, the word "Monochloroacetic" is corrected to read "Chloroacetic". In paragraph (a)(3), line 6, "304 of 316" is corrected to read "304 or 316".

§ 173.304 [Amended]

21. In the introductory text to paragraph (a)(4) of § 173.304, the word "without" is corrected to read "with the".

§ 173.386 [Amended]

22. In paragraph (d) of § 173.386, the typographical error "zgquirements" is corrected to read "requirements".

§ 173.421-1 [Amended]

23. In the first sentence of paragraph (a) of § 173.421-1, reference to "§ 173.425" is corrected to read "§ 173.424".

§ 173.427 [Amended]

24. In paragraph (a) of § 173.427, reference to "§ 173.421 (b), (c) and (d)" is corrected to read, "§ 173.421 (b), (c) and (e)".

PART 175—CARRIAGE BY AIRCRAFT

25. The authority citation for Part 175 is revised to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1807, 1808; 49 App. U.S.C. 1472(h) (1); 49 CFR Part 1, unless otherwise noted.

§ 175.31 [Amended]

26. In paragraph (a) of § 175.31, the office designation "FAA Air Transportation Security Field Office" is changed to "FAA Civil Aviation Security Office".

PART 177—CARRIAGE BY PUBLIC HIGHWAY

27. The authority citation for Part 177 is revised to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 49 CFR Part 1, unless otherwise noted.

28. The introductory text of paragraph (f) of § 177.824 is revised to read as follows:

§ 177.824 [Amended]

* * * * *

Reporting requirements. Each motor carrier shall file with the Chief, Federal Programs Division, Office of Motor Carrier Safety Field Operations, Federal Highway Administration, Department of Transportation, Washington, DC 20590, a written listing of all MC 330 or MC 331 cargo tanks he has in service. Each motor carrier, upon placing in service or withdrawing from service any MC 330 or MC 331 cargo tank (other than a cargo tank used in interchange service which is reported upon by another motor carrier), shall file a supplemental report with the Office of Motor Carrier Safety Field Operations.

* * * * *

§ 177.825 [Amended]

29. In paragraph (b)(1) of § 177.825, the introductory text is revised to read: "A preferred route consists of either or both:". In paragraph (c), line 16, the typographical error of "shippper" in line 16 is corrected to read "shipper".

§ 177.861 [Amended]

30. In paragraph (a) of § 177.861, line 10 is corrected by adding a comma after the word "buildings".

PART 178—SHIPPING CONTAINER SPECIFICATIONS

31. The authority citation for Part 178 is revised to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR Part 1, unless otherwise noted.

§§ 178.54 through 178.54-23 [Removed and Reserved]

32. Sections 178.54 through 178.54-23 are removed and reserved.

33. In § 178.135-8, paragraph (a)(1) is revised to read as follows:

§ 178.135-8 Marking.

(a) * * *

(1) DOT-37C*** and the letters NRC, located near the DOT mark to indicate a nonreusable drum. Stars are to be replaced by the authorized gross weight, or less, at which the container was type tested (for example, DOT-37C 80).

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

34. The authority citation for Part 179 is revised to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR Part 1, unless otherwise noted.

§ 179.3 [Amended]

35. In paragraph (c) of § 179.3, line 10, the phrase "DOT Special Permits" is replaced with the word "exemptions".

§ 179.4 [Amended]

36. In paragraph (a) of § 179.4, line 11, "special permit" is changed to read "exemptions".

§ 179.103-5 [Amended]

37. In paragraph (b)(1) of § 179.103-5, line 12, "value" is corrected to read "valve".

§ 179.222-1 [Correctly Designated]

38. Section 179.222 *Chloroprene* is correctly designated "§ 179.222-1 *Chloroprene*".

Issued in Washington, DC, on September 24, 1987 under authority delegated in 49 CFR 1.53.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 87-22411 Filed 9-29-87; 8:45 am]

BILLING CODE 4910-60-M

federal register

Wednesday
September 30, 1987

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 30

Federal Acquisition Regulation; Incorporation of Cost Accounting Standards; Correction

DEPARTMENT OF DEFENSE

GENERAL SERVICE ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 30

Federal Acquisition Regulation (FAR); Incorporation of Cost Accounting Standards; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule in Federal Acquisition Circular (FAC) 84-30 published in the **Federal Register** on Tuesday, September 22, 1987 (52 FR 35612).

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION: The requirements of FAR 1.303, Publication and codification, specify that supplementary material for which there is no counterpart in the FAR shall be codified using numbers of 70 and up. In FR Doc. 87-21682, beginning on page 35612, all subsection references ending with "−70" are to be corrected to read "−61". In addition, all internal references to "−70" are to be changed accordingly. Please make the following corrections:

30.401-70 [Corrected]

On page 35622, in the first column, "30.401-70" should read "30.401-61".

30.402-70 [Corrected]

On page 35624, in the first column, "30.402-70" should read "30.402-61".

30.403-70 [Corrected]

On page 35626, in the first column, "30.403-70" should read "30.403-61".

30.414-70 [Corrected]

On page 35650, in the third column, "30.414-70" should read "30.414-61".

30.418-70 [Corrected]

On page 35665, in the third column, "30.418-70" should read "30.418-61".

30.420-70 [Corrected]

On page 35667, in the first column, "30.420-70" should read "30.420-61".

List of Subjects in 48 CFR Part 30

Government procurement.

Dated: September 24, 1987.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

[FR Doc. 87-22438 Filed 9-29-87; 8:45 am]

BILLING CODE 6820-61-M

federal register

Wednesday
September 30, 1987

Part IV

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Polypropylene, Polyethylene, Polystyrene, and Poly(ethylene terephthalate) Manufacturing Industry; Proposed Rule and Notice of Public Hearing

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3190-3]

Standards of Performance for New Stationary Sources; Polypropylene, Polyethylene, Polystyrene, and Poly(ethylene terephthalate) Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards would limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed polypropylene, polyethylene, polystyrene, and polyester [poly(ethylene terephthalate)] production plants. The proposed standards implement section 111 of the Clean Air Act and are based on the determination that VOC emissions from these polymer production plants cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intent of the proposed standards is to require new, modified, and reconstructed polypropylene, polyethylene, polystyrene, and polyester [poly(ethylene terephthalate)] production plants to control emissions to the level achievable by the best demonstrated system of continuous emission reduction for control of VOC emissions, considering costs, nonair quality health, and environmental and energy impacts.

A public hearing will be held, if requested, to provide interested parties an opportunity for oral presentation of data, views, or arguments concerning the proposed standards.

DATES: *Comments.* Comments must be received on or before December 10, 1987 (Contact Ann Eleanor at FTS 629-5578).

Public hearing. If anyone contacts EPA requesting to speak at a public hearing by October 16, 1987 (Contact Ann Eleanor at FTS 629-5578), a public hearing will be held on (Contact Ann Eleanor at FTS 629-5578) beginning at 10 a.m. Persons interested in attending the hearing should call Ms. Ann Eleanor at (919) 541-5578 to verify that a hearing will be held.

Request to speak at hearing. Persons wishing to present oral testimony must contact EPA by November 16, 1987 (Contact Ann Eleanor at FTS 629-5578).

Incorporation by reference. The incorporation by reference of certain publications in these standards will be approved by the Director of the Federal Register as of the date of publication of the final rule.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), Attention: Docket Number A-82-19, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Public hearing. If anyone contacts EPA requesting a public hearing, the public hearing will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Ann Eleanor, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

Background information document. The background information document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. For information on the polymer manufacturing industry, please refer to "Polymer Manufacturing Industry—Background Information for Proposed Standards," EPA-450/3-83-019a. For detailed information on fugitive emissions, please refer to "VOC Fugitive Emission Sources in the Synthetic Organic Chemicals Manufacturing Industry—Background Information for Proposed Standards," EPA-450/30-80-033a, and "VOC Fugitive Emissions in Synthetic Organic Chemicals Manufacturing Industry—Background Information for Promulgated Standards," EPA-450/3-80-033b.

Docket. Docket No. A-82-19, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, South Conference Center, Room 4, Waterside Mall, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information on the proposed standards, contact Mr. Sims Roy (telephone number (919) 541-5263); for information on the BID, contact Mr. Jim Berry (telephone number (919) 541-5605), Emission Standards and Engineering Division (MU-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

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I. Proposed Standards

The proposed standards of performance cover certain process sources of VOC within polymer manufacturing plants that produce the following basic polymers: polypropylene, polyethylene, polystyrene, and poly(ethylene terephthalate). In addition, the proposed standards would apply to certain sources in polymer manufacturing plants that produce copolymers consisting of at least 50 percent by weight of ethylene, propylene, or bis-(2-hydroxylethyl)-terephthalate, or at least 80 percent by weight of styrene. The proposed standards also cover fugitive emission sources of VOC in all of these plants except those producing poly(ethylene terephthalate) or poly(ethylene terephthalate) copolymers. The affected facilities within these polymer manufacturing plants are process sections for process sources of VOC and process units for fugitive emission

sources of VOC. The definitions of process section and process unit are discussed below in "Selection of Affected Facilities."

An organic compound is considered to be a VOC unless it is specifically determined not to be a VOC. To date, the following compounds have been determined not to be VOC: methane; ethane; 1,1,1-trichloroethane; methylene chloride; trichlorofluoromethane; dichlorodifluoromethane; chlorodifluoromethane; trifluoromethane; trichlorotrifluoroethane; dichlorotetrafluoroethane; and chloropentafluoroethane. The emission limits are expressed in terms of total organic compounds (minus methane and ethane) rather than VOC. As discussed below under "Compounds Used for Determining Compliance," this is a reflection of the technology, data, and test methods on which the proposed standards are based.

A. Process Emissions

The proposed process emission standards for polypropylene plants would apply to certain new, modified, and reconstructed process sections involved in the manufacture of polypropylene or polypropylene copolymers. For plants producing polypropylene using a liquid phase production process, the affected facilities are each raw materials preparation section, polymerization reaction section, material recovery section, and product finishing section. The proposed process emission standards would require 98 percent reduction of emissions of total organic compounds minus methane and ethane (TOC) contained in gas streams continuously discharged to the atmosphere from each new, modified, or reconstructed raw materials preparation section, polymerization reaction section, material recovery section, and product finishing section. In addition, the proposed standards would require the flaring of gas streams intermittently discharged to the atmosphere from each new, modified, or reconstructed polymerization reaction section.

For plants producing polypropylene using a gas phase production process, the affected facilities are each polymerization reaction section and material recovery section. The proposed process emission standards would require 98 percent reduction of emissions of TOC contained in gas streams continuously discharged to the atmosphere from each new, modified, or reconstructed material recovery section and flaring of gas streams intermittently discharged to the atmosphere from each new, modified, or reconstructed polymerization reaction section.

The proposed process emission standards for polyethylene plants would apply to certain new, modified, and reconstructed process sections involved in the manufacture of low density (including linear low density) polyethylene, high density polyethylene, or polyethylene copolymers. For plants producing low density polyethylene or low density polyethylene copolymers using a high pressure production process, the affected facilities are each raw materials preparation section, polymerization reaction section, material recovery section, product finishing section, and product storage section. The proposed process emission standards would require flaring of gas streams intermittently discharged to the atmosphere from all new, modified, or reconstructed process sections (except emergency releases).

For plants producing low density polyethylene or low density polyethylene copolymers using a low pressure production process or high density polyethylene or high density polyethylene copolymers using a gas phase production process, the affected facilities are each raw materials preparation section, polymerization reaction section, and product finishing section. The proposed process emission standards would require 98 percent reduction of emissions of TOC contained in the gas streams continuously discharged to the atmosphere from each new, modified, or reconstructed raw materials preparation section and product finishing section. The proposed standards would also require the flaring of gas streams intermittently discharged to the atmosphere from each new, modified, or reconstructed raw materials preparation section and polymerization reaction section (except emergency releases).

For plants producing high density polyethylene or high density polyethylene copolymers using a liquid phase slurry process, the affected facilities are each raw materials preparation section, material recovery section, and product finishing section. The proposed process emission standards would require 98 percent reduction of emissions of TOC contained in the gas streams continuously discharged to the atmosphere from each new, modified, or reconstructed material recovery section and product finishing section and flaring of gas streams intermittently discharged to the atmosphere from each new, modified, or reconstructed raw materials preparation section.

For plants producing high density polyethylene or high density polyethylene copolymers using a liquid phase solution process, the affected facilities are each raw materials preparation section, polymerization reaction section, and material recovery section. The proposed process emission standards would require 98 percent reduction of emissions of TOC contained in the gas streams continuously discharged to the atmosphere from each new, modified, or reconstructed raw materials preparation section and material recovery section. The proposed standards would also require the flaring of gas streams intermittently discharged to the atmosphere from each new, modified, or reconstructed raw materials preparation section, polymerization reaction section, and material recovery section.

The proposed process emission standards for polystyrene plants would apply to certain new, modified, and reconstructed process sections involved in the manufacture of general purpose (crystal) or impact polystyrene or polystyrene copolymers. The proposed standards would apply only to certain process sections in those plants producing general purpose or impact polystyrene using a continuous process. No process emission standards are being proposed at this time for plants that produce general purpose (crystal) or impact polystyrene or polystyrene copolymers using a batch production process or for plants that produce expandable polystyrene using either an in-situ suspension process or a post-impregnation suspension process.

For plants producing general purpose or impact polystyrene using a continuous process, the affected facility is each material recovery section. The proposed process emission standards would limit the emissions of TOC from each new, modified, or reconstructed material recovery section to 0.0036 kilograms (kg) of TOC per megagram (Mg) of product (0.0036 lbs TOC/1,000 lbs product). Compliance could also be achieved by limiting the outlet gas temperature from each final condenser in the material recovery section to −25 °C (−13 °F).

The proposed process emission standards for poly(ethylene terephthalate) plants would apply to certain new, modified, or reconstructed facilities producing poly(ethylene terephthalate) or poly(ethylene terephthalate) copolymers using either the dimethyl terephthalate process or the terephthalic acid process. The proposed standards would apply only to certain facilities in those plants using a

continuous production process. No standards are being proposed at this time for facilities that use a batch production process.

For plants producing low viscosity poly(ethylene terephthalate) with either a single end finisher or multiple end finishers or high viscosity poly(ethylene terephthalate) with a single end finisher using the dimethyl terephthalate process, the affected facilities are each material recovery section and polymerization reaction section. The proposed process emission standards would limit TOC to the atmosphere from each new, modified, or reconstructed material recovery section (i.e., methanol recovery) to 0.0027 kg of TOC per Mg of product (0.0027 lbs TOC/1,000 lbs product). Compliance could also be achieved by limiting the outlet gas temperature from each final condenser in the material recovery section (i.e., methanol recovery) to −24 °C (−11 °F). The proposed process emission standards would limit TOC to the atmosphere from each new, modified, or reconstructed polymerization reaction section to 0.02 kg of TOC per Mg of product (0.02 lbs TOC/1,000 lbs product). This limit includes emissions from any equipment used to recover further the ethylene glycol for reuse in the process or sale offsite, but does not include organic compound emissions released to the atmosphere from the cooling tower used to provide the cooling water to the vacuum system servicing the polymerization reactor(s). The proposed standards would also limit the ethylene glycol concentration in the condensate exiting the vacuum system servicing the polymerization reaction section to 0.35 percent or less by weight based on a 14-day rolling average on a daily basis.

For plants producing low viscosity poly(ethylene terephthalate) with either a single end finisher or multiple end finishers or high viscosity poly(ethylene terephthalate) with a single end finisher using the terephthalic acid process, the affected facilities are each raw materials preparation section and polymerization reaction section. The proposed process emission standards would limit TOC to the atmosphere from each new, modified, or reconstructed polymerization reaction section to 0.02 kg TOC per Mg of product (0.02 lbs TOC/1,000 lbs product). This limit includes emissions from any equipment used to recover further the ethylene glycol for reuse in the process or sale offsite, but does not include organic compound emissions released to the atmosphere from the cooling tower used to provide the cooling water to the vacuum system servicing the polymerization reaction section. The proposed standards would also limit the ethylene glycol concentration in the condensate exiting the vacuum system servicing the polymerization reaction section to 0.35 percent or less by weight based on a 14-day rolling average on a daily basis. The proposed standards would limit TOC from each new, modified, or reconstructed raw materials preparation section (i.e., the esterifiers) to 0.04 kg of TOC per Mg of product (0.04 lbs TOC/1,000 lbs product).

For plants producing high viscosity poly(ethylene terephthalate) with multiple end finishers using the terephthalic acid process, the affected facilities are each raw materials preparation section and polymerization reaction section for those plants using the terephthalic acid process, and each material recovery section and polymerization reaction section for those plants using the dimethyl terephthalate process. The proposed process emission standards would limit TOC to the atmosphere from each new, modified, or reconstructed polymerization reaction section to 0.02 kg TOC per Mg of product (0.02 lbs TOC/1,000 lbs product). This limit includes emissions from any equipment used to recover further the ethylene glycol for reuse in the process or sale offsite, but does not include organic compound emissions released to the atmosphere from the cooling tower used to provide the cooling water to the vacuum system servicing the polymerization reaction section. The proposed standards would also limit the ethylene glycol concentration in the cooling water in the cooling water tower to 6.0 percent or less by weight based on a 14-day rolling average on a daily basis. The proposed process emission standards would limit TOC to the atmosphere from each new, modified, or reconstructed raw materials preparation section (i.e., the esterifiers) to 0.04 kg of TOC per Mg of product (0.04 lbs TOC/1,000 lbs product) in those plants using the terephthalic acid process. The proposed process emission standard would limit TOC to the atmosphere from each new, modified, or reconstructed material recovery section (i.e., methanol recovery) to 0.0027 kg of TOC per Mg of product (0.0027 lbs TOC/1,000 lbs product) or the outlet gas temperature from each final condenser in the material recovery section (i.e., methanol recovery) to −24 °C (−11 °F).

As an alternative to demonstrating compliance with the 98 percent emission reduction requirements contained in any of the standards outlined above, affected facilities may demonstrate compliance with a TOC emission limit of 20 ppm. Flares may be used to comply with the proposed standards, provided the flares are operated under conditions, as specified in these proposed standards, that have been shown to result in a 98 percent reduction in TOC.

The proposed standards for intermittent gas streams would require the use of a smokeless flare and a thermocouple heat sensor to indicate the continuous presence of a flame at each pilot light included in the flare.

The proposed process emission standards would not apply to any process section with an uncontrolled emission rate at or below the "threshold" level specified for that process section.

B. Fugitive Emissions

The proposed standards of performance would cover certain fugitive emission sources of VOC within polypropylene, polyethylene, polystyrene, polypropylene copolymer, polyethylene copolymer, and polystryene copolymer manufacturing plants. The proposed fugitive emission standards would not cover equipment in poly(ethylene terephthalate) or poly(ethylene terephthalate) copolymer manufacturing plants.

The proposed standards would require owners and operators of affected facilities in the plants identified above to comply with 40 CFR Part 60—Subpart VV—*Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry* (SOCMI) and would apply to pumps, valves, sampling connections, pressure relief devices, open-ended valves, and compressors in VOC service within each new, modified, and reconstructed process unit. "In VOC service" means that a fugitive emission source contains or contacts a fluid containing 10 or more percent by weight VOC.

The SOCMI standards that would be made applicable to the affected facilities in the plants specified above require: (1) A leak detection and repair program for valves in gas or light liquid service and for pumps in light liquid service; (2) certain equipment for compressors, sampling connection systems, and open-ended valves; and (3) no detectable emissions from pressure relief devices in gas service during normal operation. "In gas service" means that a fugitive emission source contains VOC fluids in the gaseous or vapor state. "In light liquid service" means that a fugitive emission source contains a liquid in which the vapor pressure of one or more

of the components is greater than 0.3 kPa at 20 degrees Centigrade, as obtained from standard reference texts or as determined by ASTM Method D-2879, and the total concentration of the pure components having a vapor pressure greater than 0.3 kPa at 20 degrees Centigrade is equal to or greater than 20 percent by weight.

The SOCMI standards allow the use of "leakless" equipment for valves, pumps, compressors and sampling connection systems as an alternative to the required equipment and work practices. In addition, the SOCMI standards for valves provide for the use of alternative leak detection and repair programs. The SOCMI standards also contain a procedure for determining the equivalency of alternative leak detection and repair programs.

II. Bubble Considerations

During the development of these proposed standards, the Agency considered the possibility of incorporating a "generic" numerical bubble limit or limits into the proposed standards. However, after examining this, the Agency concluded that inclusion of such bubble limits in these proposed standards is not advisable due to the widely varying process designs and controlled and uncontrolled emission rates in this industry, and the resulting inability to define general baselines in advance of specific situations. Thus, the proposed standards do not provide general numerical bubble limits. However, the Agency has recently approved a new source performance standard (NSPS) bubble application. (52 FR 28946.) In doing this, the Agency made clear that we will receive case-by-case applications for NSPS compliance bubbles. The major factors that will influence decisions on whether to approve them were also described. The Agency will consider bubbles for polymer manufacturing facilities on a case-by-case basis in accordance with such factors.

III. Summary of Environmental, Energy, and Economic Impacts

Compared to the existing or anticipated "baseline" level of emissions, the proposed standards of performance would reduce process and fugitive emissions of VOC from new, modified, and reconstructed facilities that produce polypropylene, polyethylene, polystyrene, poly(ethylene terephthalate) and copolymers of these polymers from, on a plant-wide basis, approximately 2 percent, in several plants producing polypropylene or polyethylene, and up to 40 percent, in plants producing polystyrene using a continuous process. In the fifth year following implementation of the the proposed standards, VOC emissions from new plants have been estimated to be over 4.3 gigagrams (Gg), a reduction of slightly less than 3.0 Gg from the over 7.3 Gg of VOC emissions estimated to be emitted in the absence of the proposed standards. Emissions of VOC would also be reduced from modified and reconstructed facilities. This emission reduction is not expected to be significant as the Agency does not anticipate many existing facilities to become subject to the proposed standards. There would be no adverse water quality, solid waste, or noise impacts. The proposed standards would slightly increase energy usage at most new polymer production plants. Nationwide, however, energy usage would decrease due primarily to the energy savings resulting from implementation of fugitive emission controls, which generally offset any increase in energy usage associated with process and fugitive emission controls. In most polymer production plants, the magnitude of the increase in energy usage would be small.

The economic impact of the proposed standards would be minor. The proposed standards would cover the equivalent of about 27 new polymer production plants within 5 years and would result in an aggregate annualized cost of approximately $1.4 million in the fifth year following implementation of the proposed standards. In terms of individual polymer production plants, the annualized cost of the proposed standards would range from about $600 per process line in plants producing low viscosity poly(ethylene terephthalate) using a dimethyl terephthalate process to about $94,000 per process line in plants producing polypropylene using a liquid phase process.

The proposed standards would result in an aggregate capital cost of approximately $4.5 million in the fifth year following implementation of the proposed standards. In terms of individual polymer production plants, the capital cost of the proposed standards would range from about $1,500 per process line in plants producing poly(ethylene terephthalate) using a dimethyl terephthalate process to about $273,000 per process line in plants producing polypropylene using a liquid phase process.

The proposed standards would have a minimal impact on product prices. Assuming all costs were passed through to the customer, the maximum product price increase would be about 0.44 percent for plants producing polypropylene using a liquid phase process. The range of projected price increases for the other model plants is 0.0 to 0.13 percent. The proposed standards would not have any effect on the ability of firms owning and operating polymer production plants to raise capital. Little or no postponement of plant construction would occur. Finally, the proposed standards would have no significant aggregate adverse impacts on production, employment, competition, industry structure, productivity, or foreign trade.

IV. Rationale

A. Selection of Sources and Pollutants

The Priority List (40 CFR 60.16, 44 FR 49222, August 21, 1979) includes various major source categories that have been determined to contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare and for which standards are to be promulgated. Segments of the polymer production industry on the Priority List include polypropylene, polyethylene, polystyrene, and polyester resins.

The polymer production industry consists of operations that convert monomer or chemical intermediate materials obtained from the petroleum refining or basic petrochemical industry into polymers or copolymers. Many polymer production plants are located close to or in conjunction with petroleum refineries or petrochemical plants Other plants, such as poly(ethylene terephthalate) plants, are less tied to the raw material sources and are located close to their market areas. In either situation, most polymer production plants are located near urban populations.

In 1976, the polymer production industry is estimated to have emitted over 235,000 Mg of VOC to the atmosphere. This value represents about 16 percent of the estimated 1.5 million Mg of VOC emitted to the atmosphere from the entire organic chemical manufacturing industry. Currently, the polymer production industry, less the polyvinyl chloride segment which is regulated by national emission standards for hazardous air pollutants, is responsible for approximately 13 percent of the estimated VOC emissions from the organic chemical manufacturing industry.

There are many distinct segments within the polymer production industry. Polypropylene, high density and low density polyethylene, polystyrene, and polyester polymer segments of the industry have a significant growth rate

and are included on the Priority List. A typical plant in those four segments of the polymer manufacturing industry emits large quantities of VOC. These four segments account for approximately 75 percent of the total estimated VOC emissions from the industry.

Emissions of VOC contribute to the formation of ozone in the atmosphere. Ozone is a criteria pollutant for which ambient air quality standards exist. Since each of these four segments of the polymer production industry is considered a significant contributor of VOC emissions, each was selected for development of standards of performance (see 40 CFR 60.16).

Total potential VOC emissions from new polymer production plants in these four segments over the next 5 years have been projected to be over 7.3 Gg. Of this total, almost 4.8 Gg would be from process emission sources and over 2.5 Gg from fugitive emission sources.

These four segments of the polymer production industry include not only the production of the basic polymer (i.e., polypropylene, polyethylene, polystyrene, or poly(ethylene terephthalate)), but also the production of various copolymers. As increasing proportions of a second monomer are polymerized with the primary monomer in the production of a copolymer, the final product exhibits increasingly different characteristics. In addition, the production process required to manufacture copolymers containing high levels of the second monomer may differ substantially from the process utilized in the manufacture of the basic polymer.

It appears that as long as the proportion of propylene, ethylene, and bis-(2-hydroxylethyl)-terephthalate used in the production of polypropylene, polyethylene, and poly(ethylene terephthalate) copolymers is at least 50 percent by weight in the copolymer product, the production processes used to manufacture both the polymer and the copolymer are essentially the same. For the manufacture of polystyrene copolymers, as long as the proportion of styrene monomer used in the production of polystyrene copolymers is at least 80 percent by weight in the copolymer product, the production processes used to manufacture both the polymer and the copolymer are essentially the same. Consequently, polymer production plants that produce polypropylene, polyetnylene, or poly(ethylene terephthalate) copolymers containing 50 or more percent by weight of propylene, ethylene, or bis-(2-hydroxylethyl)-terephthalate monomer, and plants that produce polystyrene copolymers containing 80 percent or more by weight of styrene monomer would be covered by the proposed standards.

Polyester polymers may be either "saturated" or "unsaturated." Production of "saturated" polyester polymers results in significantly greater VOC emissions than production of "unsaturated" polyester polymers. In addition, "saturated" polyester polymers may be classified as one of two types: Poly(ethylene terephthalate) or nonpoly(ethylene terephthalate). Production volume of poly(ethylene terephthalate) is much larger than nonpoly(ethylene terephthalate). Consequently, consistent with the need to set priorities in establishing new source performance standards, development of standards of performance for polyester polymers has focused initially on production of saturated poly(ethylene terephthalate) polyester polymers.

In addition to VOC emissions, other criteria pollutants, such as nitrogen oxides, particulates, and sulfur oxides, are emitted from polymer production plants. These pollutants, however, are emitted at much lower quantities (VOC is by far the primary pollutant emitted from polymer production plants) and, as a result, standards development for this industry is focusing initially on limiting emissions of VOC.

B. Selection of Affected Facilities

Under section 111 of the Clean Air Act, standards of performance apply to "new sources," where "source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant." Most industrial plants, however, consist of numerous pieces of equipment or operations that emit air pollutants. Consequently, although the particular kind of industrial plant that is covered by a given standard is designated as the source, the term "affected facility" is used to designate the actual equipment or operations, within the plant, that must comply with the standards.

The selection of affected facilities includes consideration of the expected impacts under section 111. Selection of the breadth of the definition of affected facilities will affect the degree to which replacement equipment is brought under the standards. If, for example, an entire plant was designated as the affected facility and a piece of equipment was replaced, no part of the plant would be covered by standards unless the replacement caused the plant, as a whole, to be "modified" or "reconstructed." Conversely, the plant, as a whole, could be considered reconstructed if the cost of the replacement exceeded 50 percent of the cost of an entirely new plant and, therefore, existing equipment would be covered by the standards. If, on the other hand, each piece of equipment or unit operation is designated as the affected facility, then as each piece of equipment or unit operation is replaced, the replacement equipment would be a new source subject to the standards regardless of the cost of the replacement or whether the replacement caused emissions from the plant, as a whole, to increase.

In general, narrowly defined affected facilities are designated under section 111 because more emission reduction can usually be obtained as it is presumed that plants are more likely to add one new item rather than a group of items. This practice ensures that new emission sources within plants will become subject to the standards as they are installed. This presumption can be overcome, however, if analysis concludes that a broader designation of the affected facility would result in greater emission reductions or avoid unreasonable impacts (i.e., costs, energy, or other environmental impacts).

1. Process Emissions

Four alternatives were considered in developing the proposed process emission standards for defining the affected facility: (1) Each individual emission point, (2) each process section (such as raw materials preparation, polymerization reaction), (3) each process line, and (4) the entire plant.

The first alternative is the designation of each individual emission point as an affected facility. If the affected facility is defined on this basis, any replacement of an equipment component would be considered a new source and would be subject to the new source standards. There are a large number of individual emission points within a polymer plant. For example, a typical plant producing low density polyethylene by the gas phase process may have as many as 40 individual process emission points. With this many individual sources, attempting to maintain records of which pieces of equipment were subject to standards of performance and which were not, as individual pieces of equipment in existing plants were upgraded or replaced, would be difficult for the owner/operator of existing polymer production plants and for EPA. Furthermore, using this definition would require setting separate standards for each process emission point, which would be administratively impracticable, and testing numerous separate emission points, which would be very costly.

The second alternative is designating each individual process section as the affected facility. A process section refers to a group of equipment designed to accomplish a general, but well-defined, task such as raw materials preparation, polymerization, or material recovery. For the example cited above, this alternative would reduce the potential number of affected facilities in a process line producing low density polyethylene by the gas phase process to five: raw materials preparation, polymerization reaction, material recovery, product finishing, and product storage. (The total number of affected facilities in the plant would depend on the number of process lines and the sharing of process sections by more than one process line.) This designation would reduce the number of affected facilities to an administratively manageable number and limit the facility that must actually be controlled to the process section. In addition, significant changes are more likely to be made at the process section level rather than the individual emission point level. Thus, this definition is likely to ensure the application of best demonstrated emission control at existing plants that undergo component replacement or addition.

The third alternative is designating each process line as the affected facility. A process line may be viewed as being comprised of the five basic process sections, from raw materials preparation through end product storage. This alternative would further reduce the number of affected facilities. However, there are formidable practical problems with using this definition. A process line cannot be delineated clearly where certain process equipment (e.g., that equipment used in raw materials preparation or material recovery) is shared by more than one process line. In general, existing polymer plants have multiple lines where each line consists of two or three process sections that are separate and independent for each line and two or three process sections that are shared by all or several lines at a plant. In addition, different plants producing the same basic polymer may have different line configurations, making it difficult to ensure application of best available control technology. Finally, this definition would not include as many new, modified, or reconstructed sources as the previous definitions and thus would result in less emission control.

The fourth alternative is to designate the entire plant as the affected facility. Using this definition, an existing plant would probably not be affected under the reconstruction and modification provisions. If an entire process line were replaced within an existing plant site, no emission increase would result and, therefore, the line and site would not be subject to the standards under modification considerations. If the plant site consisted of many process lines, the replacement of one line would probably not exceed 50 percent of the replacement cost of the affected facility (all process lines at the site) and, therefore, the line and site would not be subject to the standards under reconstruction considerations.

On the basis of the relative merits of each definition as it is applied to this particular industry, the Administrator has selected process section as the definition of affected facility for the proposed process emission standards. Designating each process section as the affected facility results in standards that would require best demonstrated technology. Although there may be existing facilities within the same line that may be controlled cheaper, it would be extremely difficult to consider all of the possible configurations to assess cost effectiveness of process lines.

For the purposes of the proposed standards, a process section is defined as equipment designed to accomplish a general, but well-defined task in polymer production. Process sections include raw materials preparation, polymerization reaction, material recovery, product finishing, and product storage. The number of affected facilities at a plant depends on the number of process lines and the extent to which process section equipment is shared by more than one process line. For example, a plant that is composed of four process lines may have, for example, four polymerization process sections but only one raw material preparation section that provides material for each of the four polymerization process sections; while another plant that also has four process lines, but in which there is no "sharing" of equipment between process lines, may have four raw materials preparation process sections and four polymerization process sections. The first plant would have, in this example, five affected facilities, while the second plant would have eight affected facilities.

2. Fugitive Emissions

As was done for the SOCMI fugitive VOC standards, three alternatives were considered for defining affected facility under these proposed fugitive emission standards: (1) Individual fugitive emission sources (equipment components), (2) groups of equipment components that are operated in conjunction with each other (process units), and (3) groups of process lines at one location (plant sites). In addition, the process section definition was also considered for fugitive emissions.

As discussed in the notice accompanying the proposed standards for control of fugitive emissions in the synthetic organic chemical manufacturing industry (SOCMI) (see January 5, 1981, **Federal Register**, pp. 1136 through 1165) and as promulgated for the SOCMI (see October 18, 1983, **Federal Register**, pp. 48328–48361), the definition of the affected facility included in those standards is the process unit. Due to the similarity between the SOCMI and polymer production industry, EPA believes that the reasoning supporting the process unit definition for the SOCMI standards supports the same definition for the polymer production industry. Using the process section definition instead could mean that the cost of fugitive emission control techniques required by the proposed standards (in particular, the leak detection and repair programs) may be unreasonable as applied to certain process sections (e.g., product finishing or storage) if the cost of controlling a very small proportion of the equipment components at a plant site is high in relation to the emission reduction achieved. Therefore, the process unit definition of the affected facility used in the SOCMI standards was also selected for the proposed standards for control of fugitive emissions in polymer production plants.

A process unit is very similar to a process section in that both refer to a group of equipment performing a certain task in the polymer production process. The key definitional difference is that equipment in a process unit can be operated independently from other process units if supplied with sufficient input material and storage facilities for the output product; while the equipment in a process section may not be able to be operated independently from equipment in other process sections even if supplied with sufficient input material and storage facilities. The result of the difference in the affected facility definition selected above is that equipment at a polymer plant may be grouped into a larger affected facility under the process unit definition for the fugitive emission standards than under the process section definition for the process emission standards.

Since the process emission standards would apply to "process sections" while the fugitive emission standards would apply to "process units," it follows that

a modification or replacement sufficient to trigger the process emission standard may not trigger the fugitive emission standard, and vice-versa. Whether modification or replacement of equipment (including fugitive emissions components) triggers the NSPS standard is determined independently in each case. For example, the replaced equipment may result in process emissions increasing, while fugitive emissions remain the same. Provided the modification requirements are met, the process emission standards would become applicable but not the fugitive emission standards. Another example is where the added or replaced fugitive emission components are only a small portion of the total fugitive emission components in the process unit that contains the added or replaced process section. In this situation, the requirements for triggering the fugitive emission standards under the reconstruction provisions may not be met, while the requirements that trigger the process emissions standards have been met.

3. Summary

For process emissions, the affected facility is defined as the process section. A process section is defined generally as that group of equipment designed to carry out one of the five steps in polymer production. All equipment, including fugitive emission sources, are to be included.

For fugitive emissions, the affected facility is defined as all fugitive emission sources in VOC service within a process unit. A process unit is defined as the equipment that is assembled to perform any of the physical and chemical operations within a polymer manufacturing plant and that can be operated independently if supplied with sufficient input material and storage facilities for output material. For fugitive emissions, the equipment is limited to those equipment components that are fugitive emission sources (valves, pumps, etc.).

C. Selection of Basis of the Proposed Standards

Section 111 of the Clean Air Act requires that standards of performance reflect the degree of emission control achievable through the application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impacts, and energy requirements) has been adequately demonstrated. This requires analyzing emission control techniques that can be used to reduce emissions and the environmental, energy, and economic impacts of various levels of emission reduction achieved by different combinations of control techniques.

1. Control Techniques

Control of process emissions may be accomplished by a number of control technologies, which can be characterized as being either destruction or recovery techniques. Destruction techniques consist primarily of combustion technologies such as flares, thermal incinerators, catalytic incinerators, and boilers. Recovery techniques include condensers, absorbers, and adsorbers. Control of fugitive emissions from equipment leaks may be accomplished through leak detection and repair programs or through use of certain types of equipment, design, and operations.

Process emissions. Process emissions from the manufacture of polymers are diverse in composition and flow and may differ in temperature, pressure, heating value, miscibility, and economic value. This diversity can affect the availability and appropriateness of approaches to controlling different emission streams. For example, waste gas streams in polypropylene and polyethylene production are characterized by the presence of low boiling components, polymerizable monomers, and a mixture of VOC's. These characteristics tend to make recovery techniques impractical. Condensers, for example, are not cost effective for recovery of low boiling VOC's, such as propylene and ethylene, or VOC's in gas streams containing large quantities of inerts such as air or nitrogen. Recovery in such situations would require refrigerated condensers. While this approach would be technically viable (unless the gas stream also contained water or heavy organics which might freeze and foul the condenser), refrigeration increases the cost of condensation considerably. Controlling these waste gas streams, therefore, is more likely to involve combustion rather than recovery techniques.

In polystyrene and polyester production, on the other hand, emission streams tend to be single component streams (i.e., styrene, ethylene glycol) with relatively high boiling points. Such streams lend themselves to recovery. The proposed standards take these factors into account by assuming the use of recovery rather than combustion techniques where possible.

Of the four combustion technologies examined, flares are the most widely used control devices at polypropylene and polyethylene manufacturing plants. They are used to control emergency gas stream releases from process units and to combust various continuous VOC emission gas streams. Depending on the heat value of the VOC's contained in the gas stream, auxiliary fuel may be required to ensure proper combustion. Also, depending on gas composition and flare tip design, steam or air may be required to promote smokeless operation.

Thermal incinerators can be used to control a wide variety of continuous gas streams. They can control VOC in streams with a wide range of concentration and types of VOC. Although they can accommodate minor fluctuations in gas stream flow, incinerators cannot efficiently control intermittent gas stream flows because of the large auxiliary fuel requirements required to keep the incinerator in a state of readiness during periods when there is little or no gas stream flow.

Catalytic incinerators may also be used to control continuous gas emission streams. They are best suited for continuous gas streams that are low in VOC (higher VOC concentrations lead to higher catalyst temperatures, which can seriously damage the catalyst) and free from solid particulates and catalyst "poisons." Although most gas streams in the polymers production industry are sufficiently high in heating value to self-combust without using auxiliary fuel, catalytic incinerators may be favored for dilute streams because they can destroy the VOC at a lower temperature and, therefore, use less auxiliary fuel than thermal incinerators.

Despite potential problems and the need for certain modifications, boilers are used in several instances to combust continuous gas streams containing VOC emissions from polypropylene, polyethylene, and expandable polystyrene plants. The decision to use a boiler as a control device is predicated on the assumption that the plant generates some or all of its own steam, or the fuel value of the waste gas is sufficient to make the process an exporter of steam. Not all plants, however, have a boiler or the need for steam. In such instances, other control devices, such as thermal incinerators, have a cost advantage. If a plant has a boiler and the need for steam, however, boilers are more cost effective than either flares or thermal incinerators.

The four combustion devices (flares, thermal and catalytic incinerators, and boilers) are essentially equivalent in their VOC destruction efficiency when controlling continuous streams, capable of achieving at least 98 percent VOC

emission reduction under certain operating conditions. As reported in "A Report on a Flare Efficiency Study" (see Docket Reference No. II-I-107), a study conducted jointly by the Agency, the Chemical Manufacturers Association, and the John Zink Company, has shown that flares operated under certain conditions are capable of achieving 98 percent or greater VOC emission reduction. Thermal incinerator tests at a polyethylene facility and other similar facilities along with kinetic theory studies show that thermal incinerators can achieve 98 percent or greater VOC emission reduction with an operating temperature of 870 degrees Centigrade (1,600 °F) and a firebox residence time of 0.75 seconds. Catalytic incinerators may also be designed to achieve and maintain similar efficiencies. Boilers typically operate with higher temperatures and longer residence times than thermal incinerators; therefore, boilers are also considered capable of achieving a 98 percent reduction in VOC emissions.

Compared to destruction technologies such as combustion, recovery technologies, such as condensers, carbon adsorbers, and absorbers, offer the advantage of material recovery. Condensers are effective in recovering easily condensable VOC's such as styrene and, therefore, are common in the polystyrene industry.

Spray condensers are used in the poly(ethylene terephthalate) industry for the recovery of ethylene glycol that might otherwise be lost in emissions to the atmosphere. The waste gas from the polymerizers enters a spent ethylene glycol spray condenser prior to entering the vacuum system. The condensed ethylene glycol may then be recovered through a series of distillation columns, condensers, and reboilers for reuse in the process. This system is essentially the same whether applied to a plant using the dimethyl terephthalate process or one using the terephthalic acid process. Spray condensers may be used on process lines producing either low viscosity poly(ethylene terephthalate) or high viscosity poly(ethylene terephthalate).

Certain operating conditions on end finishers used in the production of high viscosity poly(ethylene terephthalate), however, make the application of spray condensers difficult, if not impossible. In an alternative, less efficient recovery system currently used in the poly(ethylene terephthalate) industry, the waste gas stream discharged from the polymerizers passes directly without condensation into the vacuum system, which consists of steam-jet ejectors. The ethylene glycol is carried into barometric intercondensers where it is condensed, entrained in the water, and passed to a cooling tower from which it is partially evaporated. The ethylene glycol remaining in the cooling water is then partially recovered through distillation. Finally, to complete the cycle, the water is recirculated through the steam-jet ejectors in the vacuum system and some "blowdown" water from the cooling tower is sent to a wastewater treatment plant.

Carbon adsorbers can effectively remove VOC emissions contained in gas streams in dilute concentrations. High VOC concentration gas streams, however, which are typical in the polymer production industry, require special precautions to prevent excessive temperatures within the adsorber due to the heat of adsorption. As a result, carbon adsorption systems are frequently impractical for high VOC concentration gas streams and generally are not employed in the polymer production industry.

Absorbers are generally limited to applications in which the spent absorbent can be reused directly or with minimum treatment. Absorption may not be practical if the waste gas stream contains a mixture of organics since all of the organics are not likely to be effectively controlled by one absorbent. Like carbon adsorbers, absorbers have found limited use as a VOC emission control device in the polymer production industry.

Recovery techniques, such as condensation as outlined above, can achieve VOC emission reductions of over 98 percent, provided they are properly designed, operated, and maintained on appropriate gas streams. The ethylene glycol spray condenser recovery system, for example, has been reported to remove around 99 percent of the ethylene glycol from the polymerizer offgas. The cooling tower recovery system is estimated to result in the recovery of about 80 percent of the ethylene glycol contained in the polymerizer offgas.

Fugitive emissions. Fugitive emissions of VOC are emitted from valves, pumps, compressors, open-ended lines, and other pieces of equipment. Fugitive VOC emission reduction may be accomplished through either a leak detection and repair program or equipment, design, and operational requirements. Leak detection and repair programs consist of monitoring potential fugitive emission sources to detect fugitive emissions of VOC and then repairing any leaks found.

The specific control techniques selected for fugitive emission sources in the polymers production industry include leak detection and repair programs for valves and pump seals, rupture disks for pressure relief devices, plugs and caps for open-ended lines, vented seal areas for compressors, and closed purge systems for sampling connections. Selection of these control techniques for analysis was based on the results of analyses conducted during development of new source performance standards for control of fugitive VOC emissions within the SOCMI.

SOCMI fugitive emission factors and control techniques are appropriate for the polymer production industry and are proposed to be used for this rule. Because the equipment and chemicals (monomers) used in the polymer production industry are the same as those used in the SOCMI, the basic parameters influencing fugitive emission rates, the effectiveness of controls, and the costs of these controls are essentially the same for the polymer production industry and the SOCMI. To the extent that the basic parameters are different, the average SOCMI estimates would tend to understate emission reduction because the major monomers used in the polymer production industry are among the chemicals found to have the highest leak rates and emission rates in the SOCMI fugitive data base. Application of these control techniques to the polymers production industry would also provide consistency and uniformity in regulating fugitive VOC emissions within these closely related industries, which should help to promote better understanding and reduce confusion.

Other potential fugitive VOC control techniques and a full analysis of the available regulatory alternatives for control of fugitive emission sources are contained in "VOC Fugitive Emission Sources in the Synthetic Organic Chemicals Manufacturing Industry—Background Information for Proposed Standards," EPA-450/3-80-033a; "Fugitive Emission Sources of Organic Compounds—Additional Information on Emissions, Emission Reductions, and Costs," EPA-450/3-82-010; January 5, 1981, **Federal Register**, pp. 1136 through 1165; "VOC Fugitive Emissions in Synthetic Organic Chemicals Manufacturing Industry—Background Information for Promulgated Standards," EPA-450/3-80-033b; and October 18, 1983, **Federal Register**, pp. 48328 through 48361.

2. Regulatory Alternatives

Regulatory alternatives represent various emission reduction schemes that could be selected as the basis for standards of performance. Regulatory alternatives provide a basis for analyzing environmental, energy, cost, and economic impacts associated with various standards of performance. The magnitude of these impacts are estimated by assessing the impact of each regulatory alternative on "model" plants, representative of plants found within the industry.

Twelve model plants were developed to analyze the impacts of various regulatory alternatives for standards of performance limiting process VOC emissions from the polymer production industry:

1. Polypropylene, liquid phase process;
2. Polypropylene, gas phase process;
3. Low density polyethylene, high pressure process;
4a. Low density polyethylene, low pressure process;
4b. High density polyethylene, gas phase process;
5. High density polyethylene, liquid phase slurry process;
6. High density polyethylene, liquid phase solution process;
7. Polystyrene, continuous process (general purpose and impact polystyrene);
8. Expandable polystyrene, batch post-impregnation suspension process;
9. Expandable polystyrene, batch in-situ suspension process;
10. Poly(ethylene terephthalate), dimethyl terephthalate process;
11. Poly(ethylene terephthalate), terephthalic acid process producing a low viscosity product or producing a high viscosity product with a single end finisher; and
12. Poly(ethylene terephthalate), terephthalic acid process producing a high viscosity product with multiple end finishers.

These model plants represent all known processes for making these polymers that are currently in commercial operation and are likely to be used in the future at new plants. Model plants and proposed regulations were not developed for the polystyrene batch process producing general purpose or impact grade polystyrene and for poly(ethylene terephthalate) batch processes because available information indicates that no new plants will be constructed using batch processes.

For fugitive VOC emissions, a single model plant was selected. Based on both equipment counts and VOC emission estimates for the 12 model polymer production plants, a single model plant, corresponding to the SOCMI Model Plant B analyzed in the SOCMI background information document (EPA-450/3-80-033a), was chosen to represent the fugitive emission characteristics of the polymer production industry (see Docket A-82-19, Item No. II-B-44). This model plant was used for regulatory analysis for each polymer production industry segment except poly(ethylene terephthalate). Plants producing poly(ethylene terephthalate) using the dimethyl terephthalate process are already regulated by the fugitive emission standards for the SOCMI because of their methanol by-product production. Plants producing poly(ethylene terephthalate) using the terephthalic acid process use only heavy liquids and solids, control of which has not been found to be cost effective. For example, the cost effectiveness of controlling fugitive emissions from pumps and valves in heavy liquid service is greater than $10,000 per megagram.

Following development of model plants, the regulatory baseline was identified. The regulatory baseline reflects the level of control that would typically be employed in new plants due to existing State regulations in the absence of new source performance standards and forms a basis for calculating national emission reduction benefits and impacts of the standard. Determination of the regulatory baseline for the polymer production industry, however, is difficult. Not all States regulate VOC emissions from polymer production plants and the States that do have regulations of varying stringency. Therefore, the following approach was followed to define the regulatory baseline.

For polypropylene and polyethylene plants, the following criteria were used to identify VOC emission streams likely to be controlled under the regulatory baseline:

1. Large intermittent gas streams;
2. Continuous streams containing large amounts of VOC emissions; and
3. Exceptions to the above based on specific information.

The first criterion focuses on the nature of the stream. There are a number of intermittent streams in the polymer manufacturing industry that have large flows and occur as a result of equipment breakdowns, process upsets, or process maintenance startup, shutdown, and purges. Those streams that result from equipment breakdowns or process upsets are typically known as emergency vents and, in most cases, are controlled already by flares for safety reasons. Consequently, control of these large intermittent streams is included in the regulatory baseline.

The second criterion focuses on the VOC content of various continuous streams. Continuous streams with VOC flow rates larger than 91 Mg per year (100 tons/year) are likely to be controlled under existing State regulations. Consequently, control of these streams is also included in the regulatory baseline. This criterion was based on requirements found in section 22.8 of the Louisiana State regulation governing waste gas disposal. Similar requirements were also found in regulations of several other States.

Although they appear to qualify for inclusion in the regulatory baseline according to the two general criteria mentioned above, some VOC emission streams have been excluded from the regulatory baseline. In these cases, specific industry information indicates that these streams are not currently being controlled and will not necessarily be controlled in new plants.

For the polystyrene model plants and the poly(ethylene terephthalate) model plants, a different approach was used to identify the regulatory baseline. Both industries currently use various VOC emission recovery technologies that achieve varying levels of control. Consequently, the regulatory baselines for polystyrene and poly(ethylene terephthalate) production were based primarily on current industry practice.

As described in the background information document, the source of the process VOC emissions from polystyrene production plants using a continuous process is the vacuum system in the material recovery section. In the past, steam-jet ejectors have generally been employed in this vacuum system to produce and maintain the necessary vacuum. Recently, however, a number of existing plants have replaced their steam-jet ejectors with vacuum pumps in order to reduce energy consumption and operating costs. As a result, it now appears that a new general purpose or impact polystyrene production plant using a continuous process would likely employ vacuum pumps in the vacuum system rather than steam-jet ejectors. The regulatory baseline for the regulatory analysis, therefore, reflects the use of vacuum pumps. As current industry practice in controlling emissions from plants producing expandable polystyrene varies considerably between plants, it was assumed for analysis purposes that there would be no baseline control for the expandable polystyrene model plants.

For poly(ethylene terephthalate) plants producing a low viscosity product or a high viscosity product with a single end finisher, the regulatory baseline reflects the use of spent ethylene glycol spray condensers that recover the ethylene glycol directly from the offgases from the polymerizers. For poly(ethylene terephthalate) plants producing a high viscosity product with multiple end finishers, the regulatory baseline reflects the use of spent ethylene glycol spray condensers that recover the ethylene glycol directly from the offgases from the initial end finishers only. The offgases from the remaining end finishers are assumed to pass directly to the vacuum system and into the cooling tower. The regulatory baseline also assumes that there is some recovery of ethylene glycol from the cooling tower using a distillation column. This system of ethylene glycol recovery is slightly different from the current system used in the industry for this process, but reflects the type of system industry indicates it would now use on new process lines with multiple end finishers.

For fugitive emissions, the regulatory baseline assumes that 75 percent of all gas pressure relief devices and sampling connections, most of the open-ended lines, and none of the other fugitive emission sources are currently subject to any sort of routine leak detection and repair program. These assumptions are consistent with those made in the analysis of fugitive emission control for the SOCMI.

Once the model plants and the regulatory baselines were defined, regulatory alternatives specific for each model plant were identified by applying various levels of VOC emission control to each model plant. The regulatory alternatives for the polypropylene and polyethylene model plants are based on the use of flares and incinerators (thermal and catalytic) to reduce process VOC emissions contained in gas streams discharged continuously from these plants. Although they may be used to comply with the proposed standards, boilers have not been considered as part of any regulatory alternative, because not all polypropylene and polyethylene plants employ boilers or have a need for steam. For control of VOC emissions contained in gas streams discharged intermittently from these plants, only flares were used to develop various regulatory alternatives. Flares are the only control device considered economically feasible for control of intermittent gas streams. The regulatory alternatives for the polystyrene continuous process and poly(ethylene terephthalate) plants are based on recovery techniques such as condensation to recover styrene monomer, ethylene glycol, and methanol and distillation to recover ethylene glycol.

The regulatory alternatives for the expandable polystyrene model plants are based on use of condensation for streams containing styrene monomer and on combustion for streams containing the blowing agent. Combustion devices examined were flares and incinerators (thermal and catalytic) for process VOC emissions contained in gas streams discharged continuously and flares for process VOC emissions discharged intermittently.

The regulatory alternatives were developed by first applying fugitive VOC emission controls and then process VOC emission controls. Fugitive controls were applied first simply because they were known beforehand, from the SOCMI standard for equipment leaks, and the placement of fugitive control in the regulatory alternative order would not make any difference in the analysis. In addition, by dealing with fugitive emission controls first, the succeeding regulatory alternative could focus on process emission controls exclusively and their relative costs and associated emission reductions. The order of the regulatory alternatives for process emissions was based, for the most part, on initially controlling the process section with the largest uncontrolled emissions, then adding sections down to the process section with the smallest uncontrolled emissions.

In generating the regulatory alternatives for process emissions, the VOC process emission control techniques were applied to each process section in a typical process line within each model plant. While some process sections may be shared by process lines, for the regulatory analysis a typical process line was assumed to be composed of its own dedicated process sections. (As discussed earlier, process section refers to a group of equipment designed to accomplish a well-defined task such as raw materials preparation or polymerization reaction.) Within each process section, continuously discharged gas streams were combined with other continuously discharged gas streams, or intermittently discharged gas streams were combined with other intermittently discharged gas streams, to provide overall estimates of emission control costs and emission reductions resulting from application of each regulatory alternative.

The analysis performed takes into account the fact that new growth can occur in several ways—individual process sections, process lines, new plants. The environmental, economic, and energy impacts of the proposed standards are different for each of these three potential growth scenarios. For example, new plants are likely to utilize single control devices, where possible, to control emissions from more than one process section. This analysis results in lower costs of control than if equivalent growth occurred on either an individual process section or process line basis. Each major polymer-process type combination, therefore, was examined individually to estimate the most likely manner in which the new growth would be distributed among the three ways mentioned above. Combining this distribution and the particular emission reduction impacts associated with new growth as process section, process line, and plant, average or typical capital, annual, and cost effectiveness impacts of the proposed standards were calculated. Secondary air quality, energy, and economic impacts associated with a worst case growth distribution (i.e., by process section only) were also calculated.

A summary of the regulatory alternatives for polypropylene and polyethylene production is presented in Table 1 and a summary of the regulatory alternatives for polystyrene and poly(ethylene terephthalate) production is presented in Table 2. In each case, Regulatory Alternative 1 represents the regulatory baseline. In addition, Regulatory Alternative 2 represents the regulatory baseline plus fugitive emission control, except for the poly(ethylene terephthalate) model plants. Each regulatory alternative is more stringent than the previous regulatory alternative and, in most cases, includes all the controls included in the previous regulatory alternative plus additional control of VOC emissions. (The details of this analysis are discussed in depth in the background information document.)

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Table 1. SUMMARY OF REGULATORY ALTERNATIVES FOR POLYPROPYLENE AND POLYETHYLENE PLANTS

Model Plant	Regulatory Alternatives	Process Sections Controlled[a,b]					Fugitive Emission Regulatory Control	Annual Emission Reduction[c]	
		RMP	PR	MR	PF	PS		Mg/yr	Percent
Polypropylene, liquid phase	1 (Baseline)		c[d]	c[e]			No	1,705	89
	2		c[d]	c[e]			Yes	1,725	90
	3		c[d]	c[e]	c[e]		Yes	1,852	97.0
	*4	c[e]	c[d]	c[e]	c[e]		Yes	1,856	97.3
Polypropylene, gas phase	1 (Baseline)		c[f]	c[e]			No	1,270	95
	*2		c[f]	c[e]			Yes	1,290	97
Low density, polyethylene high pressure	1 (Baseline)	c[f]	c[f]	c[f]	c[f]	c[f]	No	594	81
	*2	c[f]	c[f]	c[f]	c[f]	c[f]	Yes	609	83
	3	c[f]	c[f]	c[f]	c[f]	c[e,f]	Yes	664	91
	4	c[f]	c[f]	c[f]	c[e,f]	c[e,f]	Yes	678	93
	5	c[f]	c[f,g]	c[f]	c[e,f]	c[e,f]	Yes	704	96
Low density polyethylene, low pressure and high density polyethylene, gas phase	1 (Baseline)	c[f]	c[f]		c[e]		No	1,725	94
	2	c[f]	c[f]		c[e]		Yes	1,755	96.1
	*3	c[e,f]	c[f]		c[e]		Yes	1,760	96.4
	4	c[e,f]	c[f]		c[e]	c[e]	Yes	1,765	96.7
	5	c[e,f]	c[f,g]		c[e]	c[e]	Yes	1,770	96.9
High density polyethylene, slurry process	1 (Baseline)	c[f]		c[e]			No	900	92
	2	c[f]		c[e]			Yes	920	94
	*3	c[f]		c[e]	c[e]		Yes	950	97
High density polyethylene, solution process	1 (Baseline)	c[d]	c[f]	c[d]			No	825	90
	*2	c[d]	c[f]	c[d]			Yes	845	92
	3	c[d]	c[f]	c[d]	c[e]		Yes	890	97

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*Regulatory alternative selected as basis of proposed standard.

[a] Process Sections:
RMP—raw materials preparation,
PR—polymerization reaction,
MR—material recovery,
PF—product finishing,
PS—product storage.

[b] Control Devices:
C=combustion devices including flares, incinerators, boilers.

[c] From uncontrolled levels on a per line basis.

[d] Control of intermittent and continuous streams.

[e] Control of continuous streams.

[f] Control of non-emergency intermittent streams.

[g] Control of emergency intermittent streams from polymerization reactors and, for low density polyethylene high pressure plants, separators.

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Table 2. SUMMARY OF REGULATORY ALTERNATIVES FOR POLYSTYRENE AND POLY(ETHYLENE TEREPHTHALATE) PLANTS

Model Plant	Regulatory Alternatives	Process Sections Controlled[a,b]					Fugitive Emission Regulatory Control	Annual Emission Reduction[c]	
		RMP	PR	MR	PF	PS		Mg/yr	Percent
Polystyrene, continuous process	1 (Baseline)[d]						No	23	27
	2						Yes	53	62
	3			RR[e]			Yes	57.05	67.1
	4			RR[f]			Yes	57.23	67.3
	*5			RR[g]			Yes	57.37	67.4
	6			RR[h]			Yes	57.41	67.5
	7			RR[i]			Yes	57.43	67.6
Expandable Polystyrene, post-impregnation suspension process	1 (Baseline)						No	15	5
	*2						Yes	35	12
	3					C[j]	Yes	91	32
	4				C[k]	C[j]	Yes	184	64
	5				C[j,k]	C[j]	Yes	237	83
	6				C[j,k]	C[j,k]	Yes	266	92.7
	7		R[k]		C[j,k]	C[j,k]	Yes	267	93.0
Expandable Polystyrene, in-situ suspension process	1 (Baseline)						No	5	9
	*2						Yes	12	21
	3		C[k]				Yes	21	36
	4		C[k]		C[j]		Yes	43	76
	5		C[k]		C[j]	C[j]	Yes	49	86
	6	C[k]	C[k]		C[j]	C[j]	Yes	50.2	88
	7	C[k]	C[k]		C[j,k]	C[j]	Yes	50.6	89
Poly(ethylene) terephthalate), dimethyl terephthalate	1 (Baseline)[l]		R				N.A.[m]	0	0
	2		R	RR[n]			N.A.	2.43	30
	3		R	RR[o]			N.A.	2.48	31
	4		R	RR[p]			N.A.	2.59	32
	*5		R	RR[q]			N.A.	2.66	33
	6		R	RR[r]			N.A.	2.67	33.3
	7		RR[s]	RR[r]			N.A.	5.33	66
Poly(ethylene) terephthalate),[t] terephthalic acid	*1 (Baseline)[u]	R	R				N.A.	0	0
	2	RR	RR[v]				N.A.	2.4	44
Poly(ethylene) terephthalate),[w] terephthalatic acid	1 (Baseline)[x]	R	R				N.A.	0	0
	2	R	RR[y]				N.A.	7.2	10
	3	R	RR[y]				N.A.	14.7	21
	*4	R	RR[y]				N.A.	22.3	31
	5	R	RR[y]				N.A.	26.1	37
	6	R	RR[y]				N.A	29.8	42
	7	R	RR[y]				N.A.	37.3	53

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*Regulatory alternative selected as basis of proposed standard.

[a] Process Sections:

RMP—raw materials preparation (including esterification in poly(ethylene terephthalate) plants),

PR—polymerization reaction,

MR—material recovery,

PF—product finishing,

PS—product storage.

[b] Control Devices:

C=combustion devices including flares, incinerators, boilers.

R=recovery devices used under baseline as part of process.

RR=additional recovery devices or more efficient recovery system.

[c] From uncontrolled levels on a per line basis.

[d] Emissions from the polymerization reaction section are indirectly controlled as part of normal process operation (i.e., baseline) by condensers for the recovery of styrene. The control of the emissions from this material recovery is indicated in Regulatory Alternatives 3 through 7.

[e] The additional control is the application of a refrigerated condenser controlling emissions of 0.12 kg VOC per Mg of product from the material recovery section down to 0.012 kg VOC per Mg of product.

[f] Control by refrigerated condensers to 0.0072 kg VOC per Mg of product.

[g] Control by refrigerated condensers to 0.0036 kg VOC per Mg of product.

[h] Control by refrigerated condensers to 0.0024 kg VOC per Mg of product.

[i] Control by refrigerated condensers to 0.0018 kg VOC per Mg of product.

[j] Continuous streams.

[k] Non-emergency intermittent streams.

[l] As part of normal process operation, methanol emissions from raw materials preparation are recovered by condensers. The emissions from this methanol material recovery are controlled as indicated in Regulatory Alternatives 2 through 6. In addition, as part of normal process operation, ethylene glycol emissions from the polymerizers are recovered by spray condensers prior to the vacuum system evacuating the polymerizers. Additional control was evaluated for this section in Regulatory Alternative 7.

[m] N.A.=not applicable.

[n] Control by refrigerated condensers to 0.018 kg VOC per Mg of product.

[o] Control by refrigerated condensers to 0.0144 kg VOC per Mg of product.

[p] Control by refrigerated condensers to 0.0072 kg VOC per Mg of product.

[q] Control by refrigerated condensers to 0.0027 kg VOC per Mg of product.

[r] Control by refrigerated condensers to 0.0018 kg VOC per Mg of product.

[s] Control by distillation column on cooling water tower resulting in a 50 percent reduction in emissions from polymerization reaction section via the cooling water tower.

[t] These regulatory alternatives are for a low viscosity PET line or a high viscosity PET line with a single end finisher.

[u] As part of normal process operations, ethylene glycol is recovered from the process vessels using a spent ethylene glycol spray condensers. Additional control was evaluated under Regulatory Alternative 2.

[v] Additional control reflects the use of a distillation column on the cooling water tower that results in a 50 percent reduction of ethylene glycol emissions to the atmosphere from the polymerization reaction section via the cooling water tower.

[w] These regulatory alternatives are for a high viscosity PET line with multiple end finishers.

[x] As part of normal process operations, ethylene glycol is recovered from the process sections. Baseline control includes distillation columns on the esterifiers and cooling tower, and spent ethylene glycol spray condensers on the first end finisher.

[y] Additional control reflects the reduction in ethylene glycol concentration in the cooling water tower through an increase in the drawoff of cooling water to the distillation column that results in emission reductions ranging from 15 percent, under Regulatory Alternative 2, up to about 90 percent, under Regulatory Alternative 7.

As can be seen in Tables 1 and 2, certain process sections do not appear as part of the regulatory analysis (e.g., product storage for the polypropylene, liquid phase model plant). In most instances, such process sections were not analyzed because VOC emissions were not identified as being emitted from the process section to the atmosphere. In a few instances, a particular process section did not exist (e.g., there is no material recovery process section in either expandable polystyrene process). The extruder quench vent stream (product finishing) from the polystyrene, continuous process was excluded because a previous analysis had shown this very high flow, low styrene concentration emission stream to be not cost effective (greater than $12,000 per Mg of VOC) to control via a national standard for this industry. Similarly, in a separate analysis, the raw materials preparation vent from the polystyrene continuous process was found to be not cost effective (greater than $2,000 per Mg of VOC) to control via a national standard for this industry.

3. Selection of Best System of Continuous Emission Reduction

Based on an analysis of the average (or typical) VOC emission reduction impacts, annual and capital costs, and the cost-effectiveness values associated with the most likely growth distribution and on the secondary air quality, energy, and economic impacts associated with a worst case growth distribution, the regulatory alternatives presented in Tables 1 and 2 that are marked with an asterisk (*) were selected as the basis for the proposed standards. For several of the plants, the most stringent level of control was selected as the basis of the proposed standards. The proposed standards indicated by the selected regulatory alternatives would apply to individual process sections when the process section is constructed, modified, or reconstructed.

In determining which regulatory alternative for each model plant represents the best system of continuous emission reduction, EPA considered "the cost of achieving such emission, any nonair quality health and environmental impact and energy requirement . . ." (Section 111 of the Clean Air Act). On the basis of the history of the legislation and its past implementation, the EPA has set the levels of standards considering the cost-effectiveness of varying levels of emission reduction and has rejected some NSPS control options on the ground that their costs are unreasonably high in light of the emissions reductions they achieve for those specific industries. Since the purpose of cost-effectiveness analyses is to avoid such a disproportion, the annual cost of controlling VOC emissions and the resultant VOC emission reduction for each regulatory alternative in the average or typical situation were analyzed. In deciding which control alternatives are considered ineffective, EPA considered: (1) The cost effectiveness of such control in relation to the cost effectiveness of controlling VOC streams as prescribed in NSPS that EPA has already promulgated, and (2) the extent to which suspected or known toxic compounds are present in polymer manufacturing emission streams.

On the basis of these considerations, for each model plant, the cost-effectiveness values of the regulatory alternatives that are more stringent (i.e., provide greater VOC emission reduction) than the regulatory alternative selected as the basis of the proposed standard for that model plant were not considered reasonable. The incremental cost-effectiveness values for the more stringent regulatory alternatives immediately after the regulatory alternatives selected as the basis of the proposed standards range from $1,100 up to $184,000 per megagram of VOC reduced (see Docket A-82-19, Item II-B-92). The incremental cost of achieving the additional emission reduction that would result from the selection of any of these more stringent regulatory alternatives is not considered to be reasonable when compared to the additional emission reductions for the purposes of a national standard. Therefore, these more stringent regulatory alternatives were not selected. The noise, solid waste, water, energy, and economic impacts, as well

as the cost effectiveness, associated with the regulatory alternatives marked with an asterisk are considered reasonable. Therefore, the regulatory alternatives marked with an asterisk were selected as the basis for the proposed standards.

The impacts of the proposed standards for each model plant are summarized in Table 3.

Note: In summarizing the impacts of the proposed standards, the following paragraphs do not include the poly(ethylene terephthalate), terephthalic acid process using a single end finisher per process line since the proposed standards have no impacts above the regulatory baseline.

Under the regulatory alternatives selected as the basis for the proposed standards, annual emission reductions over the regulatory baseline range from more than 2 Mg per year for each process line in a poly(ethylene terephthalate) plant using a dimethyl terephthalate process to about 150 Mg per year for each process line in a polypropylene plant using a liquid phase process. Nationally, VOC emissions would be reduced in the fifth year following implementation of the proposed standards by about 3.0 Gg. This represents an emission reduction of approximately 42 percent from projected emission levels under the regulatory baseline.

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Table 3. SUMMARY OF IMPACTS OF PROPOSED STANDARDS[a]

Plant	Projected Number of New Lines	VOC Emission Reduction (Mg/yr)	Annual Energy Consumption[b,d] (Terajoules)	Expenditures[c] ($1000 June 1980 dollars) Capital	Annualized	Price Change[d] (percent)	Cost-effectiveness[c] ($/Mg VOC reduced) Average	Incremental
1. Polypropylene, liquid phase	9	151	+ 1.4	273	94.0	0.44	620	610
2. Polypropylene, gas phase	9	20	0	24.3	6.1	0.04	300	300
3. Low Density Polyethylene, High Pressure	4	15	0	23.6	7.2	0.02	480	480
4a. Low Density Polyethylene, Low Pressure	10	37	+ 0.75	37.7	8.9	0.05	240	275
4b. High Density Polyethylene, Gas Phase	10	37	+ 0.75	37.7	8.9	0.05	240	275
5. High Density Polyethylene, Slurry Process	6	48	+ 0.1	87.9	28.3	0.13	590	780
6. High Density Polyethylene, Solution Process	9	20	0	26.4	6.9	0.04	345	345
7. Polystyrene, Continuous Process	2	34	+ 0.06	39.7	7.0	0.03	205	115
8. Expandable Polystyrene, Post-impregnation Suspension Process	2	20	0	28.4	7.7	0.02	385	385
9. Expandable Polystyrene, In-situ Suspension Process	3	7	0	15.6	6.2	0.05	930	930
10. Poly(ethylene terephthalate) dimethyl terephthalate process	7	2.7	+ 0.02	1.5	0.6	< 0.01	240	130
11. Poly(ethylene terephthalate)[e], terephthalic acid process	13	0	0	0	0	0.00	0	0
12. Poly(ethylene terephthalate)[f], terephthalic acid process	1	22	+1.95	50.9	10.9	0.03	485	720

[a] Impacts are over baseline levels for the selected regulatory alternatives marked with an asterisk (*) in Tables 1 and 2 and are on a per line basis.

[b] Does not include energy credits for the energy value of reduced VOC consumption or recovered VOC. When energy credits are accounted for there is a national decrease in energy consumption of about 34 terajoules per year.

[c] Based on a most likely growth distribution in each segment by combination of individual process sections, process lines, and whole plants. (See Docket Reference Number II-B-92, "Calculations of Average, or Typical, Cost-Effectiveness Values for the Regulatory Alternatives Selected as the Basis for the Proposed Standards and the Next More Stringent Regulatory Alternatives," in Docket Number A-82-19).

[d] Based on "worst case" (i.e., most costly) assumption that all new growth is by individual process section.

[e] The impact projections apply only to a process line using a single end finisher. There is no impact over baseline for these 13 PET lines.

[f] These impacts are for a process line using multiple end finishers.

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In most polymer production plants, the proposed standards would increase energy consumption slightly over the regulatory baseline. The largest amount of additional energy required under the proposed standards would be about 1.9 terajoules (1.8 billion Btu) per year for a process line producing a high intrinsic viscosity poly(ethylene terephthalate) product with multiple end finishers. This increase is offset partially when the heat value of the recovered ethylene glycol is considered.

Nationally, total energy consumption would decrease from the regulatory baseline by about 36 terajoules (34 billion Btu) per year in the fifth year after implementation of the proposed standards. This result is obtained by calculating the energy value of the VOC recovered as a result of the proposed standards and subtracting it from the increased energy usage due to the control devices associated with the proposed standards.

For individual plants, the average cost per megagram of VOC reduction of the proposed standards over the regulatory baseline ranges from about $205 per megagram of VOC reduced per process line-equivalent in plants producing polystyrene using a continuous process to about $930 per megagram of VOC reduced per process line-equivalent in plants producing expandable polystyrene using an in-situ suspension process (see Docket A-82-19, Item II-B-92, Table 6). The incremental cost effectiveness of the proposed standards over the next less stringent regulatory alternative ranges from about $115 per megagram of VOC reduced per process line-equivalent in plants producing polystyrene using a continuous process to a high of about $930 per megagram VOC reduced per process line-equivalent in plants producing expandable polystyrene using an in-situ suspension process.

Under the proposed standards, increased capital expenditures over the regulatory baseline would range from about $1,500 dollars per process line-equivalent in plants producing poly(ethylene terephthalate) using a dimethyl terephthalate process to about $273,000 per process line-equivalent in plants producing polypropylene using a liquid phase process. Annualized cost increases over the regulatory baseline range from about $600 per line-equivalent in plants producing poly(ethylene terephthalate) using a dimethyl terephthalate process to about $94,000 per line-equivalent in plants producing polypropylene using a liquid phase process. Total increased capital and annualized expenditures over the regulatory baseline in the fifth year after implementation of the proposed standards would be about $4.5 million and $1.4 million, respectively.

Finally, an analysis of the economic impacts associated with the proposed standards showed that the impacts would be minor. Based on the worst-case assumption that all costs are passed through to the customer, maximum price increases ranging from less than 0.01 percent, for plants producing poly(ethylene terephthalate) using a dimethyl terephthalate process, to about 0.44 percent, for polypropylene plants using a liquid phase process, were projected (see Chapter 9, p. 9-47, of the BID).

An analysis of the impact of the proposed standards on capital availability indicates that the increased costs associated with the proposed standards would not have any significant impact on the ability of the polymer production industry to raise capital (see Chapter 9 of the BID). Consequently, the proposed standards would not curtail or postpone plant construction or expansion. In addition, the proposed standards would have no significant adverse aggregate impacts on employment, competition, industry structure, productivity, or foreign trade.

D. Selection of Format for the Proposed Standards

Several formats could be selected for the proposed standards. Section 111 of the Clean Air Act requires, however, that standards of performance be written in terms of emission limits, unless such standards are not feasible. Under section 111(h)(2), such standards are not feasible if either the pollutants cannot be emitted through a capture system or the application of measurement technology is not practicable due to technological or economic limitations. In such cases, standards may be written in terms of equipment design, work practice, or operational practices.

1. Process Emissions

The alternative formats considered were emission limits expressed in terms of VOC concentration, mass of VOC emissions per unit of production, and percent VOC emission reduction.

For polypropylene and polyethylene production, the proposed standards are based on the use of combustion devices such as flares, thermal incinerators, catalytic incinerators, and boilers. For polystyrene and poly(ethylene terephthalate) production, however, the proposed standards are based primarily on the use of recovery techniques (condensation or distillation).

The emissions from incinerators, boilers, and condensers can be measured. Thus, standards structured in terms of emission limits are appropriate for these control technologies. Unlike boilers, heaters, and incinerators in which combustion takes place in an enclosed chamber, flaring is an open combustion process. Measurement of emissions from a flare to determine its efficiency is, therefore, very difficult. While emission measurement is technologically possible, the costs involved due to the necessity of hooding the flare and other equipment needs make measurement of emissions economically impracticable. As a result, emission limits for flares have been determined to be not feasible. As mentioned previously, 98 percent reduction is known to be achieved when flares are operated under certain specific conditions. Therefore, the proposed standards include these certain equipment, design, and operational requirements that apply when flares are used to control emissions.

For controls involving combustion in enclosed chambers, EPA has selected a percent reduction format. Structuring emission limits in terms of VOC concentration does not reflect the performance capability of incinerators or boilers, which are capable of achieving essentially the same high degree of emission reduction over a very wide range of uncontrolled VOC concentrations through complete combustion. The degree of emission reduction necessary to comply with an emission limit on the VOC concentration discharged to the atmosphere will vary depending on the VOC concentration in the uncontrolled gas stream. A concentration limit, therefore, could allow incomplete combustion to occur, which not only reduces the degree of emission reduction, but can also lead to increased ozone formation in the atmosphere due to the higher photochemical reactivity of partially combusted VOC's.

Emission limits in terms of percent reduction in VOC emissions avoid the variability of concentration limits and the potential for increased ozone from incomplete combustion. By requiring the same high degree of emission reduction regardless of the VOC concentration in the uncontrolled gas stream, a percent reduction format ensures complete combustion and reflects the performance capability of combustion.

For the proposed standards that are based on the use of condensation, emission limits expressed in terms of percent VOC reduction, mass of VOC

emissions per unit of production, and VOC concentration were considered. Emission limits in terms of percent reduction by themselves were not considered appropriate. Condensation technology reduces the concentration of VOC in the uncontrolled gas stream to a specific level, which depends on the vaporization and condensation properties of the VOC in question. This level is not particularly sensitive to the initial VOC concentration in the uncontrolled gas stream; that is, for any given VOC, the technology will reduce emissions to essentially the same concentration level over a relatively wide range of uncontrolled VOC concentrations. Since the degree of emission reduction achieved varies depending on the uncontrolled VOC concentrations, emission limits in terms of percent VOC reduction are not consistent with the performance capabilities of a condenser.

A format of mass of VOC emissions per unit of production reasonably reflects the performance capabilities of condensation technology. As mentioned above, condensers are essentially capable of reducing VOC concentrations to a specific level regardless of variations in uncontrolled VOC concentrations. The volume of the gas stream discharged to the atmosphere, on the other hand, varies directly with production rate (i.e., the greater the production rate the greater the volume of the gas stream discharged). Mass emissions, which are the product of multiplying the concentration of VOC in the gas stream discharged to the atmosphere from the condensers by the volume of the gas stream, also vary directly with production rate. As a result, where control technologies, such as condensation, that limit VOC concentrations in the gas streams discharged to the atmosphere are employed, the ratio of mass of VOC emissions divided by production rate is essentially constant. Condensation technology can thus be employed to achieve the same controlled emission rate.

As noted above, condensation technology reduces VOC concentration to a specific level depending on the vaporization and condensation properties of the VOC in question regardless of the uncontrolled VOC concentration. As a result, a concentration format can best represent the performance capabilities of condensers. There is one serious potential drawback to a standard based solely on VOC concentration. VOC concentrations depend to a large extent on the amount of dilution of the gas stream that occurs prior to measurement of emissions. This problem can be overcome in many cases by correcting all measurements of VOC concentrations to a common reference basis (i.e., essentially limiting the amount of dilution permitted). In the case of polymers production, however, selecting a common reference basis for this purpose is difficult. The amount of dilution present in the gas streams discharged from the steam-jet ejectors in poly(ethylene terephthalate) production plants, for example, varies depending on the degree of vacuum maintained in this system. For a specific VOC, however, concentration is directly proportional to outlet gas temperature; a given temperature will result in a given VOC concentration. Outlet gas temperature is easier to measure and monitor than concentration and cannot be "diluted" in the same way as can concentration.

A temperature requirement is easy to monitor and enforce, but does not encourage process improvements that reduce atmospheric emissions, because all systems are operated with the same outlet gas temperature regardless of the amount of emissions being released to the atmosphere. A mass emission rate VOC per unit of production standard, on the other hand, requires somewhat more effort to monitor and enforce, but does encourage process improvements that reduce atmospheric emissions. Both formats generally reflect the performance capability of best demonstrated technology (i.e., condensers). Therefore, based on these and the above considerations, the proposed standards for condensation technology allow an affected facility owner or operator to meet a standard based on the emission rate per unit of production format or as a surrogate, maintain a specified condenser outlet temperature.

Finally, the proposed standards for poly(ethylene terephthalate) production are based in part on the recovery of the ethylene glycol prior to its entering the steam-jet ejectors used to maintain a vacuum in the polymerizers and in part on the reduction of its concentration in the cooling tower through the drawing off of cooling water from the tower and recovering the ethylene glycol in a distillation column. An emission limit standard for these cooling tower VOC emissions is not practicable. There is no add-on technology for abating the ethylene glycol emissions in the air stream from a cooling tower. Furthermore, the various parameters affecting emission levels from cooling towers vary from one cooling tower to another making it impracticable to establish a measurement methodology upon which a percent reduction-, mass-, or concentration (in air)-based standard can be based. Therefore, it is infeasible, as that term is defined in section 111(h), to establish an emission limitation for cooling tower emissions.

Recovery of ethylene glycol from the polymerizer offgases prior to its entering the steam-jet ejectors controls VOC emissions of this material to the atmosphere from the cooling tower. Consequently, rather than placing a limit on emissions from the cooling tower, a section 111(h) operational limit is proposed in the form of a maximum concentration of ethylene glycol either in the cooling water in the cooling tower or in the cooling water exiting the vacuum system servicing the polymerization reaction section and then entering the cooling tower. Use of percent reduction or mass of VOC per unit of production for the ethylene glycol in the cooling tower water would not result in any greater reduction in VOC emissions from the cooling tower and would be more difficult to determine and enforce.

2. Fugitive Emissions

The proposed standards for fugitive emissions in the polymer manufacturing industry are the same as those promulgated for the SOCMI. The following paragraphs summarize the proposed standards.

For fugitive emissions from equipment leaks, it is generally not feasible to structure performance standards in terms of emission limits. Except in those cases where emission limits could be set at "no detectable level," the only way to measure emissions from fugitive emission sources, such as pumps and valves, would be to use a bagging technique for each source. "Bagging" means to enclose a fugitive emission source with a shroud in order to capture all of the emissions from the source. After an appropriate equilibration time, a sample of the effluent from the shroud is taken to determine the VOC concentration. The VOC mass emission rate is then calculated based on the low volumetric flow rate and VOC concentration. The great number of sources and their distribution over large areas would make such a requirement economically impracticable. Therefore, a VOC emissions limit format was not selected for the proposed fugitive emission standards.

A slightly different approach would be a limit on the number or percentage of fugitive emission sources that would be allowed to leak. This approach, which would add flexibility to the proposed

standards, would be more qualitative than an approach based on quantitative emission measurements such as bagging. This approach, however, would be potentially applicable to only valves. Other fugitive emission sources are too few in number for this approach to be meaningful. As a way to avoid imposing unreasonable impacts on operators who have facilities with very few leaking valves, the proposed standards incorporate this approach as an alternative for controlling fugitive emissions from valves. For other fugitive emission sources, except where a no detectable emission limit can be established, the proposed standards are structured solely in terms of equipment design, operational procedures, work practices, or performance standards. The specific format selected for each fugitive emission source is discussed in the next section.

E. Selection of Numerical Emission Limits, Equipment Design, Operational Procedures, or Work Practice Standards

1. Continuous Process Emissions

The proposed standards for continuous process emissions in polypropylene and polyethylene production plants are based on the use of combustion to control VOC emissions. The formats selected for the proposed standards that are based on the use of combustion are percent VOC emission reduction for combustion devices other than flares and an equipment standard for flares.

As described in the background information document, test data show that certain types of flares can achieve 98 percent VOC emission reduction under specific conditions and that only flares operating under these conditions achieve a 98 percent VOC emission reduction. The net heating value of the flared gas must not be less than 11.2 megajoules per standard cubic meter (300 Btu/scf) for a steam-assisted or air-assisted flare, or less than 7.45 megajoules per standard cubic meter (200 Btu/scf) for a nonassisted flare. In addition, the exit velocity of the flare gas at the flare tip must not exceed a maximum velocity, which is dependent on the net heating value of the flared stream, for steam-assisted or nonassisted flares. The maximum exit velocity is determined using an equation included in the regulation. If the net heating value of the gas stream being combusted is greater than 37.3 megajoules per standard cubic meter (1,000 Btu/scf), then the exit velocity of the flare gas at the flare tip must not exceed 122 meters per second (400 ft/sec) for steam-assisted or nonassisted flares. Air-assisted flares must also operate below a maximum exit velocity, which is dependent on the net heating value of the flared stream. The maximum exit velocity is determined using an equation included in the regulation.

In addition to the above conditions, the proposed standards require the use of a smokeless flare. According to the current knowledge of flare design, the best available flare design or state-of-the-art flare design is the smokeless flare. Smoking flares are environmentally less desirable because they emit particulates. The environmental impact associated with smoking flares is considered unreasonable, especially in light of the availability of smokeless flares capable of achieving the same destruction efficiency.

Another consideration in developing the equipment standards for flares is the need to adjust operation of a flare in response to flow surges. Surges in gas stream flow can cause a flare to smoke for short periods of time until the flare is adjusted. Five minutes is a reasonable period of time for alleviating the smoking condition by making the needed adjustments to a flare. Flow surges occur infrequently and generally do not occur more than once in a 2-hour period. Therefore, a limit on visible emissions of no more than 5 minutes within any 2-hour period is included in the proposed standards for flares.

Based on data summarized in the background information document, combustion devices such as thermal and catalytic incinerators, process heaters, and boilers can achieve a 98 weight percent VOC reduction. For thermal incinerators, the data show that 98 percent reduction is achieved when using a combustion temperature of 870 degrees Centigrade or more and a residence time of 0.75 seconds or more, provided the VOC concentration of the emission stream is greater than approximately 2,000 parts per million by volume (volume, by compound). For catalytic incinerators, 98 weight percent VOC reduction can be achieved at lower temperatures.

Destruction efficiencies of 98 percent VOC emission reduction are achievable in process heaters and boilers provided the waste stream is introduced into the flame zone where temperatures are highest. Unlike incinerators, in which firebox temperatures are fairly uniform, firebox temperatures in boilers and process heaters are highest in the flame zone with a distinct temperature gradient between the flame zone and the walls. Consequently, the proposed standards would require gas streams to be introduced directly into the flame zone where process heaters and boilers are used to comply with the standards.

Data summarized in the background information document show that 20 parts per million by volume (ppmv) is the lowest VOC concentration achievable by combustion of gas streams containing less than 2,000 ppmv VOC. Consequently, the proposed standards to be met by the use of combustion devices other than flares include a lower TOC concentration limit of 20 ppmv to allow for the drop in achievable destruction efficiency when combusting streams containing less than 2,000 ppmv VOC. The proposed emission limits, therefore, are a 98 percent TOC emission reduction, or TOC emission reduction to 20 ppmv (volume, by compound), whichever is less stringent. The proposed TOC concentration limit of 20 ppmv is referenced to an oxygen concentration of 3 percent by volume.

The proposed standards for continuous process emissions from general purpose or impact polystyrene production plants using a continuous process are based on the use of condensers to control VOC emissions. The formats selected for the proposed standards that are based on the use of recovery technologies, such as condensation, are a mass emission rate per unit of production and an operational limit on the outlet gas temperature.

Analysis indicates that the use of refrigerated condensers, cooling the gas stream discharged from the material recovery section to −26 degrees Centigrade (−15 °F), would reduce VOC emissions to 0.0036 kg VOC per megagram of product (see Docket A-82-19, Item II-B-91). Temperature monitors are required to have an accuracy of 1 percent of the temperature being measured expressed in degrees Celsius or ±0.5 °C, whichever is greater. Consequently, based on this analysis and taking into account allowable temperature monitor accuracy, an emission limit of 0.0036 kg TOC per megagram of polystyrene product or, as a subrogate, A limit of −25 °C (−13 °F) on the outlet gas temperature are included in the proposed standards limiting VOC emissions from the material recovery section of general purpose or impact polystyrene production plants using a continuous production process. As noted earlier, an affected facility owner or operator would be required to meet one limit or the other, not both.

The proposed standards for continuous process emissions from poly(ethylene terephthalate) production plants are based primarily on the use of spray condensers to reduce VOC emissions from the polymerization reactors in plants using either the terephthalic acid process or the dimethyl terephthalate process. For some high viscosity poly(ethylene terephthalate) plants, the proposed standards are based in part on the use of distillation columns. In addition, the proposed standards are also based on the use of condensers to control VOC emissions and recover methanol from the material recovery section in plants using the dimethyl terephthalate process and ethylene glycol from the raw materials preparation section (i.e., the esterifiers) in plants using the terephthalic acid process. As mentioned earlier, the formats selected for the proposed standards that are based on recovery technologies, such as condensation, are a mass emission per unit of production and an operational limit on the outlet gas temperature.

The spray condenser system mentioned above is actually composed of a spent ethylene glycol spray condenser and associated equipment, such as distillation columns, which further recover the condensed ethylene glycol for either recycle to the process or sale offsite. Emissions in this recovery system occur from the associated equipment and not from the spray condenser itself. The overheads from the spray condenser pass through a vacuum system composed of steam-jet ejectors and barometric intercondensers. Ethylene glycol in the overheads is condensed and entrained in the water from the vacuum system and carried to a cooling tower, from which VOC emissions occur.

Based on data summarized in the background information document, VOC emissions discharged from the recovery part of this system are 0.02 kilograms per megagram or less. Consequently, the proposed standards would limit TOC emissions from the recovery section of this system to 0.02 kilograms per megagram of poly(ethylene terephthalate) produced. The data available show that a well-operated spray condenser is capable of reducing the concentration of ethylene glycol in the cooling water exiting the vacuum system to 0.35 weight percent or less, based on a 14-day rolling average, in plants where a low viscosity product is produced or where a high viscosity product is produced using a single end finisher. The 14-day averaging period was selected because shorter averaging periods would not take into account adequately the cyclic nature of the concentration of ethylene glycol in the cooling tower water. A shorter time period (e.g., 1-hour, 24-hour) would require a higher concentration level, which would not require best demonstrated technology be applied at all times. Consequently, the proposed standards for these poly(ethylene terephthalate) plants would limit the concentration of ethylene glycol in the condensate exiting the vacuum system serving the polymerization reaction section to 0.35 weight-percent, based on a 14-day rolling average, on a daily basis. The daily average would be calculated by taking that day's concentration, adding it to the previous 13 operating days' concentrations, and dividing the sum by 14.

For high viscosity poly(ethylene terephthalate) plants using multiple end finishers, analysis shows that a well-operated spray condenser on the initial end finisher(s) and distillation column on the cooling tower are capable of reducing the concentration of ethylene glycol in the cooling tower to at least 1 weight percent or less; however, reduction beyond 6 percent by weight becomes unreasonable considering the additional costs and emission reduction (see Chap. 8, Table 8-42b, of the BID and Docket A-82-19, Item II-B-90, Table II-2). Consequently, the proposed standards for poly(ethylene terephthalate) plants producing a high viscosity product with multiple end finishers would limit the ethylene glycol concentration in the cooling tower to 6.0 weight percent, based also on a 14-day rolling average, on a daily basis.

As described in the background information document, the reaction of dimethyl terephthalate and ethylene glycol produces bis-hydroxyethyl terephthalate and methanol. The methanol by-product is recovered in a material recovery section through the use of condensers. Methanol emissons from the material recovery section are around 0.18 kg VOC per megagram of product. Analysis indicates that the use of refrigerated condensers, cooling the methanol stream to −25 °C (−13 °F), would reduce VOC emissions to 0.0027 kg VOC per megagram of product. Consequently, based on this analysis and the allowable temperature monitor accuracy (as noted earlier), an emission limit of 0.0027 kg TOC per megagram of product and an operational limit of −24 °C (−11 °F) for the outlet gas temperature are included in the proposed standards limiting VOC emissions from the material recovery section (i.e., methanol recovery) of poly(ethylene terephthalate) plants using a dimethyl terephthalate process. An affected facility owner or operator would be required to meet one limit or the other, not both.

Data summarized in the background information document show that the condensers controlling VOC emissions from the esterifiers in plants using the terephthalic acid process are capable of reducing emissions to 0.04 kilograms VOC per megagram of product or less. The proposed standards, therefore, limit VOC emissions from the raw materials preparation section (i.e., the esterifiers) to 0.04 kilogram TOC per megagram of poly(ethylene terephthalate) produced.

2. Intermittent Process Emissions

The proposed standards for intermittent process emissions from polypropylene plants and polyethylene plants are based on combustion by flares. The format selected for the proposed standards that are based on flares is equipment design and operation procedures. Intermittent gas streams differ from continuous gas streams in that the former are highly variable with much higher flow rates. These characteristics make it impossible to prescribe uniform equipment design and operating procedures that will ensure 98 percent VOC emission reduction. Flares controlling intermittent emissions, however, can be designed to operate smokelessly for most of the gas flow range they are expected to handle and with a stable flame. Although the degree of emission reduction achieved by combusting intermittent gas streams in a flare may be less than 98 percent in many cases, flaring of these gas streams does achieve a significant reduction in VOC emissions. Consequently, the proposed standards for intermittent process gas streams would require that these streams be combusted in a smokeless flare that is operated with a stable flame. To ensure smokeless operation, visible emissions would be limited to less than 5 minutes in any 2-hour period as determined by Method 22.

3. Threshold Emission Levels for Process Emissions

If uncontrolled emission levels are small, then the cost of controlling these small quantities of emissions may be unreasonable; that is, at some "threshold" emission level it may no longer be reasonable to require control. An analysis was undertaken, therefore, to identify for each process section for which standards are being proposed the uncontrolled emission level (i.e., threshold levels) below which the cost

of control is unreasonable in light of the small amount of VOC emission reduction (see Docket A-82-19, Items II-B-87 and II-B-95).

This analysis assumed that VOC emissions from each process section would be controlled by their own control device if the process section is constructed, modified, or reconstructed by itself or by a shared control device (i.e., a control device controlling emissions from the other process sections for which standards are being recommended) if the process section is part of a constructed, modified, or reconstructed process line or plant. Some process sections were assumed to have their own control device even when constructed as part of a new process line because of the flow characteristics of their VOC emissions. The distribution of new individual process sections, process lines, and plants was estimated for each model plant (as noted earlier under "Regulatory Alternatives") and represents the "most likely growth" distribution. The emissions from each process section were reduced by lowering the flow. (Where a shared control device was assumed, the flows and emissions from the other process sections were assumed to remain at their model plant levels.) At the same time, the cost of the control device was reduced to correspond to the process section's reduced flow and emissions. Emission levels were reduced for each process section until the incremental cost of control associated with the most likely growth distribution for that model plant became unreasonable with regard to the VOC emission reduction achieved.

On the basis of this analysis, the Administrator concludes that the cost of requiring control of any process section whose uncontrolled emission rate is at or below its respective threshold emission rate is unreasonably high compared to the emission reduction achieved. After allowance for these threshold levels, EPA believes the remaining costs are reasonable for the proposed standards.

The threshold levels calculated for each process section are included, as emission of TOC per unit of product, in the proposed standards. If a new, modified, or reconstructed affected facility (i.e., process sections for which standards are being proposed) has an uncontrolled TOC emission rate at or below the threshold level set for that process section, then the proposed standard (e.g., 98 percent reduction) for that process section does not apply.

For new affected facilities for which control is based on recovery techniques, such as condensation, no threshold levels were calculated because the standards provide an emission level that serves the same role as a threshold level. For modified or reconstructed affected facilities for which control is based on recovery, threshold levels were calculated because existing plants, which have "given" emission levels, may not be able to meet the emission level in the proposed standards at a reasonable cost. Thus, the proposed standards provide threshold levels for these existing affected facilities.

4. Compounds Used in Determining Compliance

The proposed standards are intended to reduce emissions of VOC through the application of the best system of continuous emission reduction (considering costs and other impacts), and the emission limits in the proposed standards are designed to reflect the performance of the best system of continuous emission reduction. The best systems of continuous emission reduction applicable to polymer production operations do not selectively control VOC (i.e., the proportion of the organics that is regarded as photochemically reactive), but rather these technologies control all organic compounds. Moreover, the numerical values of the emission limits were based on total organic data (excluding methane and ethane). To reflect accurately the performance of technologies selected as the best systems of continuous emission reduction and to make the emission limits consistent with the data and test methods from which the limits were derived, EPA has expressed the proposed standards in terms of total organic compounds minus methane and ethane. For the same reason, the test procedure in the proposed standards prescribes measurement of total organic compounds minus methane and ethane. In short, EPA is relying on control of total organic compounds minus methane and ethane as the best demonstrated surrogate for controlling volatile organic compounds, which react to form ozone in the atmosphere.

5. Fugitive Emissions

The emission limits, equipment design, operational procedures, or work practice requirements in the proposed standards for fugitive emissions vary for each fugitive emission source and are discussed for each source in this section. A discussion of the evaluation of the appropriate standards for fugitive emission sources is contained in "VOC Fugitive Emission Sources in the Synthetic Organic Chemicals Manufacturing Industry—Background Information for Proposed Standards," EPA-450/3-80-033a, November 1980 (Docket Item No. II-A-16); January 5, 1981, **Federal Register**, pp. 1136 through 1165; "Fugitive Emission Sources of Organic Compounds Additional Information on Emissions, Emission Reductions, and Costs," EPA-450/3-82-010, April 1982 (Docket Item No. II-A-32); "VOC Fugitive Emissions in Synthetic Organic Chemical Manufacturing Industry—Background Information for Promulgated Standards," EPA-450/3-80-033b; and October 18, 1983, **Federal Register**, pp. 48328 through 48361. That evaluation is the basis for the proposed standards for fugitive emission sources employed in the production of polypropylene, polyethylene, and polystyrene, and their copolymers.

Pressure relief devices. Rupture disks were selected as the basis for the proposed standards for gas service pressure relief devices. This control technique essentially eliminates VOC emissions from pressure relief devices. Consequently, an emission limit of "no detectable emissions" was selected for pressure relief devices. An instrument reading of less than 500 parts per million by volume (ppmv) above a background concentration using Method 21 represents "no detectable emissions."

As the function of pressure relief devices is to discharge process fluids, if necessary, to reduce dangerously high pressures within equipment, the "no detectable emission" limit would not apply to discharges through the pressure relief device during overpressure relief. Following a discharge, however, the proposed standards specify that the pressure relief device be returned to a state of "no detectable emissions" within 5 days. The proposed standards would further require an annual test to verify the "no detectable emissions" status of pressure relief devices.

As an alternative to the use of rupture disks and other techniques that achieve the "no detectable emission" limit, the proposed standards accommodate the venting of pressure relief devices to control devices that meet various requirements outlined below.

Leakless equipment. The proposed standards would not require the use of "leakless" equipment, such as sealed-bellows and diaphragm valves, canned and diaphragm pumps, and sealless compressors. This equipment is either not widely applicable, or the cost effectiveness of the emission reduction achieved through the use of this equipment is considered unreasonable. However, use of "leakless" equipment is

equivalent to the proposed standards, and the proposed standards accommodate the use of such equipment.

"Leakless" equipment would be required to operate with "no detectable emissions" at all times it is in service. The proposed standards would require that the "no detectable emissions" status of this equipment be verified annually.

Compressors. The proposed standards for compressors require either enclosure of the compressor seal area and venting of the captured emissions to a control device or the use of mechanical seals with barrier fluid systems and control of the degassing vents. Venting of the enclosure around the compressor seal area and control of the degassing vents would require use of control devices that meet various requirements outlined below.

Open-ended valves. The basis of the proposed standards is enclosure of the open-end of the valve. The proposed standards would require, therefore, that open-ended valves be equipped with a cap, plug, or a second valve. If a second valve is used to close the open end, the proposed standards would require the upstream valve to be closed first. After the upstream valve is completely closed, the downstream valve would be closed. This operational requirement is necessary in order to prevent trapping process fluid between the two valves, which could result in a situation equivalent to the uncontrolled open-ended valve.

Sampling connection systems. Closed-purge sampling was selected as the basis for the proposed standards for sampling connection systems. Although closed-purge sampling effectively eliminates VOC emissions due to purging, a "no detectable emissions" limit could not be selected because closed-purge systems may have detectable emissions. Thus, the use of closed-purge sampling itself was selected as the requirement for sampling connection systems. The proposed standards, however, would also allow the use of closed-vent vacuum systems connected to control devices and in-situ sampling systems as alternatives to closed-purge sampling.

Pumps and valves. Work practices consisting of periodic leak detection and repair programs were selected as the basis for the proposed standards for pumps and valves. Several factors influence the level of emission reduction that can be achieved by a leak detection and repair program. The three main factors are the monitoring interval, leak definition, and repair interval.

The monitoring interval is the frequency at which individual pumps and valves are checked for leaks. The proposed standards would require monthly monitoring for pumps and valves, although quarterly monitoring would be allowed for valves that have been found not to leak for 2 successive months.

Modified or reconstructed facilities would be permitted to monitor annually valves that are difficult to monitor. Valves that are difficult to monitor are defined as valves that would require elevating personnel more than 2 meters above any readily available support surface.

The proposed standards would also allow use of leak detection and repair programs tailored to the unique circumstances for valves that are considered unsafe to monitor. Valves considered unsafe to monitor would be those that the plant owner or operator demonstrates would place personnel in potentially hazardous situations.

The "leak definition" is the instrument reading observed during monitoring that defines which emission sources (e.g., pump, valve) require repair. The best leak definition would be the one that achieved the most emission reduction at reasonable costs. The EPA has determined that valves found leaking at levels of 10,000 ppm or greater can be brought to levels below 10,000 ppm with proper maintenance. A leak definition lower than 10,000 ppm may be practicable in the sense that leaks can be repaired to levels less than 10,000 ppm. However, EPA is unable to conclude that a leak definition lower than 10,000 ppm would provide additional emission reductions and would, therefore, be reasonable. In fact, using a lower leak definition, such as 1,000 ppm, may actually result in an increase in emissions as a result of attempted repair. It is unknown precisely at what "action level" maintenance efforts begin to result in increased emissions. Therefore, a leak definition lower than 10,000 ppm was not selected because EPA has determined that using a lower leak definition would not increase emission reduction significantly and the potential net benefit of a lower leak definition is questionable. Consequently, an emission level of 10,000 ppm was selected as the definition of a leak.

The repair interval is the length of time allowed between the detection of a leaking source and repair of the source. The proposed standards would require an initial attempt to repair a leaking pump or valve within 5 days and complete repair, except as discussed below, within 15 days.

Delay of repair beyond 15 days would be allowed for leaks that could not be repaired without shutting down a facility. In general, these leaks would have to be repaired at the next scheduled facility shutdown. Spare parts for pumps and valves can usually be stocked such that all leaks that could not be repaired without shutting down the affected facility could be repaired during the shutdown.

Several types of pumps with ancillary equipment can achieve emission reductions of VOC equivalent to that achieved by a monthly leak detection and repair program for pumps. This equipment includes dual mechanical seal systems that utilize a barrier fluid between the seals, sealless pumps, and enclosures of the pump seal areas.

Pumps with dual mechanical seal systems and sealless pumps, such as diaphragm or canned pumps, are not covered by the requirements for routine leak detection and repair programs contained in the proposed standards. In addition, the proposed standards would allow the use of enclosed seal areas that are connected to a control device by a closed vent system.

Alternative standards for valves. The cost effectiveness of leak detection and repair programs is considered unreasonable for process units having, on the average, fewer than 1.0 percent of their valves leaking over time. (See Chapter 14 in "VOC Fugitive Emissions in Synthetic Organic Chemicals Manufacturing Industry—Background Information for Promulgated Standards," EPA 450/3-80-033b, June 1982.) An average of 1.0 percent of valves leaking over time can be reflected by a maximum level of 2.0 percent of valves leaking at any point in time. The proposed standards pertaining to the required routine leak detection and repair program for valves include two alternatives that allow an owner or operator to comply with the 2.0 percent limit for valves leaking at any point in time.

The first alternative would limit the number of valves leaking within an affected facility to 2.0 percent at any point in time. Use of this alternative would require a minimum of one performance test per year. If more than 2.0 percent of the valves were found to be leaking, this would be an indication of noncompliance with the proposed standards.

In some cases, performance tests could be waived under the General Provisions of 40 CFR Part 60 where it could be shown that a routine leak detection and repair program for valves is not necessary to control fugitive VOC

emissions. Such cases might include facilities that use valves of a superior design due to the value or hazardous nature of the product, or facilities in which the valves simply do not "leak" for unexplained reasons. Demonstration that a leak detection and repair program is not necessary to control fugitive VOC emissions from valves would require, in most cases, a number of performance tests over a period of time that not only demonstrate the achievability of the 2.0 percent criteria for leaking valves, but that also indicate that this criteria will be achieved on a continuing basis.

The second alternative would allow the use of "skip-period" leak detection for valves. Under skip-period leak detection, the frequency of monitoring valves could decrease for valves that have shown a history of not leaking. A skip-period leak detection program could be used when fewer than 2.0 percent of the valves were found to be leaking over two consecutive quarters. The monitoring interval for valves could then become semi-annual. If fewer than 2.0 percent of the valves were found to be leaking over five consecutive quarterly leak detection periods, the monitoring interval could then become annual. When more than 2.0 percent of valves were found to leak on any test, the monitoring interval for valves would revert to monthly until sufficient data had been gathered to resume the skip-period program.

Fugitive emission control devices. Control devices used to control fugitive VOC emissions would be required by the proposed standards to achieve an emission reduction efficiency of 95 percent. In many cases, these control devices would not be new, but would be existing and would be designed to dispose of organic vapor streams from other sources in the plant. Establishing a higher percentage reduction standard based on the performance of combustion devices capable of achieving 98 percent control would require some source owners to install control devices achieving that higher level even though they have existing devices that achieve 95 percent control. This would impose unreasonable costs in light of the small additional emission reduction that it would achieve. Therefore, 95 percent reduction is considered the appropriate requirement, based on the performance of most existing vapor recovery systems, enclosed combustion devices, and flares.

Miscellaneous. Flanges, pressure relief devices in liquid service, equipment operated at subatmospheric pressures, and all components in "heavy liquid" VOC service (i.e., VOC fluids in which the total concentration of the pure components having a vapor pressure less than or equal to 0.3 kPa at 20 degrees Centigrade is less than 80 percent by weight) are excluded from the routine monitoring requirements of the proposed standards. Even though the proposed standards do not require monitoring these equipment for leaks, the proposed standards require that if indications of VOC leaks are visually or otherwise detected from these equipment, they must be monitored using Method 21 to detect leaks. If a leak is detected, it must be repaired within 15 days.

F. Modification/Reconstruction Considerations

An existing facility is a facility that was constructed or modified before the proposal date of standards of performance. However, an existing facility on which modification or reconstruction commenced after the date of proposal of the standards becomes an affected facility. Standards apply to all affected facilities that commence construction, modification, or reconstruction after the date of proposal of standards of performance.

Modification is defined in the General Provisions of 40 CFR Part 60 as any physical or operational change to an existing facility that increases the emission rate of any pollutant to which a standard applies. Exemptions to this definition include an increase in production rate, if such an increase can be made without capital expenditure; an increase in the hours of operation; the use of an alternative fuel or raw material, if the facility was designed to accommodate the alternate fuel or raw material prior to proposal of the standards; routine maintenance, repair, and replacement; and relocation or change in ownership.

Reconstruction is defined in the General Provisions of 40 CFR Part 60 as any replacement of components in an existing facility where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility and the Administrator determines, on a case-by-case basis, that it is technologically and economically feasible to meet the applicable standards. Fixed capital cost means the capital needed to provide all depreciable components of the facility.

Based on available information, it is likely that some alterations that could be considered modifications and reconstructions will occur in existing polyethylene and polypropylene plants. However, it is unlikely that any such alterations will occur in existing polystyrene and polyester plants. (Conversion of existing batch process lines to continuous process lines in the polystyrene industry requires the complete replacement of the existing line (and therefore of process sections and process units) and would be considered a new facility rather than a modified or reconstructed facility (as to process sections and process units) under the proposed standards.) Potential alterations that could be considered modifications or reconstructions in polypropylene and polyethylene plants include use of new catalysts and conversion to copolymer production or new copolymer production.

Catalysts play a vital role in polypropylene and polyethylene manufacturing. For example, in polypropylene plants, a new catalyst may be employed to improve product mix, reduce operating costs, or increase conversion rates. Use of a new catalyst may increase VOC emissions. However, if the existing facility was designed to accommodate use of the new catalyst, then such an alteration to a process section or process unit would not be considered a modification. [See 40 CFR 60.14(e)(4)].

Some polyethylene and polypropylene manufacturers are diversifying their product lines by shifting to production of polypropylene and polyethylene copolymers. Production of copolymers could result in increased VOC emissions due to the presence of the new monomers employed to produce the copolymers. However, if the existing facility was designed to accommodate use of the new monomer, then production of the new copolymers would not be considered a modification. Simply shifting from polymer to copolymer production in an existing facility by itself would not constitute a modification.

If the use of new catalysts or shifting to the production of copolymers were to increase VOC emissions at a facility not designed to accommodate use of the new material, then such alterations would be considered a modification. The costs associated with controlling VOC emissions to comply with the proposed standards, however, would be of the same order of magnitude as those associated with control of emissions from new facilities. In many cases, the costs of controlling emissions from modified facilities would probably be less than controlling emissions from new facilities. To avoid being considered a modification, emissions from the affected facility would need to be controlled so that emissions after the alteration is made are no greater than

emissions before the alteration. In most cases, this requires less control and, as a result, lower costs than complete control of emissions that would be required to comply with the proposed standards if the existing facility became an affected facility through modification. Consequently, the costs associated with various alterations that could be considered modifications are considered reasonable, and no provisions have been included in the proposed standards exempting various alterations from consideration as modifications.

In order for alterations to an existing process section or process unit to be considered a reconstruction, the section unit must undergo sufficient replacement of components to exceed 50 percent of the fixed cost of a comparable new section or unit. For the most part, only a few facilities are expected to undergo such extensive replacement of components. The conversion of existing conventional low density polyethylene process lines to linear low density polyethylene process lines by replacement of existing equipment, however, is an example where the extent of equipment replacement may be sufficient to constitute a reconstruction of a process section or process unit.

G. Selection of Monitoring Requirements

Intermittent and continuous process emissions may be controlled through use of a flare. Continuous process emissions may also be controlled through the use of thermal or catalytic incinerators, boilers, process heaters, condensers, absorbers, and adsorbers. Each of these types of devices has different design and operating characteristics that influence the selection of monitoring requirements. Therefore, selection of the monitoring requirements is discussed individually for each type of device.

The typical method of monitoring the operation of a flare is observation for visible emissions. However, if a flare is operating smokelessly, it can be difficult to determine if a flame is present. The presence of a flame can be determined through the use of a heat sensing device on a flare's pilot flame, such as a thermocouple or ultraviolet (UV) beam sensor. One disadvantage of thermocouples is that they burn out if not installed properly. However, UV systems are not as accurate as thermocouples in indicating the presence of a flame. Since thermocouples are considered superior to UV systems for indicating the presence of a flame, the proposed standards would require installation of a thermocouple heat sensor to indicate the presence of a flame at each pilot to ensure proper operation and maintenance of the flare.

Among the criteria governing the use of flares under the proposed standards is a maximum exit gas velocity requirement. Compliance with this requirement is determined by performance testing. While continuous monitoring of the exit gas velocity is not required, it is important to ensure that the vent stream is continuously vented to the flare. Therefore, the proposed standards would require the owner or operator of an affected facility using a flare to comply with the proposed standards to install and operate a flow indicator that provides a record of vent stream flow to the flare for each vent stream.

Incinerators used to comply with the proposed standards need to be maintained and operated properly if a 98 percent reduction, or reduction to 20 ppm, is to be achieved on a continuing basis. Monitoring can generally be used to ensure that such proper operation and maintenance occurs. Two methods of monitoring to ensure proper operation and maintenance of incinerators used to comply with the proposed standards were considered. These methods were continuous monitoring of VOC emission reduction and continuous monitoring of various combustion parameters such as combustion temperature and vent stream flow rate.

Continuous monitoring of VOC emission reduction by monitoring inlet and outlet VOC emissions would be the preferred method of monitoring, because it would provide a continuous, direct measurement of actual emissions. However, operation of a continuous monitor measuring total organic compounds (minus methane and ethane) currently available is complex and labor-intensive, as well as relatively expensive since two monitors (inlet and outlet) could be required. Consequently, this approach to monitoring was not selected.

In terms of monitoring various combustion parameters, it is well accepted that low combustion temperatures can cause significant decreases in VOC destruction efficiency. Test results also indicate that temperature increases can adversely affect control device efficiency. In terms of cost, temperature monitors are relatively inexpensive, and are simple to operate. Consequently, requirements to monitor continuously the combustion temperature in incinerators are included in the proposed standards.

Where a device is used to combust waste VOC streams alone, flow rate can also be an important measure of VOC destruction efficiency since it relates directly to residence time in the combustion device. Gas stream flow rates from polymer production facilities may be small in comparison to the other streams that may be ducted to the same combustion device. As a result, flow rate of the gas stream may not always give a reliable indication of residence time of the VOC. It would, however, provide assurance that the gas streams are being routed to the combustion device for control of VOC emissions. Flow indicators are inexpensive and easy to operate. Therefore, the proposed standards would also require the use of flow indicators with incinerators.

These two combustion parameters (temperature and flow rate) would be measured during the original (or most recent) performance test. These parameters would then be monitored to determine if the combustion temperature deviated from the value measured during the performance test and to ensure that the gas stream is being routed to the control device.

For boilers and process heaters of less than 150 million Btu/hr heat input design, performance testing is required to ensure efficient VOC destruction. For these units, just as for incinerators, temperature would be required to be measured during the original (or most recent) performance test and to be monitored to determine if it deviated from the values measured during the original (or most recent) performance test. Monitoring of temperature would not be required for boilers or process heaters with a design heat input capacity of 150 million Btu/hr or greater.

For boilers or process heaters of any size, it is necessary, for the purpose of ensuring proper operation and maintenance, to know that the boiler or heater is operating and to know that the waste gas is being introduced into the boiler or heater. For boilers and process heaters of less than 150 million Btu/hr heat input design, the continuous temperature monitor provides a record of operation. However, for boilers and process heaters with a heat input design capacity of 150 million Btu/hr or greater, temperature monitoring is not required. Therefore, to ensure that these larger boilers and process heaters are operating, the proposed standards require the maintenance of records (e.g., steam production records) that would indicate the periods of operation of the boiler or process heater. The nature of the records to be kept to comply with this requirement is left to the discretion of the owner or operator of the facility, but they must be readily available for

inspection. Finally, to ensure that the vent stream is being introduced into the boiler or heater, the proposed standards require owners or operators to install and operate a flow indicator that provides a record of vent stream flow to the boiler or heater (of any size) for each vent stream.

For condensation, the exit temperature of the gas stream from the condenser is the primary determinant of condenser performance and VOC emission control. Condenser temperature monitors are available at a reasonable cost and are simple to operate. Consequently, the proposed standards would require continuous monitoring of the condenser exit temperature of the gas stream.

For an absorber, two operating parameters were identified as the primary determinants of absorption performance and associated organic compound emission control: absorbing liquid temperature and specific gravity. Absorbing liquid temperature monitors and specific gravity measurement devices are available at a reasonable cost. Consequently, the proposed standards would require continuous monitoring of absorbing liquid temperature and specific gravity. The proposed standards would accommodate continuous monitoring of parameters other than absorbing liquid temperature and specific gravity to determine absorbing liquid saturation, provided these alternative parameters are approved, on a case-by-case basis, by the Administrator.

For carbon adsorption, the carbon bed temperature (after regeneration and completion of any cooling cycles), the amount of steam used to regenerate the adsorption bed, and the frequency of regeneration of the carbon bed are the primary determinants of adsorber performance and VOC emission control. Carbon bed temperature monitors and steam flow meters, which indicate the quantity of steam used over a period of time, are available at reasonable cost. However, these two variables do not ensure that the carbon bed is being regenerated with sufficiently frequent cycles to maintain control efficiency. Thus, monitoring of these two variables would have to be supplemented with data on the actual frequency of the cycles and the frequency necessary to maintain control efficiency.

A better, more direct monitoring technique is the use of organics concentration monitors on the gas stream discharged from adsorbers. Because performance specifications have not been developed for these monitors, the monitors would not be used to make continuous compliance determinations or to determine exact outlet concentrations. However, these monitors can be used to indicate the status of operation and maintenance practices for the carbon adsorber. Therefore, the proposed standards require the use of organics concentration monitors. A recording device would also be installed so that a record of the measurements is produced.

As mentioned previously, a number of streams other than those covered by the proposed standards could enter the control device being used to comply with the standards. The value of the various parameters that are required to be monitored could vary significantly depending on whether these other gas streams are routed through the device. As the control efficiency of the control device could also vary, the proposed standards would require the normal routing of all gas streams through any control device during the performance test. The value of the parameters that are required to be monitored would then be indicative of proper operation and maintenance during normal operation of the control device.

The proposed standards require the reporting of any process operation change that may result in the increase in the uncontrolled emission rate from process sections that have uncontrolled emission rates at or below the threshold level set for that process section. Although the owners or operators of such process sections do not have to meet the proposed standard (e.g., 98 percent reduction) for that process section, they will need to perform monitoring of process operation variables, whose change may result in emission increases, as is necessary (in the owner's or operator's judgement) to determine if such an increase in emissions may result. The Agency believes this provides sufficient monitoring of such process sections to ensure the appropriate applicability of the proposed standards, and thus no specific monitoring requirements have been included in the proposed standards for such process sections.

H. Selection of Test Methods

1. Process Emissions

When boilers or process heaters with a design heat input capacity of 150 million Btu per hour or greater are used to comply with the proposed standards, performance testing would not be required. Boilers and process heaters with a design heat input capacity of 150 million Btu per hour or greater have been shown to achieve consistently a VOC reduction efficiency of 98 percent or VOC reduction to 20 ppmv as long as the gas stream containing VOC emissions is introduced directly into the flame zone. Such boilers and heaters are generally operated at temperatures and residence times greater than 1,100 degrees Centigrade (2,012 °F) and 1 second, respectively. In some cases, the residence time is less than 1 second. However, in these cases, the firebox temperature is much greater than 1,100 degrees Centigrade (2,012 °F), and 98 percent reduction is still achieved. For these reasons, use of a boiler or heater with a design heat input capacity of 150 million Btu per hour or greater to combust gas streams containing VOC emissions is an acceptable means of demonstrating compliance with the proposed standards provided the vent stream is introduced into the flame zone. The requirement for a performance test on such devices, therefore, has been waived. In lieu of the performance test, however, an initial report describing the location at which the vent stream is introduced into the boiler or process heater is required.

Owners or operators that seek to use the threshold emission rate provision in the proposed standards would be required to perform an initial performance test to demonstrate that the uncontrolled emission rate for each such process section is at or below the threshold level.

Method 18 of Appendix A was selected as the emission test method for determining compliance with the proposed standards for continuous process VOC emissions. This method employs gas chromatography to measure VOC emissions. The primary advantage of this method over others is that individual components can be measured separately. In addition, emissions of methane and ethane, which are considered to have negligible photochemical reactivity, can be measured separately from other VOC emissions. This method was promulgated with the standards limiting equipment leaks of VOC emissions from the SOCMI. The method yields results in terms of concentrations of individual organic compounds.

Method 1 or 1A of Appendix A would be required, as appropriate, to be used for selection of the sampling site. To determine TOC mass emission rates per unit of polymer production, Method 2, 2A, 2C, or 2D of Appendix A would be required to determine the volumetric flow rate of the gas stream discharged to the atmosphere. Multiplying the volumetric flow rate by the TOC emission concentrations and the appropriate molecular weights yields the TOC mass emission rates. Dividing the

TOC mass emission rate by the polymer production rate yields TOC emissions in terms of mass per unit of production. Method 3 of Appendix A would be required to be used for an air dilution correction to 3 percent oxygen in the emissions.

To determine percent TOC emission reduction, mass emissions of TOC entering the control device may be determined as outlined above using Method 18 and Method 2. The difference between mass emissions of TOC entering the control device and mass emissions of TOC discharged to the atmosphere, divided by mass emissions of TOC entering the control device, and multiplied by 100, yields the percent TOC emission reduction.

As mentioned earlier, test methods for measuring VOC emissions from flares are quite complex and costly. Consequently, the proposed standards do not require measurement of VOC emissions from flares, and no test methods were selected for determining compliance with the proposed standards limiting VOC emissions from continuous and intermittent process gas streams controlled by flares. A visible emissions test would be required, however, to ensure compliance with the requirement for smokeless operation.

To determine compliance with the outlet gas temperature requirement for condensers, no specific test method has been selected. The proposed standards require each owner and operator of an affected facility to install a temperature monitor that is demonstrated to work at the temperatures required by the proposed standards, is equipped with a continuous recorder, and has an accuracy of 1 percent of the temperature being measured in degrees Celsius or ±0.5 °C, whichever is greater, on the exit side of the condenser.

To determine the ethylene glycol concentration in the water in the cooling tower or in the cooling water exiting the vacuum system servicing the polymerization reaction section in poly(ethylene terephthalate) plants, the procedures described in ASTM D2908–74, "Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography," were selected to form the basis of a test method. The procedures in ASTM D2908–74 were selected over other potential procedures primarily due to reproducibility of results. In addition, grab sampling procedures of ASTM D3370–76, "Standard Practices for Sampling Water," were selected for collecting the cooling water samples to be tested.

2. Fugitive Emissions

The method selected for the detection of fugitive VOC emission equipment leaks is Method 21 of Appendix A. This method incorporates the use of a portable VOC analyzer to detect the presence of VOC emissions from various points, such as equipment seals, where direct leakage of VOC to the atmosphere could occur. Soaping can be used as a preliminary screening technique. If no bubbles are observed when the soap solution is applied to the potential leak surfaces, the source is presumed not to be leaking.

An additional procedure provided in Method 21 is for the determination of "no detectable emissions." The portable VOC analyzer is used to determine the local ambient VOC concentration in the vicinity of the emission source to be evaluated, and then a measurement is made at the surface of the potential leak interface. If a VOC concentration change of less than 500 ppm or 5 percent of the leak definition (i.e., 10,000 ppm) is observed, then a "no detectable emissions" condition exists. The 5 percent of leak definition was selected based on the readability of a meter scale graduated in 2 percent increments from 0 to 100 percent of scale, and not necessarily on the performance of emission sources.

Performance test requirements under the General Provisions of 40 CFR Part 60 include a notification to the Agency 30 days before each performance test. For fugitive emission sources, tests to determine "no detectable emissions" may occur throughout a year and must occur after each overpressure relief. Requiring an owner or operator to notify the Agency is not considered reasonable for these proposed standards. Thus, the proposed standards exempt fugitive emission testing from this requirement included in the General Provisions.

Method 21 does not include identification of the organic compounds to use for instrument calibration. Based on the results of field tests and laboratory studies, however, methane or hexane are recommended as the reference instrument calibration gases.

I. Selection of Reporting and Recordkeeping Requirements

1. Process Emissions

The General Provisions of 40 CFR Part 60 require submittal of several one-time notifications for occurrences such as construction, modification, reconstruction, scheduled dates for performance tests, and performance test results. Owners and operators of boilers and process heaters with design heat input capacities of 150 million Btu per hour or greater and flares would not report performance test results, since the proposed standards would waive the requirement of such a test. Instead, for such boilers or process heaters, operators would be required to file a report describing the location at which the vent stream is introduced into the boiler (or heater) to be used. For flares where the gas stream being flared is a continuous process gas stream, operators would be required to include in the initial report the type of flare (e.g., steam-assisted), the results of performance testing to determine compliance with the visible emission requirements, and the heat content and the maximum exit gas velocity criteria.

In addition, records must be kept and semiannual reports would be required for exceedances of certain operating parameters for process sections with uncontrolled emissions over the threshold level, and for any change in process operations that increases the uncontrolled emission rate of the process line in which a process section complying with the threshold level provision is located, as applicable. These data are needed by the plant operator to ensure proper operation and maintenance and continuing compliance, and the reports are necessary in order for proper enforcement of the proposed standards. A semiannual basis is the minimum reporting frequency that will allow adequate enforcement. Semiannual reports are waived for affected sources in States where the program has been delegated if, in the course of delegation, different reporting requirements or an alternative means of source surveillance adopted by the State are approved. Such sources would be required to comply with the requirements adopted by the State.

The proposed standards would require maintenance of records of startup, shutdown, and malfunction. Also, maintenance of records indicating whether control equipment has been properly operated and maintained would be required. Records indicating proper operation and maintenance would be based on the monitoring of control device or product recovery device parameters discussed in the previous section.

2. Fugitive Emissions

The proposed standards would require recording general information pertaining to the leak detection and repair program required by the proposed standards. Each valve or pump found to leak would be marked with a readily visible, weatherproof identification. The

identification could be a tag attached to the valve or pump, or a number designation permanently marked on the valve or pump. The identification could be removed after a valve is repaired and found not to leak for the next 2 successive months and after a pump is repaired.

Under these requirements, a log would be maintained to record the efforts by an owner or operator pertaining to the leak detection and repair program. The log would contain the instrument and operator identification numbers, the leaking source identification number, the date of detection of the leaking source, the date of the first attempt to repair the leaking source, repair methods applied to repair the source, and the date of final repair. The log would be kept for 2 years following the survey. If the leaking component could not be repaired within 15 days, the reasons for unsuccessful repair and the date of anticipated successful repair would be recorded on the leak report form. Once the leaking source was successfully repaired, the date of repair would be recorded on the leak report form. These records would provide the information necessary to allow the owner or operator to evaluate the effectiveness of repair efforts and to allow enforcement personnel to assess compliance with the standards.

V. Public Hearing

A public hearing will be held, if requested, to discuss the proposed standards in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact the individuals identified at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, DC (see the **ADDRESSES** section of this preamble).

VI. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials [section 307(d)(7)(A)]).

VII. Miscellaneous

As prescribed by section 111, establishment of standards of performance for the polypropylene, polyethylene, polystyrene, and polyester [poly(ethylene terephthalate)] manufacturing industry was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that polypropylene, polyethylene, polystyrene, and polyester contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. In addition, numerous meetings were held with industry representatives and trade associations during the development of the proposed standards. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues, and on the proposed test methods.

The information provisions (reporting and recordkeeping requirements) associated with this proposed rule (40 CFR 60.565) have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*). Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB—marked "Attention: Desk Officer for EPA." The final rule package will respond to any OMB or public comments on the information collection provisions. For the purposes of OMB's review, EPA has estimated the labor-hour burden of the reporting and recordkeeping requirements. During the first 3 years of this regulation, the average annual burden of the reporting and recordkeeping requirements for the 16 polymer manufacturing respondents would be about 0.8 person-years. The supporting statement that documents the calculation of this burden is filed as item 11-B-76 in docket A-82-19.

Comments are specifically invited on the reporting requirements of the proposed regulation. Any comments submitted should contain specific information and data pertinent to an evaluation of the magnitude and severity of any adverse impact and should suggest alternative courses of action to avoid this impact. Recommended alternative reporting requirements should contain complete instructions and should state all the reasons the recommended requirements would be considered an improvement.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements. The reporting requirements in this regulation will be reviewed as required under EPA's sunset policy for reporting requirements in regulations.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to ensure that the proposed standards represent the best system of emission reduction considering costs. The economic impact assessment is included in the background information document.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because the estimated annualized cost of 1.4 million dollars is well below the 100 million dollar per year criteria for major rules.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB and any response to those comments are available for public inspection at EPA's Central Docket in Washington, DC (see the **ADDRESSES** section of this preamble).

The Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) directs Federal agencies to pay close attention to minimizing any potentially adverse impacts of a standard on small businesses, small governments, and small organizations. It may affect some small businesses, but the impacts will be few and minor. Essentially, all firms that will be required to comply with the standard are either not small businesses, or are subsidiaries of large firms.

The businesses that are expected to own or operate polymers producing

plants during the first five years following proposal are those currently in the field. The Small Business Administration (SBA) classifies small businesses in SIC 2821 (polypropylene, polyethylene, polystyrene) as those with 750 or fewer employees and in SIC 2824 [poly(ethylene terephthalate)] as those with 1,000 or fewer. These levels were set as criteria for most SBA programs (13 CFR Part 121). Only two of the firms are believed to be small businesses, and both of these produce poly(ethylene terephthalate). Because of the competitive nature of the industries and the relatively high levels of capital required to construct polymer manufacturing plants, it is unlikely that any businesses constructing new plants would be small.

Furthermore, any potential adverse economic impacts on new plants, regardless of whether they are owned or operated by large or small businesses, would be minor. For example, the proposed standard would have a minimal impact on product prices even if all costs were passed through to the customer. The maximum product price increase would be about 0.44 percent for plants producing polypropylene using a liquid phase process.

Therefore, pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small business entities because the number of small entities that would be affected is not substantial and the impact of the proposed rule is not significant.

List of Subjects in 40 CFR Part 60

Air pollution control, Incorporation by reference, Intergovernmental relations, Plastics materials, synthetic resins, and nonvulcanizable elastomers (SIC 2821), Reporting and recordkeeping requirements.

Date: September 18, 1987.

Lee M. Thomas,

Administrator.

It is proposed that 40 CFR Part 60 be amended as follows:

PART 60—[AMENDED]

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

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

2. By adding a new subpart DDD to read as follows:

Subpart DDD—Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Polymer Manufacturing Industry

Sec.
60.560 Applicability and designation of affected facilities.
60.561 Definitions.
60.562-1 Standards: Process emissions.
60.562-2 Standards: Equipment leaks of VOC.
60.563 Monitoring requirements.
60.564 Test methods and procedures.
60.565 Reporting and recordkeeping requirements.
60.566 Delegation of authority.

Subpart DDD—Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Polymer Manufacturing Industry

§ 60.560 Applicability and designation of affected facilities.

(a) The provisions of this subpart apply to affected facilities involved in the manufacture of polypropylene, polyethylene, polystyrene, or poly(ethylene terephthalate).

(1) The affected facilities for purposes of the standards for process emissions emitted continuously are defined as each of the following process sections:

(i) For the manufacture of polypropylene using a liquid phase process: each raw materials preparation section, each polymerization reaction section, each material recovery section, and each product finishing section;

(ii) For the manufacture of polypropylene using a gas phase process: each material recovery section;

(iii) For the manufacture of low density polyethylene using a low pressure process or high density polyethylene using a gas phase process: each raw materials preparation section and each product finishing section;

(iv) For the manufacture of high density polyethylene using a liquid phase slurry process: each material recovery section and each product finishing section;

(v) For the manufacture of high density polyethylene using a liquid phase solution process: each raw materials preparation section and each material recovery section;

(vi) For the manufacture of polystyrene using a continuous process: each material recovery section;

(vii) For the manufacture of poly(ethylene terephthalate) using dimethyl terephthalate in a continuous process: each material recovery section and each polymerization reaction section; and

(viii) For the manufacture of poly(ethylene terephthalate) using terephthalic acid in a continuous process: each raw materials preparation (i.e., esterification) section and each polymerization reaction section.

(2) The affected facilities for purposes of the standards for process emissions emitted intermittently are defined as each of the following process sections:

(i) For the manufacture of polypropylene using a liquid phase process: Each polymerization reaction section;

(ii) For the manufacture of polypropylene using a gas phase process: Each polymerization reaction section;

(iii) For the manufacture of low density polyethylene using a high pressure process: Each raw materials preparation section, each polymerization reaction section, each material recovery section, each product finishing section, and each product storage section;

(iv) For the manufacture of low density polyethylene using a low pressure process or high density polyethylene using a gas phase process: Each raw materials preparation section and each polymerization reaction section;

(v) For the manufacture of high density polyethylene using a liquid phase slurry process: Each raw materials preparation section; and

(vi) For the manufacture of high density polyethylene using a liquid phase solution process: Each raw materials preparation section, each polymerization reaction section, and each material recovery section.

(3) The affected facilities for purposes of the standards for equipment leaks of VOC are defined as follows:

(i) The group of all fugitive emissions equipment (as defined in § 60.561) within any process unit (as defined in § 60.561) except process units that manufacture poly(ethylene terephthalate).

(b) Any facility under paragraph (a) of this section that commences construction, modification, or reconstruction after September 30, 1987, is subject to the requirements of this subpart except as provided in paragraphs (c) and (d) of this section.

(c) Except for new polystyrene and poly(ethylene terephthalate) facilities, new, modified, or reconstructed affected facilities with uncontrolled emission rates at or below those identified in Table 1 are exempt from the requirements of § 60.562-1, except that owners or operators seeking to comply with this subpart by complying with the uncontrolled emissions rates in Table 1 are still required to conduct an initial performance test as required by § 60.8.

TABLE 1.—MAXIMUM UNCONTROLLED EMISSION RATES [a]

Production process	Process section	Uncontrolled emission rate, kg VOC/Mg product
Polypropylene, liquid phase process	Raw Materials Preparation	0.15[b]
	Polymerization Reaction	0.14[b], 0.24[c]
	Material Recovery	0.19[b]
	Product Finishing	1.57[b]
Polypropylene, gas phase process	Polymerization Reaction	0.12[c]
	Material Recovery	0.02[b]
Low Density Polyethylene, high pressure process	Raw Materials Preparation	0.41[d]
	Polymerization Reaction	([e])
	Material Recovery	([e])
	Product Finishing	([e])
	Product Storage	([e])
Low Density Polyethylene, low pressure process	Raw Materials Preparation	0.05[f]
	Polymerization Reaction	0.03[g]
	Production Finishing	0.01[b]
High Density Polyethylene, liquid phase slurry process	Raw Materials Preparation	0.25[c]
	Material Recovery	0.11[b]
	Product Finishing	0.41[b]
High Density Polyethylene, liquid phase solution process	Raw Materials Preparation	0.24[f]
	Polymerization Reaction	0.16[ck]
	Material Recovery	1.68[f]
High Density Polyethylene, gas phase process	Raw Materials Preparation	0.05[f]
	Polymerization Reaction	0.03[g]
	Product Finishing	0.01[b]
Polystyrene, continuous process	Material Recovery	0.016[b, h]
Poly(ethylene terephthalate), dimethyl terephthalate process	Material Recovery	0.06[b, h]
	Polymerization Reaction	1.80[h, i, j] 3.92[h, i, k]
Poly(ethylene terephthalate), terephthalic acid process	Raw Materials Preparation	1
	Polymerization Reaction	1.80[h, j, m] 3.92[h, k, m]

[a] "Uncontrolled" emissions refer to the emissions that would be emitted to the atmosphere in the absence of any add-on control devices but after any material recovery devices that constitute part of the normal material recovery operations in a process line where potential emissions are recovered for recycle or resale.
[b] Emission rate applies to continuous emissions only.
[c] Emission rate applies to intermittent emissions only.
[d] Total emission rate for non-emergency intermittent emissions from raw materials preparation, polymerization reaction, material recovery, product finishing, and product storage process sections.
[e] See footnote d.
[f] Emission rate applies to both continuous and intermittent emissions.
[g] Emission rate applies to non-emergency intermittent emissions only.
[h] Applies to modified or reconstructed affected facilities only.
[i] Includes emissions from the cooling tower.
[j] Applies to a process line producing low viscosity poly(ethylene terephthalate).
[k] Applies to a process line producing high viscosity poly(ethylene terephthalate).
[l] See footnote m.
[m] Applies to the sum of emissions to the atmosphere from the polymerization reaction section (including emissions from the cooling water tower) and the raw material preparation section (i.e., the esterifiers).

(d) No process section of an experimental process line is considered an affected facility for continuous or intermittent process emissions.

Note.—The numerical emission limits in these standards are expressed in terms of total organic compounds, measured as total organic compounds less methane and ethane.

§ 60.561 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, in Subpart A of Part 60, or in Subpart VV of Part 60, and the following terms shall have the specific meanings given them.

"Boiler" means any enclosed combustion device that extracts useful energy in the form of steam.

"Continuous emissions" means any gas stream containing VOC that is generated essentially continuously when the process line or any piece of equipment in the process line is operating.

"Continuous process" means a polymerization process in which reactants are introduced in a continuous manner and products are removed either continuously or intermittently at regular intervals so that the process can be operated and polymers produced essentially continuously.

"Control device" means an enclosed combustion device, vapor recovery system, or flare.

"Copolymer" means a polymer that has two different repeat units in its chain.

"Emergency vent stream" means, for the purpose of these standards, an intermittent emission that results from a decomposition, power failure, equipment failure, or other unexpected cause that requires immediate venting of gases from process equipment in order to avoid safety hazards or equipment damage.

"End finisher" means a polymerization reaction vessel operated

under very low pressures, typically at pressures of 2 torr or less, in order to produce high viscosity poly(ethylene terephthalate). An end finisher is preceded in a high viscosity poly(ethylene terephthalate) process line by one or more polymerization vessels operated under less severe vacuums, typically between 5 and 10 torr. A high viscosity poly(ethylene terephthalate) process line may have one or more end finishers.

"Expandable polystyrene" means a polystyrene bead to which a blowing agent has been added using either an in-situ suspension process or a post-impregnation suspension process.

"Experimental process line" means a polymer or copolymer manufacturing process line with the sole purpose of operating to evaluate polymer manufacturing processes, technologies, or products. An experimental process line does not produce a polymer or resin that is sold or that is used as a raw material for nonexperimental process lines.

"Flame zone" means that portion of the combustion chamber in a boiler occupied by the flame envelope.

"Fugitive emissions equipment" means each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by Subpart VV.

"Gas phase process" means a polymerization process in which the polymerization process is carried out in the gas phase; i.e., the monomer(s) are gases in a fluidized bed of catalyst particles and granular polymer.

"High density polyethylene (HDPE)" means a thermoplastic polymer or copolymer comprised of at least 50 percent ethylene by weight and having a density of greater than 0.940 g/cm^3.

"High pressure process" means the conventional production process for the manufacture of low density polyethylene in which a reaction pressure of about 15,000 psig or greater is used.

"High viscosity poly(ethylene terephthalate)" means poly(ethylene terephthalate) that has an intrinsic viscosity of 0.9 or higher and is used in such applications as tire cord and seat belts.

"Incinerator" means an enclosed combustion device that is used for destroying VOC.

"In-situ suspension process" means a manufacture process in which styrene, blowing agent, and other raw materials are added together within a reactor for the production of expandable polystyrene.

"Intermittent emissions" means those gas streams containing VOC that are generated at intervals during process line operation and includes both planned and emergency releases.

"Liquid phase process" means a polymerization process in which the polymerization reaction is carried out in the liquid phase; i.e., the monomer(s) and any catalyst are dissolved, or suspended in a liquid solvent.

"Liquid phase slurry process" means a liquid phase polymerization process in which the monomer(s) are in solution (completely dissolved) in a liquid solvent, but the polymer is in the form of solid particles suspended in the liquid reaction mixture during the polymerization reaction; sometimes called a particle form process.

"Liquid phase solution process" means a liquid phase polymerization process in which both the monomer(s) and polymer are in solution (completely dissolved) in the liquid reaction mixture.

"Low density polyethylene (LDPE)" means a thermoplastic polymer or copolymer comprised of at least 50 percent ethylene by weight and having a density of 0.940 g/cm^3 or less.

"Low pressure process" means a production process for the manufacture of low density polyethylene in which a reaction pressure markedly below that used in a high pressure process is used. Reaction pressure of current low pressure processes typically go up to about 300 psig.

"Low viscosity poly(ethylene terephthalate)" means a polyethylene terephthalate that has an intrinsic viscosity of less than 0.75 and is used in such applications as clothing, bottle, and film production.

"Material recovery section" means the equipment that recovers unreacted or by-product materials from any process section for return to the process line, off-site purification or treatment, or sale, including equipment that treats recovered materials, but not including equipment that also treats raw materials. For the purposes of these standards, material recovery does not apply to the onsite recovery of ethylene glycol from poly(ethylene terephthalate) plants. This equipment in these plants is covered under the standards applicable to the polymerization reaction section.

"Operating day" means, for the purposes of these standards, any calendar day during which equipment used in the manufacture of polymer was operating for at least 8 hours or one labor shift, whichever is shorter. Only operating days shall be used in determining compliance with the standards specified in § 60.562-1(c)(1)(iv), (2)(ii), (3)(ii), and (4)(ii). Any calendar day in which equipment is used for less than 8 hours or one labor shift, whichever is less, is not an "operating day" and shall not be used as part of the rolling 14-day period for determining compliance with the standards specified in § 60.562-1(c)(1)(iv), (2)(ii), (3)(ii), and (4)(ii).

"Polyethylene" means a thermoplastic polymer or copolymer comprised of at least 50 percent ethylene by weight; see low density polyethylene and high density polyethylene.

"Poly(ethylene terephthalate) (PET)" means a polymer or copolymer comprised of at least 50 percent bis-(2-hydroxyethyl)-terephthalate (BHET) by weight.

"Poly(ethylene terephthalate) (PET) manufacture using dimethyl terephthalate" means the manufacturing of poly(ethylene terephthalate) based on the esterification of dimethyl terephthalate (DMT) with ethylene glycol to form the intermediate monomer bis-(2-hydroxyethyl)-terephthalate (BHET) that is subsequently polymerized to PET.

"Poly(ethylene terephthalate) (PET) manufacture using terephthalic acid" means the manufacturing of poly(ethylene terephthalate) based on the esterification reaction of terephthalic acid (TPA) with ethylene glycol to form the intermediate monomer bis-(2-hydroxyethyl)-terephthalate (BHET) that is subsequently polymerized to form PET.

"Polymerization reaction section" means the equipment designed to cause monomer(s) to react to form polymers, including equipment designed primarily to cause the formation of short polymer chains (oligomers or low polymers), but not including equipment designed to prepare raw materials for polymerization, e.g., esterification vessels.

"Polypropylene (PP)" means a polymer or copolymer comprised of at least 50 percent propylene by weight.

"Polystyrene (PS)" means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methylstyrene by weight.

"Post-impregnation suspension process" means a manufacture process in which polystyrene beads are first formed in a suspension process, washed, dried, or otherwise finished and then added with a blowing agent to another reactor in which the beads and blowing agent are reacted to produce expandable polystyrene.

"Process heater" means a device that transfers heat liberated by burning fuel to fluids contained in tubular coils,

including all fluids except water that is heated to produce steam.

"Process line" means a group of equipment assembled that can operate independently if supplied with sufficient raw materials to produce polypropylene, polyethylene, polystyrene (general purpose, crystal, or expandable) or poly(ethylene terephthalate) or one of their copolymers. A process line consists of the equipment in the following process sections (to the extent that these process sections are present at a plant): raw materials preparation, polymerization reaction, product finishing, product storage, and material recovery.

"Process section" means the equipment designed to accomplish a general but well-defined task in polymer production. Process sections include raw materials preparation, polymerization reaction, material recovery, product finishing, and product storage and may be dedicated to a single process line or common to more than one process line.

"Process unit" means equipment assembled to perform any of the physical and chemical operations in the production of polypropylene, polyethylene, polystyrene (general purpose, crystal, or expandable), or poly(ethylene terephthalate) or one of their copolymers. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product. Examples of process units are raw materials handling and monomer recovery.

"Product finishing section" means the equipment that treats, shapes, or modifies the polymer or resin to produce the finished end product of the particular facility. Product finishing equipment may accomplish extruding and pelletizing, cooling and drying, blending, additives introduction, curing, or annealing. Product finishing does not include polymerization or shaping such as fiber spinning, molding, or fabricating, or modification such as fiber stretching and crimping.

"Product storage section" means the equipment that is designed to store the finished polymer or resin end product of the particular facility. Product storage does not include any intentional modification of the characteristics of any polymer or resin product or shipment of a finished polymer or resin product to another facility for further finishing or fabrication.

"Raw materials preparation section" means the equipment located at a polymer manufacturing plant designed to prepare raw materials such as monomers and solvents for polymerization. The raw materials preparation section may include equipment that accomplishes purification, drying, or other treatment of raw materials or of raw and recovered materials together, activation of catalysts, and esterification including the formation of some short polymer chains (oligomers), but does not include equipment that is designed primarily to accomplish the formation of oligomers, the treatment of recovered materials alone, or the storage of raw materials.

"Recovery system" means an individual unit or series of material recovery units, such as absorbers, condensers, and carbon absorbers, used for recovering volatile organic compounds (VOC).

"Total organic compounds (TOC)" means those compounds measured according to the procedures specified in § 60.564.

"Vent stream" means any gas stream released to the atmosphere from any polymers and resins process line.

"Volatile organic compounds (VOC)" means, for the purposes of these standards, any reactive organic compounds as defined in § 60.2 Definitions.

§ 60.562-1 Standards: Process emissions.

(a) *Polypropylene, low density polyethylene, and high density polyethylene.* On or before the date on which the performance test is required by § 60.8, each owner or operator of a polypropylene, low density polyethylene, or high density polyethylene process line containing a process section subject to the provisions of this subpart shall comply with the following:

(1) For each vent stream that emits continuous emissions in an affected facility as defined in § 60.560(a)(1) (i), (ii), (iii), (iv), and (v):

(i) Reduce emissions of total organic compounds (TOC) (minus methane and ethane) by 98 weight percent, or to a TOC (minus methane and ethane) concentration of 20 ppm by volume (ppmv), expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen, whichever is less stringent. If a boiler or process heater is used to comply with this paragraph, then the vent stream shall be introduced into the flame zone of the boiler or process heater; or

(ii) Combust the emissions in a flare as follows:

(A) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in § 60.564(b)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(B) Flares shall be operated with a flame present at all times, as determined by the methods specified in § 60.564(b)(2).

(C) Flares used to comply with provisions of this subpart shall be steam-assisted, air-assisted, or nonassisted.

(D) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in § 60.564(c)(7).

(E)(*1*) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in § 60.564(c)(4), less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (a)(1)(ii)(E) (*2*) and (*3*) of this section.

(*2*) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 60.564(c)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

(*3*) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 60.564(c)(4), less than the velocity, V_{max}, as determined by the method specified in § 60.564(c)(b), and less than 122 m/sec (400 ft/sec) are allowed.

(F) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, V_{max}, as determined by the method specified in § 60.564(c)(6).

(2) For each vent stream that emits intermittent emissions in an affected facility as defined in § 60.560(a)(2), except for emergency vent streams in low density polyethylene plants using either a high pressure or low pressure process and high density polyethylene plants using a gas phase process:

(i) Combust the emissions in a flare:

(A) That is designed for and operated with no visible emissions as determined by the methods specified in § 60.564(b)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(B) That is operated with a flame present at all times, as determined by the methods specified in § 60.564(b)(2).

(C) That is designed to maintain a stable flame.

(b) *Polystyrene.* On or before the date on which the performance test is required by § 60.8, each owner or operator of a polystyrene process line containing process sections subject to the provisions of this subpart shall comply with the following:

(1) For polystyrene process lines using a continuous process,

(i) Not allow continuous TOC emissions from the material recovery section to be greater than 0.0036 kg TOC/Mg product; or

(ii) Not allow the outlet gas stream from each final condenser in the material recovery section to exceed −25 °C (−13 °F).

(c) *Poly(ethylene terephthalate).* On or before the date on which the performance test is required by § 60.8, each owner or operator of a poly(ethylene terephthalate) process line containing process sections subject to the provisions of this subpart shall comply with the following:

(1) For poly(ethylene terephthalate) process lines producing a low viscosity product using the dimethyl terephthalate process,

(i) Not allow continuous TOC emissions from the material recovery section (i.e., methanol recovery) to be greater than 0.0027 kg TOC/Mg product, or

(ii) Not allow the outlet gas temperature from each final condenser in the material recovery section (i.e., methanol recovery) to exceed −24 °C (−11 °F).

(iii) Not allow continuous TOC emissions from the polymerization reaction section (including emissions from any equipment used to further recover the ethylene glycol, but excluding those emissions from the cooling tower) to be greater than 0.02 kg TOC/Mg product.

(iv) If steam-jet ejectors are used as vacuum producers for the polymerization reaction, maintain the concentration of ethylene glycol in the condensate from the ejectors at or below 0.35 percent by weight averaged on a daily basis over a rolling 14-day period of operating days as determined by the procedures specified in § 60.564(e).

(2) For poly(ethylene terephthalate) process lines producing a low viscosity product using the terephthalic acid process,

(i) Not allow continuous TOC emissions from the polymerization reaction section (including emissions from any equipment used to further recover the ethylene glycol, but excluding those emissions from the cooling tower) to be greater than 0.02 kg TOC/Mg product.

(ii) If steam-jet ejectors are used as vacuum producers for the polymerization reaction, maintain an ethylene glycol concentration in the condensate from the ejectors at or below 0.35 percent by weight averaged on a daily basis over a rolling 14-day period of operating days as determined by the procedures specified in § 60.564(d).

(iii) Not allow continuous TOC emissions from the esterification vessels in the raw materials preparation section to be greater than 0.04 kg TOC/Mg product.

(3) For poly(ethylene terephthalate) process lines producing a high viscosity product using a single end finisher,

(i) Not allow continuous TOC emissions from the polymerization reaction section (including emissions from any equipment used to further recover the ethylene glycol, but excluding those emissions from the cooling tower) to be greater than 0.02 kg TOC/Mg product.

(ii) If steam-jet ejectors are used as vacuum producers for the polymerization reaction, maintain an ethylene glycol concentration in the condensate from the ejectors at or below 0.35 percent by weight averaged on a daily basis over a rolling 14-day period of operating days as determined by the procedures specified in § 60.564(e).

(iii) If the terephthalic acid process is being used, not allow continuous TOC emissions from the esterification vessels in the raw materials preparation section to be greater than 0.04 kg TOC/Mg product.

(iv) If the dimethyl terephthalate process is being used, not allow continuous TOC emissions from the material recovery section (i.e., methanol recovery) to be greater than 0.0027 kg TOC/Mg product, or not allow the outlet gas temperature from each final condenser in the material recovery section (i.e., methanol recovery) to exceed −24 °C (−11 °F).

(4) For poly(ethylene terephthalate) process lines producing a high viscosity product with multiple end finishers,

(i) Not allow continuous TOC emissions from the polymerization reaction section (including emissions from any equipment used to recover further the ethylene glycol, but excluding those emissions from the cooling tower) to be greater than 0.02 kg TOC/Mg product.

(ii) If steam-jet ejectors are used as vacuum producers for the polymerization reaction, maintain an ethylene glycol concentration in the cooling tower at or below 6.0 percent by weight averaged on a daily basis over a rolling 14-day period of operating days as determined by procedures specified in § 60.564(e).

(iii) If the terephthalic acid process is being used, not allow continuous TOC emissions from the esterification vessels in the raw materials preparation section to be greater than 0.04 kg TOC/Mg product.

(iv) If the dimethyl terephthalate process is being used, not allow continuous TOC emissions from the material recovery section (i.e., methanol recovery) to be greater than 0.0027 kg TOC/Mg product, or not allow the outlet gas temperature from each final condenser in the material recovery section (i.e., methanol recovery) to exceed −24 °C (−11 °F).

(d) Closed vent systems and control devices used to comply with this subpart shall be operated at all times when emissions may be vented to them.

§ 60.562-2 Standards: Equipment leaks of VOC.

(a) Each owner or operator of an affected facility subject to the provisions of this subpart shall comply with the requirements specified in §§ 60.482-1 through 60.482-10 as soon as practicable, but no later than 180 days after initial startup.

(b) An owner or operator may elect to comply with the requirements specified in §§ 60.483-1 and 60.483-2.

(c) An owner or operator may apply to the Administrator for a determination of equivalency for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart. In doing so, the owner or operator shall comply with requirements specified in § 60.484.

(d) Each owner or operator subject to the provisions of this subpart shall comply with the provisions specified in § 60.485 except as follows:

(1) An owner or operator may use the following provision in addition to § 60.485(e): Equipment is in light liquid service if the percent evaporated is greater than 10 percent at 150 °C as determined by ASTM Method D-86 (incorporated by reference as specified in § 60.18).

(e) Each owner or operator subject to the provisions of this subpart shall comply with § 60.486 and § 60.487.

§ 60.563 Monitoring requirements.

(a) If an incinerator is used to comply with § 60.562-1, except § 60.562-1(a)(2), the owner or operator of an affected

facility shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment:

(1) A temperature monitoring device equipped with a continuous recorder and having an accuracy of 1 percent of the temperature being measured expressed in degrees Celsius or ±0.5 °C, whichever is greater.

(i) Where an incinerator other than a catalytic incinerator is used, this temperature monitoring device shall be installed in the firebox.

(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(2) A flow indicator in each vent stream at a point closest to the inlet of each incinerator and before being joined with any other vent stream. Each flow indicator shall provide a record of vent stream flow to the incinerator at least once every hour for each affected facility.

(b) If a flare is used to comply with § 60.562-1, except § 60.562-1(a)(2), the owner or operator of an affected facility shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment:

(1) A thermocouple or similar monitoring device at each pilot light in the flare to indicate the continuous presence of a flame, and

(2) A flow indicator that provides a record of vent stream flow to the flare at least once every hour for each affected facility.

(c) The owner or operator of an affected facility subject to § 60.562-1(a)(2) shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment:

(1) A thermocouple or similar monitoring device at each pilot light in the flare to indicate the continuous presence of a flame, and

(2) A flow indicator that provides a record of vent stream flow to the flare for each affected facility.

(d) If a boiler or process heater is used to comply with § 60.562-1, except § 60.562-1(a)(2), the owner or operator of an affected facility shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

(1) At a point closest to the inlet of each boiler or process heater and before being joined with any other vent stream, a flow indicator that provides a record of vent stream flow to the boiler or process heater at least once every hour for each affected facility, and

(2) For boilers or process heaters with a heat input design capacity of less than 150 million Btu/hr, a temperature monitoring device equipped with a continuous recorder and having an accuracy of 1 percent of the temperature being measured expressed in degrees Celsius or ±0.5 °C, whichever is greater. For watertube boilers, the temperature monitoring device shall be installed between the radiant section and the convection zone. For firetube boilers, the temperature monitoring device shall be installed between the furnace (combustion zone) and the firetubes.

(3) For boilers or process heaters with a heat input design capacity of 150 million Btu/hr or greater, the owner or operator of an affected facility shall maintain such records to indicate the periods of operation of the boiler or process heater. The records must be readily available for inspection.

(e) Where an absorber, condenser, or adsorber is used to comply with § 60.562-1, except § 60.562-1(a)(2), the owner or operator of an affected facility shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment, unless alternative monitoring procedures or requirements are approved for that facility by the Administrator:

(1) If an absorber is the final unit in a system,

(i) A scrubbing liquid temperature monitoring device having an accuracy of 1 percent of the temperature being measured expressed in degrees Celsius or ±0.5 °C, whichever is greater, and a specific gravity monitoring device having an accuracy of ±0.02 specific gravity unit, each equipped with a continuous recorder, or

(ii) An organic monitoring device used to indicate the concentration level of organic compounds based on a detection principle such as infrared, photoionization, or thermal conductivity, equipped with a continuous recorder, for the outlet of the absorber.

(2) If a condenser is the final unit in a system,

(i) A condenser exit (product side) temperature monitoring device equipped with a continuous recorder and having an accuracy of 1 percent of the temperature being measured expressed in degrees Cellsius or ±0.5 °C, whichever is greater, or

(ii) An organic monitoring device used to indicate the concentration level of organic compounds based on a detection principle such as infrared, photoionization, or thermal conductivity, each equipped with a continuous recorder, for the outlet of the condenser.

(3) If a carbon adsorber is the final unit in a system,

(i) An organic monitoring device used to indicate the concentration level of organic compounds based on a detection principle such as infrared, photoionization, or thermal conductivity, equipped with a continuous recorder, for the outlet of the carbon bed.

(f) Owners or operators of control devices used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs.

(g) An owner or operator of an affected facility complying with the standards specified under § 60.562-1 with control devices other than an incinerator, boiler, process heater, flare, absorber, condenser, or carbon adsorber or by any other means shall provide to the Administrator information describing the operation of the control device and the process parameter(s) which would indicate proper operation and maintenance of the device. The Administrator may request further information and will specify appropriate monitoring procedures or requirements.

§ 60.564 Test methods and procedures.

(a) The test methods in Appendix A to this part, except as provided under § 60.8(b), shall be used as reference methods for determining TOC (minus methane and ethane) reduction efficiency or the TOC (minus methane and ethane) concentration at the outlet of the control device to determine compliance with the standards specified under § 60.562-1 when control devices other than flares are used, as follows:

(1) Method 1 or 1A, as appropriate, for selection of the sampling site. The sampling site for determination of offgas molar composition or TOC reduction efficiency shall be prior to the inlet of any combustion device and after all product recovery units.

(2) Method 2, 2A, 2C, or 2D, as appropriate, for determination of the volumetric flow rate.

(3) Method 3 for air dilution correction, based on 3 percent oxygen in the emission sample.

(4) Method 18 to determine the individual concentrations of all organics.

(5) The following equation shall be used to determine the TOC concentration (minus methane and ethane) in the emission sample:

$$C_{TOC} = \sum_{i=1}^{n} C_i$$

where:

C_{TOC} = the concentration of total organic compounds (minus methane and ethane), ppm.
C_i = the concentration of sample component i, ppm.

(6) The following equation shall be used to determine the concentration corrected for oxygen, based on 3 percent oxygen in the emission sample:

$$C_{CORR} = C_{MEAS} \times \left(\frac{17.9}{20.9 - Y}\right)$$

where:
C_{CORR} = the concentration corrected for oxygen.
C_{MEAS} = the concentration uncorrected for oxygen.
Y = the measured 12-hour average volumetric oxygen concentration.

(7) The following equation shall be used to determine the percent emission reduction of TOC (minus methane and ethane):

$$P = \frac{E_{inlet} - E_{outlet}}{E_{inlet}} \times 100$$

where:
P = percent reduction.
E_{inlet} = mass emissions, kg TOC/Mg product, entering the control device.
E_{outlet} = mass emissions, kg TOC/Mg product, discharged to the atmosphere.

(8) Where a boiler or process heater with a design heat input capacity of 150 million Btu/hour or greater is used, the requirement for an initial performance test is waived, in accordance with § 60.8(b). However, the Administrator reserves the option to require testing at such other times as may be required, as provided for in § 114 of the Act.

(b) When a flare is used to comply with § 60.562-1:

(1) Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.

(2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(c) The test methods in Appendix A to this part, except as provided under § 60.8(b), shall be used as reference methods for determining the TOC (minus methane and ethane) emission rate in terms of kilogram emission per megagram of product, exit velocities, or net heating value of the gas combusted to determine compliance under § 60.560(c) and § 60.562-1, as follows:

(1) Method 1 or 1A, as appropriate, for selection of the sampling site. The sampling site for the molar composition and vent stream flow rate determination prescribed in §§ 60.564(c) (2) and (3) shall be prior to the inlet of any combustion device and prior to any dilution of the stream with air.

(2) The composition of the process vent stream shall be determined as follows:

(i) Method 18 and ASTM D2504-67 (reapproved 1977) (incorporated by reference—see § 60.17) to measure the concentration of TOC (minus methane and ethane) and concentration of all other compounds present except water vapor and carbon monoxide.

(ii) Method 4 to measure the content of water vapor.

(3) The volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D, as appropriate.

(4) The actual exit velocity of a flare shall be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Method 2, 2A, 2C, or 2D as appropriate, by the unobstructed (free) cross sectional area of the flare tip.

(5) The maximum permitted velocity, V_{max}, for flares complying with § 60.564(a)(1)(ii)(E)(iii) shall be determined using the following equation:

$$\mathrm{Log}_{10}(V_{max}) = (H_T + 28.8)/31.7$$

where:
V_{max} = Maximum permitted velocity, m/sec.
28.8 = Constant.
31.7 = Constant.
H_T = The net heating value as determined in paragraph (c)(7) of this section.

(6) The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$$V_{max} = 8.706 + 0.7084(H_T)$$

where:
V_{max} = Maximum permitted velocity, m/sec.
8.706 = Constant.
0.7084 = Constant.
H_T = The net heating value as determined in paragraph (c)(7) of this section.

(7) The net heating value of the process vent stream being combusted in a flare shall be calculated using the following equation:

$$H_T = K \left(\sum_{i=1}^{n} C_i H_i\right)$$

where:
H_T = Net heating value of the sample, MJ/scm, where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C;

$$K = \text{Constant, } 1.740 \times 10^{-7} \frac{(1)}{\text{ppm}} \frac{(\text{g mole})}{\text{scm}} \frac{(\text{MJ})}{\text{kcal}},$$

where standard temperature for $\frac{(\text{g mole})}{\text{scm}}$ is 20 °C;

C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-82 (incorporated by reference as specified in § 60.17); and

H_i = Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion of process vent stream components may be determined using ASTM D2382-76 (reapproved 1977) (incorporated by reference as specified in § 60.17) if published values are not available or cannot be calculated.

(8) The emission rate of TOC (minus methane and ethane) in the process vent stream shall be calculated using the following equation:

$$E_{TOC} = K \left(\sum_{i=1}^{n} C_i M_i \right) Q_s$$

where:

E_{TOC} = Emission rate of total organic compounds (minus methane and ethane) in the sample, kg/hr.

K = Constant, 2.494×10^{-6} (1/ppm) (g-mole/scm) (kg/g) (min/hr), where standard temperature for (g-mole/scm) is 20 °C.

C_i = Concentration of sample component i, ppm.

M_i = Molecular weight of sample component i, g/g-mole.

Q_s = Vent stream flow rate (scm/min), at a standard temperature of 20 °C.

(9) The rate of polymer produced, P_p (kg/hr), shall be determined by dividing the weight of polymer pulled in kilograms (kg) from the process line during the performance test by the number of hours (hr) taken to perform the performance test. The polymer pulled, in kilograms, shall be determined by direct measurement or, subject to prior approval by the Administrator, computed from materials balance by good engineering practice.

(10) The emission rate of TOC (minus methane and ethane) in terms of kilograms of emissions per megagram of production shall be calculated using the following equation:

$$ER_{TOC} = \frac{E_{TOC}}{P_p \times \frac{1 \text{ Mg}}{1{,}000 \text{ kg}}}$$

where:

ER_{TOC} = Emission rate of total organic compounds (minus methane and ethane), kg TOC/Mg product.

E_{TOC} = Emission rate of total organic compounds (minus methane and ethane) in the sample, kg/hr.

P_p = The rate of polymer produced, kg/hr.

(d) For purposes of determining compliance with § 60.562-1(b)(1)(ii), (c)(1)(ii), (c)(3)(iv), or (c)(4)(iv), a condenser exit temperature monitor equipped with a continuous recorder and having an accuracy of 1 percent of the temperature being measured expressed in degrees Celsius or ±0.5 °C, whichever is greater, shall be used to calculate the average exit temperature, measured at least every 15 minutes and averaged over the performance test period while the vent stream is normally routed and constituted. Each 3-hour period constitutes a performance test.

(e) For purposes of determining compliance with § 60.562-1(c) (1)(iv), (2)(ii), (3)(ii), or (4)(ii), the ethylene glycol concentration in either the cooling tower or the condensate from steam-jet ejectors used to produce a vacuum in the polymerization reactors, whichever is applicable, shall be determined using procedures that conform to the methods described in ASTM D2908-74, "Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Chromatography" (incorporated by reference—see § 60.17). At least one sample per operating day shall be collected using the grab sampling procedures of ASTM D3370-76, "Standard Practices for Sampling Water" (incorporated by reference—see § 60.17). An average ethylene glycol concentration by weight shall be calculated on a daily basis over a rolling 14-day period of operating days. Each daily average ethylene glycol concentration so calculated constitutes a performance test.

(f) Each owner or operator of an affected facility shall conduct a performance test according to the procedures specified by § 60.546 (a) through (e), as appropriate, in order to determine compliance with § 60.562-1 whenever changes are made in production capacity, feedstock type or catalyst type, or whenever there is replacement, removal, or addition of a control device.

§ 60.565 Reporting and recordkeeping requirements.

(a) Each owner or operator subject to the provisions of this subpart shall keep an up-to-date, readily-accessible record of the following data measured during each performance test, and shall include the following data in the report of the initial performance test in addition to the written results of such performance tests as required under § 60.8. Where a boiler or process heater with a design heat input capacity of 150 million Btu/hour or greater is used to comply with § 60.562-1(a)(1)(i), a report containing performance test data need not be submitted, but a report containing the information in § 60.565(a)(2)(i) is required. The same data specified in this section shall be submitted in the reports of all subsequently required performance tests where either the emission control efficiency of a combustion device, or the outlet concentration of TOC (minus methane and ethane) is determined.

(1) When an incinerator is used to demonstrate compliance with § 60.562-1, except § 60.562-1(a)(2):

(i) The average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed), measured at least every 15 minutes and averaged over the performance test period, and

(ii) The percent reduction of TOC (minus methane and ethane) achieved by the incinerator, the concentration of TOC (minus methane and ethane) (ppmv, by compound) at the outlet of the control device on a dry basis corrected to 3 percent oxygen, or the emission rate in terms of kilograms TOC (minus methane and ethane) per megagram of product at the outlet of the control device, whichever is appropriate.

(2) When a boiler or process heater is used to demonstrate compliance with § 60.562-1, except § 60.562-1(a)(2):

(i) A description of the location at which the vent stream is introduced into the boiler or process heater, and

(ii) For boilers or process heaters with a design heat input capacity of less than 150 million Btu/hr, all 3-hour periods of operation during which the average combustion temperature was more than 28 °C (50 °F) below the average combustion temperature during the most recent performance test at which compliance was determined.

(3) When a flare is used to demonstrate compliance with § 60.562-1, except § 60.562-1(a)(2):

(i) All visible emission readings, heat content determination, flow rate measurements, and exit velocity determinations made during the performance test,

(ii) Continuous records of the flare pilot light flame heat-sensing monitoring, and

(iii) Records of all periods of operations during which the pilot flame is absent.

(4) For flares used to meet the requirements of § 60.562-1(a)(2):

(i) All visible emission readings made during the performance test,

(ii) Continuous records of the flare pilot light flame heat-sensing monitoring, and

(iii) Records of all periods of operation during which the pilot flame is absent.

(5) When an absorber is the final unit in a system to demonstrate compliance with § 60.562-1, except § 60.562-1(a)(2):

(i) The specific gravity (or alternative parameter that is a measure of the degree of absorbing liquid saturation, if approved by the Administrator), and average temperature, measured at least every 15 minutes and averaged over the performance test period, of the absorbing liquid (both measured while the vent stream is normally routed and constituted).

(6) When a condenser is the final unit in a system to demonstrate compliance with § 60.562-1, except § 60.562-1(a)(2):

(i) The average exit (product side) temperature, measured at least every 15 minutes and averaged over the performance test period while the vent stream is normally rated and constituted.

(7) Daily measurement and daily average 14-day rolling average of the ethylene glycol concentration in the condensate exiting the vacuum system servicing the polymerization reaction section, if an owner or operator is subject to § 60.562-1 (c)(1)(iv), (c)(2)(ii), or (c)(3)(ii), or of the ethylene glycol concentration in the cooling water in the cooling tower, if subject to § 60.562-1(c)(4)(ii).

(8) When a carbon adsorber is the final unit in a system to demonstrate compliance with § 60.562-1, except § 60.562-1(a)(2): the concentration level or reading indicated by the organics monitoring device at the outlet of the adsorber, measured at least every 15 minutes and averaged over the performance test period while the vent stream is normally routed and constituted.

(9) When an owner or operator seeks to comply with the requirements of this subpart by complying with the uncontrolled emission rate cutoff provision in § 60.560(c), each process operation variable (e.g., pressure, temperature, type of catalyst) that may result in an increase in the uncontrolled emission rate should such operating parameter or input be changed.

(b) Where an incinerator is used to comply with § 60.562-1, except § 60.562-1(a)(2), each owner or operator subject to the provisions of this subpart shall keep for at least 2 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored under § 60.563 (a) and (g), as well as up-to-date, readily accessible records of periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. Periods of operation during which the parameter boundaries established during the most recent performance test are exceeded are defined as follows:

(1) For thermal incinerators, all 3-hour periods of operation during which the average combustion temperature was more than 28 °C (50 °F) below the average combustion temperature during the most recent performance test at which compliance was demonstrated.

(2) For catalytic incinerators, all 3-hour periods of operation during which the average temperature of the vent stream immediately before the catalyst bed is more than 28 °C (50 °F) below the average temperature of the vent stream during the most recent performance test at which compliance was demonstrated. The owner or operator also shall record all 3-hour periods of operation during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference of the device during the most recent performance test at which compliance was demonstrated.

(c) Where a boiler or process heater is used to comply with § 60.562-1, except § 60.562-1(a)(2), each owner or operator subject to the provisions of this subpart shall keep for at least 2 years up-to-date, readily accessible continuous records of:

(1) The flow records specified under § 60.563(d)(1),

(2) All periods when there has been no flow rate for each vent stream,

(3) Where a boiler or process heater with a heat input design capacity of 150 million Btu/hr or greater is used, all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State or Federal regulatory requirements), and

(4) Where a boiler or process heater with a heat input design capacity of less than 150 million Btu/hr is used, each owner or operator shall also keep up-to-date, readily accessible records of periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. Periods of operation during which the parameter boundaries established during the most recent performance test are exceeded are defined as all 3-hour periods of operation during which the average combustion temperature was more than 28 °C (50 °F) below the average combustion temperature during the most recent performance test at which compliance was demonstrated.

(d) Where a flare is used to comply with § 60.562-1, each owner or operator subject to the provisions of this subpart shall keep for at least 2 years up-to-date, readily accessible continuous records of:

(1) The flow records specified under § 60.563(b)(2) or, if complying with § 60.562-1(a)(2), under § 60.563(c)(2).

(2) All periods when there has been no flow rate at each vent stream,

(3) All periods of operations in which the pilot flame is absent, and

(4) The flare pilot light flame heat sensing monitoring specified under § 60.563(b) or, if complying with § 60.562-1(a)(2), under § 60.563(c).

(e) Each owner or operator subject to the provisions of this subpart shall keep for at least 2 years up-to-date, readily-accessible continuous records of the equipment operating parameters specified to be monitored under § 60.563 (e) and (g) as well as up-to-date, readily accessible records of periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. Where an owner or operator seeks to comply with § 60.562-1, periods of operation during which the parameter boundaries established during the most recent performance tests are exceeded are defined as follows:

(1) Where an absorber is the final unit in a system:

(i) All 3-hour periods of operation during which the average absorbing liquid temperature was more than 11 °C (20 °F) above the average absorbing liquid temperature during the most recent performance test, and

(ii) All 3-hour periods of operation during which the average absorbing liquid specific gravity was more than 0.1 unit above, or more than 0.1 unit below, the average absorbing liquid specific gravity during the most recent performance test (unless monitoring of an alternative parameter that is a measure of the degree of absorbing liquid saturation is approved by the Administrator, in which case he or she will define appropriate parameter boundaries and periods of operation during which they are exceeded).

(2) Where a condenser is the final unit in a system:

(i) All 3-hour periods of operation during which the average condenser operating temperature was more than 6 °C (10 °F) above the average operating temperature during the most recent performance test.

(3) Where a carbon adsorber is the final unit in a system:

(i) All 3-hour periods of operation during which the average concentration of TOC (minus methane and ethane) in the carbon adsorber gases is more than 20 percent greater than the exhaust gas concentration level or reading measured

by the organics monitoring system during the most recent performance test.

(f) Each owner or operator of an affected facility subject to the provisions of this subpart and seeking to demonstrate compliance with § 60.562-1 shall keep up-to-date, readily accessible records of:

(i) Any changes in production capacity, feedstock type, or catalyst type, or of any replacement, removal or addition of product recovery equipment; and

(ii) The results of any performance test performed pursuant to the procedures specified by § 60.564 (b), (c), (d), or (e).

(g) Each owner or operator of an affected facility that seeks to comply with the requirements of this subpart by complying with the uncontrolled emission rate cutoff provision in § 60.560(c) shall keep for at least 2 years up-to-date, readily accessible records of any change in process operation that increases the uncontrolled emission rate of the process line in which the affected facility is located.

(h) Each owner and operator subject to the provisions of this subpart is exempt from § 60.7(c) of the General Provisions.

(i) The Administrator will specify appropriate reporting and recordkeeping requirements where the owner or operator of an affected facility complies with the standards specified under § 60.562-1 other than as provided under § 60.565 (a) through (e).

(j) Each owner or operator that seeks to comply with the requirements of this subpart by complying with the uncontrolled emission rate cutoff provision of § 60.560(c) or the requirements of § 60.562-1 shall submit to the Administrator semiannual reports of the following recorded information, as applicable. The initial report shall be submitted within 6 months after the initial start-up date.

(1) Exceedances of monitored parameters recorded under § 60.565 (b), (c)(4), and (e).

(2) All periods recorded under § 60.565(c) or § 60.565(d) when the vent stream has been diverted from the control device or has no flow rate.

(3) All periods recorded under § 60.565(c) when the boiler or process heater was not operating.

(4) All periods recorded under § 60.565(d) in which the pilot flame was absent.

(5) All periods recorded under § 60.565(a)(7) when the 14-day rolling average exceeded the standard specified in § 60.562-1(c) (1)(iv), (2)(ii), (3)(ii), or (4)(ii), as applicable.

(6) Any change in process operations that increases the uncontrolled emission rate of the process line in which the affected facility is located, as recorded in § 60.565(g).

(k) Each owner or operator subject to the provisions of this subpart shall notify the Administrator of the specific provisions of § 60.562 or § 60.560(c), as applicable, with which the owner or operator has elected to comply. Notification shall be submitted with the notification of initial startup required by § 60.7(a)(3). If an owner or operator elects at a later date to use an alternative provision of § 60.562 with which he or she will comply or becomes subject to § 60.562 for the first time (i.e., the owner or operator can no longer meet the requirements of this subpart by complying with the uncontrolled emission rate cutoff provision in § 60.560(c)), then the owner or operator shall notify the Administrator 90 days before implementing a change and, upon implementing a change, a performance test shall be performed as specified in § 60.564.

(l) The requirements of this subsection remain in force until and unless EPA, in delegating enforcement authority to a State under section 111(c) of the Act, approves alternative reporting requirements or means of compliance surveillance adopted by such State. In that event, affected sources within the State will be relieved of the obligation to comply with this subsection, provided that they comply with the requirements established by the State.

§ 60.566 Delegation of authority.

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authority contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authority which will not be delegated to States: § 60.562-2(c).

3. Section 60.17 is amended by revising paragraphs (a)(6), (a)(38), and (a)(39) and by adding paragraphs (a)(48) and (a)(49) to read as follows:

§ 60.17 Incorporation by reference.

* * * * *

(a) * * *

(6) ASTM D1946-82, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for § 60.45(f)(5)(i) and § 60.564(c).

* * * * *

(38) ASTM D2382-76 (Reapproved 1977), Standard Test Method for Heat of Combustion of Hydrocarbon Fuel by Bomb Calorimeter (High-Precision Method), IBR approved for § 60.485(g) and § 60.564(c).

(39) ASTM D2504-67 (Reapproved 1977), Noncondensable Gases in C_3 and Lighter Hydrocarbon Products by Gas Chromatography, IBR approved for § 60.485(g) and §§ 60.564 (a) and (c).

* * * * *

(48) ASTM D2908-74, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Chromatography, IBR approved for § 60.564(d).

(49) ASTM D3370-76, Standard Practices for Sampling Water, IBR approved for § 60.564(d).

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Part V

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Monthly Actuarial Rates and Part B Premium Rates Beginning January 1, 1988; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[OACT-013-N]

Medicare Program; Monthly Actuarial Rates and Part B Premium Rates Beginning January 1, 1988

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the monthly actuarial rates for aged (age 65 or over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for calendar year 1988. It also announces the montly SMI premium rate to be paid by all enrollees during calendar year 1988. The 1988 monthly Part B premium will be increased from $17.90 to $24.80.

The $6.90 increase in the SMI premium is a result of several factors. First, because the trust fund reserve at the end of 1986 was larger than necessary to provide an adequate program contingency, the actuarial rate, and hence the premium, promulgated for 1987 was, as for the two previous years, set at a level lower than would otherwise have been required to finance projected 1987 expenditures. This reduced the 1987 premium by $1.43. In contrast, because the trust fund has since been reduced to the minimum level, the 1988 premium is increased by 6.5 cents to replenish the trust fund reserves. The difference between the $1.43 negative contingency margin for 1987 and the positive margin of 6.5 cents of 1988 accounts for $1.50 of the premium increase. Second, our current estimate of 1987 expenditures is 12.1 percent higher than projected at the time we promulgated the 1987 premium. Finally, we estimate Part B expenditures to increase by 13.9 percent in 1988. Almost 60 percent of the premium increase is due to growth in physician expenditures; from 1984 through 1988, Part B spending for physicians' services is growing at 11.5 percent annually.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Carter S. Warfield, (301) 594-2893.

SUPPLEMENTARY INFORMATION:

I. Background

The Medicare Supplementary Medical Insurance (SMI) program is the voluntary Medicare Part B program that pays all or part of the costs for physicians' services, outpatient hospital services, home health services, services furnished by rural health clinics, ambulatory surgical centers, and comprehensive outpatient rehabilitation facilities, and certain other medical and health services not covered by hospital insurance (Medicare Part A). The SMI program is available to individuals who are entitled to hospital insurance and to U.S. residents who have attained age 65 and are citizens, or aliens who were lawfully admitted for permanent residence and have resided in the United States for five consecutive years. This program requires enrollment and payment of monthly premiums, as provided in 42 CFR Part 405, Subparts B and I, respectively.

The Secretary of Health and Human Services is required by section 1839 of the Social Security Act (42 U.S.C. 1395r) to issue two annual notices relating to the SMI program.

One notice announces two amounts that, according to actuarial estimates, will equal respectively, one-half the expected average monthly cost of SMI for each aged enrollee (age 65 or over) and one-half the expected average monthly cost of SMI for each disabled enrollee (under age 65) during the calendar year beginning the following January. These amounts are called "monthly actuarial rates."

The second notice announces the monthly SMI premium rate to be paid by aged and disabled enrollees for the calendar year beginning the following January. (Although the costs to the program per disabled enrollee are higher than for the aged, the law provides that they pay the same premium amount.) Beginning with the passage of section 203 of Pub. L. 92-603, (the Social Security Amendments of 1972) and until the passage of section 124 of Pub. L. 97-248, (the Tax Equity and Fiscal Responsibility Act of 1982) the premium rate was limited to the lesser of the actuarial rate for aged enrollees, or the current monthly premium rate increased by the same percentage as the most recent general increase in monthly title II social security benefits. The difference between the premiums paid by all enrollees and total incurred costs is met from the general revenues of the Federal Government.

Section 124 of Pub. L. 97-248 changed the premium basis to 25 percent of program costs.

Section 606 of Pub. L. 98-21, section 2302 of Pub. L. 98-369 (the Deficit Reduction Act of 1984) and section 9313 of Pub. L. 99-272 (Consolidated Omnibus Reconciliation Act) amended section 1839 of the Social Security Act ("the Act") to extend through 1988 the provision that the premium be based on 25 percent of program costs. In January 1989, calculation of the premium rate will revert to the method in section 1839(a) of the Act used before the passage of Pub. L. 97-248, Pub. L. 98-21, Pub. L. 98-369 and Pub. L. 99-272, except that it will remain on a calendar year basis.

A further provision affecting the calculation of the SMI premium is section 1839(f) of the Act that was added by section 2302 of Pub. L. 98-369. This provision refers to section 215(i) of the Act, which provides for cost-of-living increases in social security benefits. Section 1839(f)(1) of the act, as amended by section 9313 of Pub. L. 99-272, states that if no cost-of-living increase under section 215(i) of the Act becomes effective in December 1985, 1986 or 1987, there will be no increase in the SMI monthly premium paid by the enrollees for the following year. Thus, the premium will remain at the December level. (However, those individuals who enroll in the SMI program after the expiration of their initial enrollment period, or reenroll after a termination of a coverage period, are still subject to the increase in premium described in section 1839(b) of the Act. That increase is a percentage of the premium and would be based on the new premium rate.)

Section 1839(f)(2) of the Act, as added by section 2302 of Pub. L. 98-369, and amended by section 3.(a)(4) of Pub. L. 98-617, section 9313 of Pub. L. 99-272, and section 9001(c) of Pub. L. 99-509, contains provisions that are applicable if there is a cost-of-living increase for 1986, 1987 or 1988. The law provides that if an individual is entitled to benefits under section 202 or 223 of the Act (the Old-Age and Survivors Insurance Benefit and the Disability Insurance Benefit, respectively) and has the SMI premiums deducted from these benefit payments, the premium increase would be reduced to avoid causing a decrease in the individual's benefit payment. This would occur if the increase in the individual's social security benefit due to the cost of living adjustment under section 215(i) of the Act is less than the increase in the premium amount applies of the individual is entitled to benefits under section 202 or 223 of the Act for November and December of a particular year and the individual's SMI premiums for December and the following January are deducted from the respective month's section 202 or 223 benefits.[1]

[1] Note: — A check for benefits under section 202 or 223 is received in the month following the month for which the benefits are due. The SMI premium that is deducted from a particular check is the SMI payment for the month in which the check is

Continued

Generally, the reduced SMI premium for the individual for that January and for each of the succeeding 11 months for which he or she is entitled to benefits under section 202 or 223 of the Act is the greater of the following:

(1) The monthly premium for January reduced as necessary to make the December monthly benefits, after the deduction of the SMI premium for January, at least equal to the preceding November's monthly benefits, after the deduction of the SMI premium for December.

(2) The monthly premium for that individual for that December.

Again, those individuals who have enrolled in the SMI program late or have reenrolled after the termination of a coverage period are subject to an increased premium under section 1839(b) of the Act. In these cases, the monthly premium would be calculated as specified in (1) and (2) above with the addition of the amount specified under the provisions of section 1839(b) of the Act. That increase is a percentage of the premium and would be based on the new premium rate.

In determining the premium limitations under section 1839(f)(2) of the Act, the monthly benefits to which an individual is entitled under section 202 or 223 do not include retroactive adjustments or payments and deductions on account of work. Also, once the monthly premium amount has been established under section 1839(f)(2) of the Act, it will not be changed during the calendar year even if there are retroactive adjustments or payments and deductions on account of work that apply to the individual's monthly benefits.

For calendar year 1988, the notices of the monthly actuarial rates and the monthly premium rate are as follows:

II. Notice of Monthly Actuarial Rates

As required by sections 1839(a)(1) and (4) of the Act (42 U.S.C. 1395r(a)(1) and (4)), as amended, I have determined that the monthly actuarial rates applicable for calendar year 1988 are $49.60 for enrollees age 65 and over, and $48.60 for disabled enrollees under age 65. The accompanying statement (section IV.) gives the actuarial assumptions and bases from which these rates are derived.

received. Therefore, a benefit check for November is not received until December and has the December's SMI premium deducted from it.

III. Notice of Monthly Premium Rate

As required by section 1839(a)(3), (e)(1) and (f) of the Act as amended (42 U.S.C. 1395r(a)(3), (e)(1) and (f)), I have determined that the standard monthly premium amount will be $24.80 during calendar year 1988. However, if monthly Social Security benefits are not increased for 1988, the premium will not be increased, but will remain at $17.90 monthly. The accompanying statement shows how the premium amount was derived.

IV. Statement of Actuarial Assumptions and Bases Employed in Determining the Monthly Actuarial Rates and the Standard Monthly Premium Rate for the Supplementary Medical Insurance Program Beginning January 1988

A. Actuarial Status of the Supplementary Medical Insurance Trust Fund

Under the law, the starting point for determining the monthly premium is the amount that would be necessary to finance the SMI program on an incurred basis, i.e., the amount of income that would be sufficient to pay for services furnished during that year (including associated administrative costs) even though payment for some of these services will not be made until after the close of the year. The portion of income required to cover benefits not paid until after the close of the calendar year is added to the trust fund and used when needed.

Because the rates are established prospectively, they are subject to projection error. As a result, the income to the program may not equal incurred costs. Therefore, trust fund assets should be maintained at a level that is adequate to cover a moderate degree of projection error in addition to the amount of incurred but unpaid expenses.

Table 1 summarizes the estimated actuarial status of the trust fund as of the end of the financing period for 1986 through 1987.

TABLE 1. ESTIMATED ACTUARIAL STATUS OF THE SMI TRUST FUND AS OF THE END OF THE FINANCING PERIODS, JANUARY 1, 1986–DECEMBER 31, 1987

[In millions of dollars]

Financing period ending	Assets	Liabilities	Assets less liabilities
Dec. 31, 1986	$8,291	$5,106	$3,185
Dec. 31, 1987	4,793	6,287	−,494

B. Monthly Actuarial Rate for Enrollees Age 65 and Older

The monthly actuarial rate is one-half of the monthly projected cost of benefits and administrative expenses for each enrollee age 65 and older, adjusted to allow for interest earnings on assets in the trust fund and a contingency margin. The contingency margin is an amount appropriate to provide for a moderate degree of projection error and to amortize unfunded liabilities.

The monthly actuarial rate for enrollees age 65 and older for calendar year 1988 was determined by projecting per-enrollee cost for the 12-month periods ending June 30, 1988 and June 30, 1989, by type of service. Although the actuarial rates are now applicable for calendar years, projections of per-enrollee costs were determined on a July to June period, consistent with the July 1 annual fee screen update used for benefits prior to the passage of section 2306(b) of Pub. L. 98–369. The values for the 12-month period ending June 30, 1985, were established from program data. Subsequent periods were projected using a combination of program data and data from external sources. The projection factors used are shown in Table 2. Those per-enrollee values are then adjusted to apply to a calendar year period. The projected values for financing periods from January 1, 1985, through December 31, 1988, are shown in Table 3.

TABLE 2—PROJECTION FACTORS,[1] 12-MONTH PERIODS ENDING JUNE 30 OF 1985–1989

[In percent]

12-month period ending June 30	Physicians' services		Outpatient hospital services	Home health agency services	Group practice prepayment plans	Independent lab services
	Fees [2]	Residual [3]				
Aged:						
1985	0.8	4.6	27.8	6.1	12.9	23.3

TABLE 2—PROJECTION FACTORS,[1] 12-MONTH PERIODS ENDING JUNE 30 OF 1985-1989—Continued

[In percent]

12-month period ending June 30	Physicians' services		Outpatient hospital services	Home health agency services	Group practice prepayment plans	Independent lab services
	Fees [2]	Residual [3]				
1986	0.4	8.9	4.2	5.4	57.7	42.5
1987	6.8	9.5	21.7	10.8	38.0	13.1
1988	4.6	7.6	18.1	12.4	22.3	18.0
1989	3.4	5.8	18.3	10.7	19.0	17.6
Disabled:						
1985	0.8	1.7	8.3	0.0	26.4	14.8
1986	0.4	3.2	7.1	0.0	60.1	49.5
1987	6.8	9.1	13.4	0.0	18.7	9.0
1988	4.6	6.5	7.5	0.0	−1.1	−3.9
1989	3.4	6.0	10.1	0.0	30.9	14.2

[1] All values are per enrollee.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.

TABLE 3—DERIVATION OF MONTHLY ACTUARIAL RATE FOR ENROLLEES AGE 65 AND OVER, FINANCING PERIODS ENDING DECEMBER 31, 1985 THROUGH DECEMBER 31, 1988

	Financing periods			
	CY 1985	CY 1986	CY 1987	CY 1988
Covered services (at level recognized):				
Physicians' reasonable charges	$31.28	$35.45	$40.63	$45.06
Outpatient hospital and other institutions	7.34	8.30	9.94	11.75
Home health agencies	0.05	0.05	0.05	0.06
Group practice prepayment plans	1.43	2.08	2.67	3.22
Independent lab	0.77	0.96	1.11	1.31
Total services	40.87	46.84	54.40	61.40
Cost-Sharing:				
Deductible	−2.63	−2.69	−2.69	−2.68
Coinsurance	−6.98	−7.98	−9.34	−10.61
Total benefits	31.26	36.17	42.37	48.11
Administrative expenses	1.34	1.37	1.39	1.42
Incurred expenditures	32.60	37.54	43.76	49.53
Value of interest	−1.17	−0.92	−0.34	−0.06
Contingency margin for projection error and to amortize the surplus or deficit	−0.43	−5.62	−7.62	0.13
Monthly actuarial rate	31.00	31.00	35.80	49.60

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for enrollees age 65 and over for calendar year 1988 is $49.53. The monthly actuarial rate of $49.60 provides an adjustment of −$0.06 for interest earnings and $0.13 for a contingency margin. Based on current estimates, it appears that the assets are not sufficient to cover the amount of incurred but unpaid expenses and to provide for a moderate degree of projection error. Thus, a positive contingency margin is needed to build assets toward an appropriate level.

C. Monthly Actuarial Rate for Disabled Enrollees

Disabled enrollees are those persons enrolled in SMI because of entitlement (before age 65) to disability benefits for more than 24 months or because of entitlement to Medicare under the end-stage renal disease program. Projected monthly costs for disabled enrollees (other than those suffering from end-stage renal disease) are prepared in a fashion exactly parallel to projection for the aged, using appropriate actuarial assumptions (see Table 2). Costs for the end-stage renal disease program are projected differently because of the complex demographic problems involved. The combined results for all disabled enrollees are shown in Table 4.

TABLE 4—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES, FINANCING PERIODS ENDING DECEMBER 31, 1985 THROUGH DECEMBER 31, 1988

	Financing periods			
	CY 1985	CY 1986	CY 1987	CY 1988
Covered services (at level recognized):				
Physicians' reasonable charges	$33.74	$37.45	$42.78	$47.23
Outpatient hospital and other institutions	19.97	20.93	22.21	23.46
Home health agencies	0.00	0.00	0.00	0.00
Group practice prepayment plans	0.08	0.11	0.12	0.13
Independent lab	0.91	1.11	1.17	1.25

TABLE 4—DERIVATION OF MONTHLY ACTUARIAL RATE FOR DISABLED ENROLLEES, FINANCING PERIODS ENDING DECEMBER 31, 1985 THROUGH DECEMBER 31, 1988—Continued

	Financing periods			
	CY 1985	CY 1986	CY 1987	CY 1988
Total services	$54.70	$59.60	$66.28	$72.07
Cost-Sharing:				
Deductible	−2.35	−2.40	−2.39	−2.38
Coinsurance	−9.85	−10.66	−11.90	−12.97
Total benefits	$42.50	$46.54	$51.99	$56.72
Administrative expenses	1.82	1.76	1.70	1.67
Incurred expenditures	$44.32	$48.30	$53.69	$58.39
Value of interest	−7.45	−8.13	−9.36	−9.79
Contingency margin for projection error and to amortize the surplus or deficit	15.83	0.63	8.67	−0.00
Monthly actuarial rate	$52.70	$40.80	$53.00	$48.60

The projected monthly rate required to pay for one-half of the total of benefits and administrative costs for disabled enrollees for calendar year 1988 is $58.39. The monthly actuarial rate of $48.60 provides an adjustment of −$9.79 for interest earnings and a $0.00 for a contingency margin.

D. Sensitivity Testing

Several factors contribute to uncertainty about future trends in medical care costs. In view of this, it seems appropriate to test the adequacy of the rates announced here using alternative assumptions. The most unpredictable factors that contribute significantly to future costs are outpatient hospital costs, physician residual (as defined in Table 2), and increases in physician fees as constrained by the program's reasonable charge screens and economic index. Two alternative sets of assumptions and the results of those assumptions are shown in Table 5. One set represents increases that are lower and is, therefore, more optimistic than the current estimate. The other set represents increases that are higher and is, therefore, more pessimistic than the current version. The values for the alternative assumptions were determined from a study on the average historical error in the respective increase factors. All assumptions not shown in Table 5 are the same as in Table 2.

TABLE 5—PROJECTION FACTORS AND THE ACTUARIAL STATUS OF THE SMI TRUST FUND UNDER ALTERNATIVE SETS OF ASSUMPTIONS FOR FINANCING PERIODS THROUGH DECEMBER 31, 1988

	This Projection			Low Cost Projection			High Cost Projection		
	12-month periods ending June 30,			12-month periods ending June 30,			12-month periods ending June 30,		
	1987	1988	1989	1987	1988	1989	1987	1988	1989
Projection Factors (in present): [1]									
Physician services—fees: [2]									
Aged	6.8	4.6	3.4	6.0	3.5	1.3	7.6	5.7	5.5
Disabled	6.8	4.6	3.4	6.0	3.5	1.3	7.6	5.7	5.5
Physician services—Residual: [3]									
Aged	9.5	7.6	5.8	7.9	5.2	3.4	11.1	10.0	8.3
Disabled	9.1	6.5	6.0	5.8	2.2	2.0	12.4	10.9	9.9
Outpatient hospital services:									
Aged	21.7	18.1	18.3	15.0	10.5	12.7	28.4	25.7	23.8
Disabled	13.4	7.5	10.2	2.5	−6.4	−1.6	24.3	21.3	21.9

	As of December 31,			As of December 31,			As of December 31,		
	1986	1987	1988	1986	1987	1988	1986	1987	1988
Actuarial status (in millions):									
Assets	$8,291	$4,793	$6,184	$8,291	$6,878	$12,190	$8,291	$2,573	(4)
Liabilities	$5,106	$6,287	$7,601	$3,726	$4,654	$5,605	$6,519	$7,981	$9,721
Assets Less Liabilities	$3,185	$−1,494	$−1,417	$4,565	$2,224	$6,585	$1,772	$−5,408	(4)

	As of December 31,			As of December 31,			As of December 31,		
1986	1987	1988	1986	1987	1988	1986	1987	1988	
Ratio of assets less liabilities to expenditures (in percent)[5]	9.6	−3.9	−3.3	14.7	6.5	17.2	5.0	−12.6	(4)

[1] All values are per enrollee.
[2] As recognized for payment under the program.
[3] Increase in the number of services received per enrollee and greater relative use of more expensive services.
[4] The trust fund will be depleted by December 31, 1988 under this set of assumptions.
[5] Ratio of assets less liabilities at the end of the year to total incurred expenditures during the following year, expressed as a percent.

Table 5 indicates that, under the assumptions used in preparing this report, the monthly actuarial rates will result in an excess of assets over liabilities of −$1,417 million by the end of December 1988. This amounts to −3.3 percent of the estimated total incurred expenditures for the following year. Assumptions which are somewhat more pessimistic (and, therefore, test the adequacy of the assets to accommodate projection errors) deplete the trust fund by the end of December, 1988. Under fairly optimistic assumptions, the monthly actuarial rates will result in a surplus of $6,585 million by the end of December, 1988, which amounts to 17.2 percent of the estimated total incurred expenditures for the following year.

E. Standard Premium Rate

For calendar years 1984 through 1988, the law provides that the standard monthly premium rate for both aged and disabled enrollees shall be 50 percent of the monthly actuarial rate for enrollees age 65 and older. Therefore, the standard monthly premium rate for both aged and disabled enrollees for calendar year 1988 is $24.80, which is 50 percent of the monthly actuarial rate for this period ($49.60).

V. Explanation of 1988 Premium Increase

In 1988, the Part B premium will increase from the current $17.90 monthly to $24.80 monthly, an increase of $6.90 or 38.5 percent. The increase can be attributed to these factors:

	Dollars	Percent
• Contingency margin difference	$1.50	8.4
• 1987 expenditures exceeding projections	2.40	13.4
• Projected expenditure increase, 1987–88	3.00	16.7
	6.90	38.5

Contingency reserve

Because the trust fund reserve at the end of 1984 was larger than necessary to provide an adequate program contingency, the actuarial rates, and hence premiums, promulgated during the period 1985 to 1987 were set at levels lower than otherwise would have been required to finance projected expenditures in each year. This reduced the trust fund reserve to the minimum level deemed adequate to protect the program. For example, in 1987 the premium was $1.43 lower than necessary to finance projected 1987 expenditures, had they not been funded partially by drawing down the contingency reserve. In contrast since the trust fund reserve now has been depleted relative to estimated expenditures, the premium in 1988 is increased by 6.5 cents (half of the 13 cents margin incorporated in the monthly actuarial rate) to replenish the reserve. The difference between the negative $1.43 contingency margin for 1987 and the positive 6.5 cents 1988 margin accounts for $1.50 of the premium increase.

Expenditures in 1987 exceed projections

Current actuarial estimates of 1987 expenditures are 12.1 percent higher than projected one year ago at the time of the premium promulgation for 1987. Based on these current estimates, the reestimated 1987 premium would be $2.40 higher; this difference accounts for 13.4 percentage points of the 38.5 percentage point increase in the premium for 1988. Components of the increase are:

	Percent
• Physicians' reasonable charges	12.1
• Group practice prepayment plans	2.2
• Other categories	−0.9
	13.4

Increases in physician expenditures account for more than 90 percent of the 13.4 percentage point increase.

Projected expenditure increase, 1987–88

Current actuarial estimates show Part B expenditures increasing 13.9 percent in 1988. This growth accounts for $3.00 of the $6.90 premium increase, or 16.7 of the 38.5 percentage point increase. Components of the increase are:

	Percent
• Physicians' reasonable charges	10.6
• Outpatient hospital & other institutions	4.3
• Group practice prepayment plans	1.3
• Independent lab	0.5
• Home health agencies	0.0
	16.7

Increases in payments for physicians' services account for more than 63 percent of the 16.7 percentage point increase arising from projected Part B spending growth from 1987 to 1988.

Summary

As shown in the summary table below, almost 60 percent of the premium increase ($4.05 of the $6.90) is due to growth in physician expenditures. From 1984 through 1988, Part B spending for physicians' services is growing at 11.5 percent annually.

SUMMARY OF COMPONENTS OF 1988 PREMIUM INCREASE

	Dollars	Percent	Percent
Growth in physician spending	4.05	22.7	58.7

SUMMARY OF COMPONENTS OF 1988 PREMIUM INCREASE—Continued

	Dollars	Percent	Percent
Contingency drawdown	1.50	8.4	21.7
Growth in all other Part B spending	1.35	7.5	19.6
	6.90	38.4	100.0

VI. Regulatory Impact Statement

The monthly SMI premium rate of $24.80 for all enrollees during calendar year 1988 is 38.5 percent higher than the $17.90 monthly premium amount for the previous financing period. The estimated cost of this increase over the current premium to the approximately 31.7 million SMI enrollees will be about $2,622 million for calendar year 1988.

This notice merely announces amounts required by section 1839 of the Social Security Act. This notice is not a proposed rule or a final rule issued after a proposal, and does not alter any regulations. Therefore, we have determined, and the Secretary certifies, that no analyses are required under Executive Order 12291 or the Regulatory Flexibility Act (5 U.S.C. 601 through 612).

(Section 1839 of the Social Security Act; 42 U.S.C. 1395r)

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: September 24, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: September 24, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-22490 Filed 9-25-87; 12:52 pm]

BILLING CODE 4120-01-M

federal register

Wednesday
September 30, 1987

Part VI

Department of the Interior

Minerals Management Service

Outer Continental Shelf Operations; Mid-Atlantic Lease Sale 121; Notice

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Mid-Atlantic
OCS Lease Sale 121
Call for Information and Nominations
and
Notice of Intent to Prepare an Environmental Impact Statement

CALL FOR INFORMATION AND NOMINATIONS

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331-1356 (1982)), as amended by the OCSLA Amendments of 1985 (100 Stat. 147), and the regulations issued thereunder (30 CFR Part 256) with regard to proposed OCS Lease Sale 121 in the Mid-Atlantic Planning Area tentatively scheduled for October 1989.

As a preliminary step to the Call, the Minerals Management Service (MMS) published a Request for Interest in the Federal Register on May 29, 1987, requesting information on oil and gas industry interest in leasing and exploring within the Mid-Atlantic Planning Area. A number of companies provided information. Based on the information provided, it was determined that sufficient interest exists to proceed with the issuance of a Call at this time. This information, along with the information provided in response to this Call, will be used in decisions whether to proceed with the lease sale process. This Call does not indicate a preliminary decision to lease in the areas described below.

Information submitted in response to this Call will be used for several purposes. First, responses will be used to identify the areas of potential for oil and gas development. Second, comments on possible adverse effects and use conflicts will be used in the analysis of environmental impacts in and near the Call area. Together these two considerations will allow a preliminary determination of the potential advantages and disadvantages of oil and gas exploration and development to the region and the Nation. This will make possible key decisions in connection with the next step in the leasing process--Area Identification--to further resolve conflicts by deferring blocks where there is sufficient information to justify that action. However, the Area Identification represents only a preliminary step to select the area to be analyzed in the Environmental Impact Statement (EIS). The Area Identification is scheduled for December 1987.

A third purpose for this Call is to solicit comments as part of the scoping process for the EIS. Also included in the scoping process will be a series of public meetings and an additional formal written comment period. A Notice of Intent to Prepare an EIS and a more detailed description of the scoping process for this proposed sale is included below. As a result of the scoping process, a number of alternatives to the proposed action will be identified and analyzed in the EIS. Fourth, comments may be used in developing lease terms and conditions to assure safe offshore operations. Fifth, comments may be used in understanding and considering ways to avoid or mitigate potential conflicts between offshore oil and gas activities and the Coastal Management Plans (CMP's) of affected States.

The Call area includes blocks in several military operating areas, submarine transit lanes, and shipping traffic lanes. Presale consultation with the Department of Defense and the U.S. Coast Guard will occur during the comment period for this Call. Blocks presenting defense or navigation related multiple-use conflicts, which cannot be otherwise mitigated, may be deleted at the Area Identification stage.

Areas Deferred or Highlighted in the 5-Year Program Approval Process

- The U.S.S. Monitor National Marine Sanctuary and Buffer Zone (deferred)

- The National Aeronautics and Space Administration Wallops Island Flight Center operating area (deferred except 19 blocks of interest highlighted for special consideration (see p.4))

- A minimum of 15 nautical miles or, where further, offshore areas of low potential (deferred)

Previous Sale Related Activities

Mid-Atlantic acreage has been offered for lease in seven previous sales. Four of these were Mid-Atlantic sales. The first was Sale 40, held on August 17, 1976, and the last was Sale 76, held on April 26, 1983. Additionally, two South Atlantic OCS lease sales and one reoffering sale contained acreage now situated within the Mid-Atlantic Planning Area. The U.S. Treasury has received almost $2 billion for the 272 leases issued as a result of these lease sales. A total of 200 leases have been relinquished or have expired, leaving 72 active Mid-Atlantic leases.

The last proposed lease sale in this area, Sale 111, was cancelled on June 13, 1986, following a determination that there was little industry interest in a sale at that time.

There have been 32 exploratory wells drilled in this area resulting in 27 dry holes and five discoveries. In addition, two COST (Continental Offshore Stratigraphic Test) wells were drilled. The five discoveries were considered noncommercial and were not developed at that time. All 34 wells have been plugged and abandoned.

Description of the Area

The general area of this Call is offshore the States of Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina. The area is shown in detail on the Call map available free from the Regional Supervisor, Leasing and Environment, Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180, telephone (703) 285-2165. The following list identifies the Official Protraction Diagrams and blocks comprising the Call area. Existing leases are included in the Call since they may expire or be relinquished before the proposed sale. These diagrams may be purchased for $2.00 each from the Regional Supervisor, Leasing and Environment, at the above address (checks or drafts payable to the U.S. Department of the Interior--MMS).

Official Protraction Diagram NK 18-12

429	646-650	761-767	849-856	937-945
470-473	675-677	778-783	865-876	951-966
514-517	690-694	805-812	893-900	980-989
558-562	718-723	821-827	909-922	992-1010
602-606	734-739			

Official Protraction Diagram NK 19-10

507	636-639	765-775	889	977-995
550-551	679-683	807-819	892-907	
593-595	722-727	850-863	933-951	

Official Protraction Diagram NJ 18-2

657	744-745	831-833	916-921	1002-1009
701	787-789	874-877	959-965	

Official Protraction Diagram NJ 18-3

5-35	224-255	442-475	661-695	837-872
49-79	268-299	486-519	705-739	881-916
93-123	312-343	530-563	749-784	925-960

136-167	355-387	573-607	793-828	969-1004
180-211	399-431	617-651		

Official Protraction Diagram NJ 19-1

10-28	230-248	450-468	670-688	845-864
54-72	274-292	494-512	714-732	889-908
98-116	318-336	538-556	757-776	933-952
142-160	362-380	582-600	801-820	977-996
186-204	406-424	626-644		

Official Protraction Diagram NJ 18-5

34-41	250-261	468-481	688-701	863-877
77-85	293-305	512-525	732-745	906-921
121-129	336-349	556-569	776-789	950-965
164-173	380-393	600-613	819-833	994-1009
207-217	424-437	644-657		

Official Protraction Diagram NJ 18-6

All Federal Blocks

Official Protraction Diagram NJ 19-4

All Federal Blocks

Official Protraction Diagram NJ 19-5

All Federal Blocks

Official Protraction Diagram NJ 19-6

All Federal Blocks

Official Protraction Diagram NJ 18-8

37-41	301-305	*546-548	*677-680	808-833
81-85	345-349	565-569	697-701	853-877
125-129	389-393	*589-592	*721-724	898-921
169-173	433-437	609-613	741-745	942-965
213-217	477-481	*633-636	764-789	986-1009
257-261	521-525	653-657		

Official Protraction Diagram NJ 18-9

All Federal Blocks

* Pursuant to the 5-year program, these 19 blocks are highlighted for special presale consideration.

Official Protraction Diagram NJ 19-7

All Federal Blocks

Official Protraction Diagram NJ 19-8

All Federal Blocks

Official Protraction Diagram NJ 18-11

18-41	237-261	455-481	676-701	897-921
62-85	280-305	499-525	720-745	941-965
106-129	324-349	544-569	765-789	986-1009
150-173	367-393	588-613	809-833	1030-1053
193-217	411-437	632-657	853-877	

Official Protraction Diagram NJ 18-12

All Federal Blocks

Official Protraction Diagram NJ 19-10

All Federal Blocks

Official Protraction Diagram NI 18-2

18-41	240-261	461-481	680-701	855-877
63-85	285-305	504-525	724-745	898-921
107-129	329-349	548-569	767-789	941-965
152-173	373-393	592-613	811-833	985-1009
196-217	417-437	636-657		

Official Protraction Diagram NI 18-3

All Federal Blocks

Official Protraction Diagram NI 19-1

All Federal Blocks

Instructions on Call

Respondents are asked to nominate blocks within the Call area that they would like to see included in proposed OCS Lease Sale 121. Although the identities of those submitting nominations become a matter of public record, the individual indications of interest are considered to be proprietary information. Those indicating such interest are required to do so on the Call map by outlining the area(s) of interest along block lines.

A detailed list of whole and partial blocks nominated (by Official Protraction Diagram designations) should be submitted to ensure correct interpretation of nominations. The telephone number and name of a person to contact in the respondent's organization for additional information should be included.

Respondents should rank areas in which they have expressed interest according to priority of their interest (e.g., priority 1 (high), 2 (medium), or 3 (low)). We encourage respondents to be specific in indicating blocks by priority. This information is very helpful in assessing the area to be identified for further study at future sale decision points. Blanket nominations on large areas are not as useful in providing information pertinent to analysis of industry interests. Areas where interest has been indicated but on which respondents have not indicated priorities will be considered priority 3. Information concerning both location and priority of interest submitted by individual respondents will be held proprietary. In addition to indications of interest by respondents, further consideration of areas for analysis in the EIS will be based on hydrocarbon potential and environmental, economic, and multiple-use conditions.

The Call map outlines the MMS interpretation of the area of hydrocarbon potential and identifies the highlighted area that will be subject to special consideration. While primary consideration will be given to the area of hydrocarbon potential (as outlined on the Call map), respondents may nominate and comment on any acreage within the Call area. Commenters who recommend that all or portions of the highlighted area or other parts of the Call area be deferred from Sale 121 should be as specific as possible in describing why they believe those areas are incompatible with offshore oil and gas drilling and production operations. Such information will be helpful in designing and analyzing deferral alternatives.

Comments or suggestions are requested on the following:

- technology that is presently available or anticipated for exploration and development operations in deepwater areas.

- procedures which may lead to enhanced understanding of the oil and gas resources of the Mid-Atlantic OCS.

- particular geologic, environmental, biological, archaeological, or socioeconomic conditions or conflicts or other information which might bear upon potential leasing and development in particular areas.

-potential conflicts that may result from future oil and gas activities resulting from this sale and approved State and local CMP's. If possible, these comments should identify specific CMP policies, the nature of the conflicts foreseen, and steps that MMS can take to avoid or mitigate potential conflict. Comments may either be in terms of broad areas or restricted to particular blocks. Those submitting comments are requested to outline the subject area on the standard Call map.

Indications of interest and comments should be received within 45 days following publication of this Call in the Federal Register to ensure inclusion in the decision process for Area Identification. Responses should be sent in envelopes labeled "Nominations for Proposed Lease Sale 121, Mid-Atlantic" or "Comments on the Call for Information and Nominations for Proposed Lease Sale 121, Mid-Atlantic," as appropriate.

The original Call map and indications of interest and/or comments must be submitted to the Regional Supervisor, Leasing and Environment, at the address stated under "Description of Area." A copy of the Call map showing interest and any comments should also be sent to the Chief, Offshore Leasing Management Division, U.S. Department of the Interior, MMS, Room 4230, 18th and C Streets, NW., Washington, D.C. 20240.

Tentative Schedule

Final delineation of the area for possible leasing will be made at a later date and in accordance with established departmental procedures and applicable laws, including all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and the OCSLA, as amended. If a decision to offer blocks is made, a notice of Availability of the Proposed Notice of Sale and a final Notice of Sale will be published in the Federal Register detailing areas to be offered for competitive bidding, stating the terms and conditions for leasing, and announcing the location, date, and time bids will be received and opened.

The following is a list of tentative milestones which will precede the sale:

Milestones	Date
Comments Due on the Call	November 1987
Area Identification	December 1987
Draft EIS Published	September 1988

Public Hearings on Draft EIS	October 1988
Final EIS Published	March 1989
Proposed Notice of Sale Issued	May 1989
Governor's Comments Due on Proposed Notice	July 1989
Final Notice of Sale Published	September 1989
Sale	October 1989

Existing Information

Information already available for the Call area includes the results of studies and EIS analyses conducted in conjunction with previous sales and the results of past exploration activities in this planning area. Also available is information gathered during the EIS and decision processes for the 1980, 1982, and the current 5-Year OCS Oil and Gas Leasing Program. In addition, comments previously received by the Department of Interior (DOI) from State and local governments, other Federal Agencies, environmental groups, and the oil and gas industry concerning past OCS actions will be used.

An extensive environmental studies program has been underway in this area since 1973 (see Environmental Studies Program Information in the Atlantic OCS Region, below). Additional information will be available to the DOI for consideration regarding the proposed OCS Lease Sale 121. For example, six Atlantic OCS Indices (1975-1986), eight Summary Reports (1979-1986), and various geology reports have been prepared for this planning area.

Environmental Studies Program Information in the Atlantic OCS Region

The DOI initiated the Environmental Studies Program in 1973. The emphasis has been on geological mapping, environmental characterization of biologically sensitive habitats, physical oceanography, ocean circulation modeling, and ecological effects of oil and gas activities. These studies provide useful information for a number of environmental issues, including topographic features, deepwater biological communities on the continental slope, and major circulation patterns on the continental shelf and slope.

A complete listing of available studies reports and information on ordering copies can be obtained from the Atlantic OCS Region at the address stated under "Description of Area," or by telephone at (703)285-2728. In addition, a status

report for active studies in this area can be obtained from the Chief, Environmental Studies and Leasing Section, Atlantic OCS Region, at this same address.

NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT

Purpose of Notice of Intent

Pursuant to the regulations implementing the procedural provision of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), the MMS is announcing its intent to prepare an EIS, subsequent to Area Identification, regarding the oil and gas leasing proposal known as Mid-Atlantic OCS Lease Sale 121. The Notice of Intent also serves to announce the scoping process which will be followed for this EIS. Throughout the scoping process, Federal, State, and local governments and other interested parties aid the MMS in determining the significant issues and alternatives to be analyzed in the EIS.

The EIS analysis will focus on the potential environmental effects of leasing, exploration, and development of the blocks included in the area defined in the Area Identification procedure as the proposed area of the Federal action. Alternatives to the proposal which may be considered are to delay the sale, cancel the sale, or modify the sale.

Instructions on Notice of Intent

Federal, State, and local governments and other interested parties are requested to send their written comments on the scope of the EIS, significant issues which should be addressed, and alternatives which should be considered to the Regional Supervisor, Leasing and Environment, Atlantic OCS Region, at the address stated under Description of Area above. Comments should be enclosed in an envelope labeled "Comments on the Notice of Intent to Prepare an EIS on the proposed Mid-Atlantic Lease Sale 121." Comments are due no later than 45 days from publication of this notice. Also, scoping meetings will be held in appropriate locations for the purpose of obtaining additional comments and information regarding the

scope of the EIS. The times and locations of these scoping meetings will be announced at a future date in the Federal Register and by press release.

Deputy Director, Minerals Management Service
D. W. Crow

Approved:

Assistant Secretary - Land and Minerals Management
J. Steven Griles

SEP 25 1987

Date

[FR Doc. 87-22555 Filed 9-29-87; 8:45 am]
BILLING CODE 4310-MR-C

federal register

Wednesday
September 30, 1987

Part VII

Department of Commerce

Patent and Trademark Office

37 CFR Parts 1 and 5

Miscellaneous Amendments of Patent Rules; Notice of Proposed Rulemaking

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 5

[Docket No. 70754-7154]

Miscellaneous Amendments of Patent Rules

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes amendments to the rules of practice in patent cases, Parts 1 and 5 of Title 37, Code of Federal Regulations, (1) to bring the rule relating to swearing back of a reference into conformity with current interference practice; (2) to limit the length of the appellant's brief and reply brief in an *ex parte* appeal, and require that the brief contain certain specific items; (3) to reset the time period for requesting an oral hearing in *ex parte* appeals where the examiner's answer states a new ground of rejection; (4) to clarify the procedure following a final rejection after a remand to the examiner under § 1.196(b)(1); (5) to give the examiner-in-chief the authority to decide certain requests for access by an interference party; (6) to clarify the rule relating to access to pending or abandoned applications; (7) to modify the rules concerning requests for interference with an application or patent; (8) to amplify the rule concerning the requirements of a motion to declare an additional interference; (9) to more clearly define the application of interference estoppel; (10) to make more comprehensive the rule concerning the filing of a reissue application by a patentee involved in an interference; and (11) to conform the rule concerning applications under secrecy order to current interference practice.

DATES: Comments and suggestions should be received by December 1, 1987. A public hearing will be held on December 9, 1987, beginning at 9:00 a.m.; requests to make oral presentations at the hearing should be received on or before December 1, 1987.

ADDRESSES: Address written comments to Box Interference, Commissioner of Patents and Trademarks, Washington, DC 20231. The public hearing will be held in Room 11C10, Crystal Plaza Building 3, 2021 Jefferson Davis Highway, Arlington, Virginia: Written comments and a transcript of the public hearing will be available for public inspection in Room 10C01, Crystal Gateway II, 1225 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Saul I. Serota by telephone at (703) 557-4072 or Ian A. Calvert by telephone at (703) 557-4000 or by mail marked to the attention of either and addresed to Box Interference, Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

(1) Swearing Back of a Reference

The Patent and Trademark Office published its notice of final rule amending the rules of practice in patent interference cases in the **Federal Register** of December 12, 1984 (49 FR 48416 through 48471) and in the Official Gazette of January 29, 1985 (1050 O.G. 385 through 440). Included in the rules adopted was § 1.601(n), which defines "same patentable invention."

Section 1.131(a), if amended as proposed, would insert "the same patentable invention, as defined in § 1.601(n), as" before the phrase "the rejected invention". The amendment does not change the present practice where the inventor of the rejected claim, the owner of a patent under reexamination, or the person qualified under §§ 1.42, 1.43 or 1.47 can swear behind a domestic patent which disclose but does not claim the same invention as the rejected invention, a foreign patent or a printed publication. Rather, the amendment is necessary to define precisely the term "does not claim the rejected invention." See *In re Eickmeyer*, 602 F.2d 974, 202 USPQ 655 at 661 (CCPA 1979) where the Court stated:

> * * * we conclude that the phrase "does not claim the rejected invention" should be construed favorably to an applicant, if possible, so that unless the applicant is clearly *claiming the same invention* as the U.S. patent reference, he will not lose his rights under Rule 131. [Emphasis added.]

and also expressed its dissatisfaction with the PTO for

> * * * leaving an applicant in a position where he cannot overcome the reference claims by a 131 affidavit because the PTO has decided that the reference claims his invention, while at the same time, he is denied an interference because the PTO has decided that the claims of his application and those of the reference are not for substantially the same invention.

Possibly because of this decision, some patent practitioners seem to have been of the opinion that an affidavit under 37 CFR 1.131 can be used to overcome a rejection on a domestic patent so long as there is no verbatim correspondence between the claims of the application or the patent under reexamination rejected on that domestic patent and the claims of the domestic patent.

Such an opinion is not in accord with the law expressed in such cases as *In re Clark*, 53 CCPA 954, 457 F.2d 1004, 173 USPQ 359 (1972); *In re Hidy*, 49 CCPA 1152, 303 F.2d 954, 133 USPQ 650 (1962); *In re Teague*, 45 CCPA 877, 254 F.2d 145, 117 USPQ 284 (1958); and *in re Ward*, 43 CCPA 1007, 236 F.2d 428, 111 USPQ 101 (1956). In *In re Hidy*, supra, 133 USPQ at 652, the Court stated:

> A Rule 131 affidavit is ineffective to overcome a United States patent, not only where there is a verbatim correspondence between claims of the application and of the patent, but also where there is no patentable distinction between the respective claims. *In re Wagenhorst*, 20 CCPA 829, 62 F.2d 831, 16 USPQ 126; *In re Teaque*, 45 CCPA 877, 254 F.2d 145, 117 USPQ 284.

If the application (or patent under reexamination) and the domestic patent contain claims which are identical, or which are not patentably distinct, then the application and patent are claiming the "same patentable invention," defined by § 1.601(n) as follows:

> Invention "A" is the "same patentable invention" as an invention "B" when invention "A" is the same as (35 U.S.C. 102) or is obvious (35 U.S.C. 103) in view of invention "B" assuming invention "B" is prior art with respect to invention "A".

As provided in § 1.601(i), an interference may be declared whenever an examiner is of the opinion that an application and a patent contain claims for the "same patentable invention." The purpose of the proposed amendment to § 1.131(a) is to insure that an applicant who is claiming an invention which is identical to, or obvious in view of, the invention claimed in a domestic patent cannot employ an affidavit under § 1.131 as a means for avoiding an interference with the patent. To allow an applicant to do so would result in the issuance of two patents to the same invention.

Section 1.131(b), if amended as proposed, would insert in the first sentence thereof the language, "prior to" before the words "said date". This amendment makes clear that the showing of facts under § 1.131(b) must establish due diligence from a date prior to the effective date of the reference to affiant's subsequent reduction to practice or to the filing of his application as set forth in *In re Mulder*, 716 F.2d 1542, 219 USPQ 189 (Fed. Cir. 1983).

(2) Appellant's Brief and Reply Brief

A. Limitation on Length

Section 1.192(a), if amended as proposed, would delete the last sentence and insert the following sentence after the first sentence: "If the brief exceeds

30 pages, in addition to the appendix required by paragraph (c)(7) of this section, it will be returned to the appellant."

Section 1.193(b), if amended as proposed, would insert the following as the third sentence: "If the reply brief exceeds 15 pages, or the examiner determines that it is not directed only to new points of argument raised in the examiner's answer, the examiner will so notify the appellant and at the same time return the reply brief to the appellant."

The last sentence of § 1.192(a) is proposed to be deleted in view of the proposed addition of paragraph (c), which would impose more specific requirements for the contents of the brief.

The sentences proposed to be added to §§ 1.192(a) and 1.193(b) would limit the length of an appellant's brief and reply brief in an *ex parte* appeal to 30 and 15 pages, respectively, by providing that briefs or reply briefs which exceed these limits will be returned. These numbers of pages are for pages which comply with the requirements of 37 CFR 1.52. In determining whether a brief exceeds the 30-page limit, the pages of the appendix required by proposed § 1.192(c)(7) would not be counted.

While the length of the majority of briefs and reply briefs filed in *ex parte* appeals is substantially less than the 30- and 15-page limits proposed, in some instances briefs and reply briefs greatly exceed these limits. In many instances, these lengthy briefs and reply briefs are unnecessary; rather than focusing upon the issues involved in the appeal, they are verbose and repetitious, beclouding the issues and taking up an inordinate amount of the time spent by the examiner and examiners-in-chief in considering the appeal. The page limits set in proposed §§ 1.192(a) and 1.193(b) are intended to eliminate such lengthy briefs and reply briefs while at the same time giving appellants adequate scope to fully develop their arguments.

The proposed amendment to § 1.193(b) would also provide for return of the reply brief to the appellant if the examiner determines that the reply brief did not comply with the requirement of § 1.193(b) that it be limited to any new points of argument raised in the examiner's answer.

B. Contents of the Main Brief

Section 1.192, if amended as proposed, would add paragraphs (c) and (d). Paragraph (c) lists a number of items which would have to be included in the appellant's brief, while paragraph (d) would permit dismissal of the appeal for failure to include any of the items required by paragraph (c), in the order specified in paragraph (c). Paragraph (d) would also add the following sentence: "Any arguments or authorities not included in the brief may be refused consideration by the Board of Patent Appeals and Interferences." This sentence emphasizes that all arguments and authorities which an appellant wishes the Board to consider must be included in the brief. It should be noted that arguments not presented in the brief and made for the first time at oral hearing are not entitled to consideration. *In re Chiddix*, 209 USPQ 78 (Comr. 1980); *Rosenblum v. Hiroshima*, 220 USPQ 383 (Comr. 1983).

Proposed paragraph (c) would require that the brief contain, in order, seven specific items. This proposed requirement arose from the recommendations of a committee which was appointed by the Commissioner of Patents and Trademarks in 1986 to study and report on alternatives for reducing the backlog of *ex parte* appeals at the Board of Patent Appeals and Interferences. One of the committee's recommendations was the § 1.192 be amended to require that the appellant's brief include certain items. Items (3), (4), (5) and (6) of proposed § 1.192(c) are based upon the committee's recommendations. The committee indicated that the inclusion of those items in the brief would crystallize the issues involved in the appeal. By eliminating inadequate briefs, the Board of Patent Appeals and Interferences would not need to engage in what might be called "*de novo*" examination of a patent application, but rather could confine its activities to review of the appealed rejections.

The committee also recommended that certain items be required to be included in the examiner's answer. It is expected that the Manual of Patent Examining Procedure will be amended to require that the examiner's answer contain these and other items, substantially as indicated in Appendix A.

In addition to the committee's recommendations, some of the proposed items are supported by the evaluation of selected practices conducted as a part of the PTO's Quality Reinforcement Program. A summary of the results of that evaluation is published at 1078 Official Gazette 22 (May 19, 1987).

The specific items required by proposed § 1.192(c) are:

(1) A statement of the status of all the claims in the application, or patent under reexamination, i.e., for each claim in the case, appellant should state whether it is cancelled, allowed, rejected, etc. Each claim on appeal must be identified.

(2) A statement of the status of any amendment filed subsequent to final rejection, i.e., whether or not the amendment has been acted upon by the examiner, and if so, whether it was entered, denied entry, or entered in part.

Items (1) and (2) are included in proposed § 1.192(c) because in the past confusion has sometimes arisen as to which claims are on appeal, and the precise wording of those claims, particularly where the appellant has sought to amend claims after final rejection. The inclusion of items (1) and (2) in the brief would advise the examiner of what the appellant considers the status of the claims and post-final rejection amendments to be, allowing any disagreement on these questions to be resolved before the appeal was taken up for decision by the Board of Patent Appeals and Interferences.

(3) A concise explanation of the invention defined in the claims involved in the appeal. This explanation would be required to refer to the specification by page and line number, and, if there were a drawing, to the drawing by reference characters. Where applicable, it would be preferable to read the appealed claims on the specification and any drawing.

(4) A concise statement of the issues presented for review. Each stated issue would correspond to a separate ground of rejection which appellant wished the Board of Patent Appeals and Interferences to review. While the statement of the issues would have to be concise, it could not be so concise as to omit the basis of each issue. For example, the statement of an issue as "Whether claims 1 and 2 are unpatentable" would not comply with proposed § 1.192(c)(4). Rather, the basis of the alleged unpatentability would have to be stated, e.g., "Whether claims 1 and 2 are unpatentable under 35 U.S.C. 103 over Smith in view of Jones", or "Whether claims 1 and 2 are unpatentable under 35 U.S.C. 112, first paragraph, as being based on a non-enabling disclosure." The statement would be limited to the issues presented, and should not include any argument concerning the merits of those issues.

(5) If an appealed ground of rejection applied to more than one claim and appellant considered the rejected claims to be separately patentable, proposed § 1.192(c)(5) would require appellant to state that the claims do not stand or fall together, and the reasons why they were considered separately patentable. The absence of such a statement would be

taken by the PTO as a concession by the applicant that, if the ground of rejection were sustained as to any one of the rejected claims, it would be equally applicable to all of them. Proposed § 1.192(c)(5) continues the current practice of the Board of Patent Appeals and Interferences, and is consistent with the practice of the Court of Appeals for the Federal Circuit indicated in such cases *In re Sernaker*, 702 F.2d 989, 217 USPQ 1 (Fed. Cir. 1983), and *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

(6) The appellant's contentions with respect to each of the issues presented for review in proposed § 1.192(c)(4), and the basis for those contentions, including citations of authorities, statutes, and parts of the record relied on. Included in this proposed paragraph are five subparagraphs, (i) to (v). Subparagraphs (i) to (iv) concern the grounds of rejection most commonly involved in *ex parte* appeals, namely, 35 U.S.C. 112, first and second paragraphs, 35 U.S.C. 102, and 35 U.S.C. 103. Subparagraph (v) is a general provision concerning grounds of rejection not covered by subparagraphs (i) to (iv).

The purpose of subparagraphs (i) to (iv) is to insure that the appellant's argument concerning each appealed ground of rejection will include a discussion of the questions relevant to that ground. It is believed that compliance with the requirements of the particular subparagraphs which are pertinent to the grounds of rejection involved in an appeal would be beneficial both to the PTO and to appellants. It would not only facilitate a decision by the Board of Patent Appeals and Interferences by enabling the Board to determine more quickly and precisely the appellant's position on the relevant issues but also would help appellants to focus their arguments on those issues.

For each rejection not falling under subparagraphs (i) to (iv), proposed subparagraph (v) provides that the argument should specify the specific limitations in the rejected claims, if appropriate, or other reasons, which cause the rejection to be in error. This proposed language recognizes that for some grounds of rejection, it may not be necessary to specify particular claim limitations; for example, a rejection under 35 U.S.C. 101, as in *Ex parte Hibberd*, 227 USPQ 443 (BPAI 1985), or a rejection for violation of the duty of disclosure under 37 CFR 1.56(d), as in *Ex part Harita*, 1 USPQ2d 1887 (BPAI 1986).

(7) An appendix containing a copy of the claims involved in the appeal.

C. Contents of Reply Brief

Section 1.193(b), if amended as proposed, would insert the following as the second sentence: "The new points of argument shall be specifically identified in the reply brief."

Since the reply brief must be limited to any new points of argument raised in the examiner's answer, compliance with the requirement of this proposed sentence would facilitate both preparation of the reply brief by appellant and consideration of the reply brief by the PTO.

The final sentence of § 1.193(b), if amended as proposed, would provide that the reply may be accompanied by, rather than include, any amendment or material appropriate to the new ground of rejection. This proposed change in the rule makes clear that the amendment or other material must be presented in a separate paper, rather than in the reply itself.

(3) Time Period for Requesting an Oral Hearing

Section 1.194(b), if amended as proposed, would add the following sentence after the first sentence: "If the examiner's answer states a new ground of rejection and if appellant files a reply as provided by § 1.193(b), then the written request must be made within three months after the date of the filing of the reply."

The present rule does not provide the appellant an additional time period for requesting an oral hearing in the event that the examiner's answer states a new ground of rejection. If an answer states a new ground of rejection, § 1.193(b) provides that appellant's reply may also include any amendment or material appropriate to the new ground of rejection. However, under § 1.194(b) appellant must file the request for oral hearing within one month after the date of the answer whereas the reply thereto must be filed within two months from the date of the answer. Consequently, appellant must file a request for oral hearing before having the benefit of the examiner's views, if any, with respect to the reply.

Although the examiner does not normally issue a supplemental answer in response to a reply, see Manual of Patent Examining Procedure § 1208.01 (5th Ed., Aug. 1983), the proposed amendment to § 1.194(b) would permit the appellant to postpone filing a request for an oral hearing until three months after the date the reply is filed. This will give the appellant time to receive the examiner's response, if any, to the reply before the appellant has to decide whether to request an oral hearing.

(4) Procedure Following Final Rejection, Remand Under § 1.196(b)

Section 1.196(b)(1), if amended as proposed, would add the following sentence as the penultimate sentence of the section: "Should the examiner make the rejection final the applicant may again appeal to the Board of Patent Appeals and Interferences."

Under § 1.196(b), the Board of Patent Appeals and Interference may, in its decision on an *ex parte* appeal, make a new rejection of one or more appealed claims, in which case the appellant has the option of (1) submitting an appropriate amendment of the rejected claims, and/or a showing of facts, (2) requesting reconsideration, or (3) treating the decision as a final decision. If the appellant elects option (1), the case is remanded to the examiner for consideration. If the examiner does not consider that the amendment and/or showing of facts overcome the rejection, he or she will make the rejection final.

An applicant in whose application such a final rejection has been made may mistakenly believe that he or she is entitled to review of the final rejection by the Board of Patent Appeals and Interferences by virtue of the fact that the application was previously on appeal. The proposed amendment would correct this belief by making clear that after such a final rejection, an applicant who desires further review of the matter must file a new appeal to the Board of Patent Appeals and Interferences. The language of the proposed amendment is similar to the fourth sentence of § 1.196(d).

(5) Request for Access by Interference Party

Section 1.612(a), if amended as proposed, would add the following sentence as the last sentence of the section: "A party seeking access to any abandoned or pending application referred to in the opposing party's involved application or access to any pending application referred to in the opposing party's patent must file a motion under § 1.635." The proposed amendment would require an interference party seeking access either to a pending or abandoned application referred to in an opposing party's involved application or to a pending application referred to in an opposing party's involved patent to file a motion under 37 CFR 1.635. Such a motion is decided by an examiner-in-chief (§ 1.640(b)).

Under the present practice, access can only be obtained by filing an *ex parte* petition to the Commissioner accompanied by the petition fee set forth in § 1.17(i) and normally no decision is rendered on the petition until after the opposing party has had an opportunity to respond to the petition. The proposed amendment would expedite the interference proceeding by eliminating the delays inherent in the petition process. By requiring the party seeking access to file a motion under § 1.635, that party would first have to confer with the opposing party in an effort to resolve the issue of access as required by § 1.637(b). The examiner-in-chief would not have to decide the issue unless it could not be resolved by the parties.

(6) Access to Applications

Section 1.14(e), if amended as proposed, would delete the word "of" from the phrase "or of any papers relating thereto" and would add a reference to § 1.612(a) by adding the following sentence as the last sentence thereof: "See § 1.612(a) for access by an interference party to a pending or an abandoned application."

Section 1.14(e) as presently worded appears to limit a request by a member of the public to copies of, but not access to, any papers relating to any pending or abandoned application. Any such limitation was unintentional. The amended language will permit a member of the public to request both access to and copies of those papers.

(7) Request for Interference with an application or Patent

Sections 1.604(a) and 1.607(a), if amended as proposed, would provide for the situation in which a patent applicant requests an interference with another application or patent, respectively, on the basis of one or more claims which are already present in his or her application. The present rules require that when an applicant seeks an interference with another application or an unexpired patent, he or she must present a claim corresponding to the proposed count. The proposed rules would eliminate this requirement if a claim or claims corresponding to the proposed count are already in the application, and the applicant identifies them as such.

(8) Motion to Declare Additional Interference

Section 1.637(e)(1)(vi), if amended as proposed, would clearly state that a motion to declare an additional interference under 37 CFR 1.633(e)(1) between an additional application not involved in the interference and owned by a party and an opponent's application or patent involved in the interference shall designate the claims of the opponent's application or patent which define the same patentable invention defined by the proposed count or if the opponent's application does not contain any such claim, the moving party shall propose a claim to be added to the opponent's application. The present section states that when the opponent is a patentee, the motion shall designate the patent claims which define the same patentable invention defined by the proposed count. The present section does not require, although such a requirement is inferred from § 1.637(e)(2)(vi), that when the opponent is an applicant, the motion shall designate the application claims which define the same patentable invention defined by the proposed count or, if the opponent's application does not contain any such claim, the moving party shall propose a claim to be added to the opponent's application.

(9) Interference Estoppel

Section 1.658(c), if amended as proposed, would insert in the first sentence the language "by a motion under § 1.633(e)" after the words "(3) could have been properly raised" and substitute the language "on an invention which was claimed during the pendency of the original interference either (i) in the winning party's involved application or patent or (ii) in a noninvolved application owned by a losing party" for the words "with a motion under § 1.633(e)". In the second sentence, the language "who could have properly moved, but failed to move, under §§ 1.633 or 1.634" appearing after the words "losing party" would be deleted. Also in the second sentence, the language "that party's failure to properly move" would be deleted and the language "the issues settled by the judgement" inserted in its place. The proposed amendment incorporates into § 1.658(c) the guidelines set forth in the interference rules correction notice (50 Fed. Reg. 23122, May 31, 1985, 1059 Official Gazette 27, October 22, 1985) for the application of the doctrine of interference estoppel under 37 CFR 1.658(c) with respect to a losing party's failure to move under 37 CFR 1.633(e) to declare an "additional interference" between an additional application not involved in the interference and owned by the party and an opponent's application or patent involved in the interference on a separate patentable invention. The correction notice states that generally a losing party will be estopped for failure to move when the spearate patentable invention (subject matter) which could have been the subject of the "additional interference" as *claimed* (during the pendency of the interference) (1) in the opponent's involved application or patent or (2) in a non-involved application owned by the party during the pendency of the interference. Should a losing party after the termination of the interference acquire an application which discloses or claims the separate patentable invention and which could have been the subject of the "additional interference", estoppel would not apply because the party did not own the application during the pendency of the interference.

The correction notice illustrates the general applicability of interference estoppel in certain situations where a losing party fails to move under § 1.633(e) to declare an "additional interference" on a separate patentable invention as follows:

Losing party's non-involved application	Winning opponent's involved application or patent	Estoppel
Claimed	Claimed	Yes
Disclosed	Claimed	Yes
Claimed	Disclosed (Application).	Yes
	(Patent)	No*
Disclosed	Disclosed	No

* An invention disclosed and not claimed in a winning opponent's *patent* would not form the basis for a count because the patent does not contain a claim which can be designated to correspond to the count. Thus, a motion to declare an additional interference under § 1.633(e) could not have been properly brought, and interference estoppel therefore would not apply.

(10) Filing of Reissue Application During Interference

Section 1.662(b), if amended as proposed, would insert a comma after § 1.633(h)" and add the language "or would not be appropriate" at the end of the last sentence. The present rule contemplates that a reissue application may be filed by a patentee involved in an interference only for one of two reasons: either for the purpose of avoiding the interference, or for some other purpose relating to the interference, e.g., to add claims corresponding to a proposed new count. In the first case, judgment would be entered against the patentee, and in the second case, a motion under § 1.633(h) to add the reissue application to the interference would be appropriate.

However, it has been found that a patentee involved in an interference may file a reissue application for some other reason not contemplated by the rule, and for which the entry of judgment or a motion under § 1.633(h) would not be appropriate. For example, the patentee might file a reissue application for the purpose of amending claims of the patent which are directed to an invention which is patentably distinct from the issue of the interference and which is not disclosed by the opposing party. In such a situation, addition of the reissue application to the interference would be unnecessary. The proposed amendment of § 1.662(b) would accommodate this third possibility by providing that, instead of filing a motion under § 1.633(h) to add the reissued application to the interference, a patentee could show good cause why such a motion would not be appropriate under the particular circumstances involved.

(11) Applications Under Secrecy Order

Section 5.3(b), if amended as proposed, would delete the language "under secrecy order copies claims from an issued patent" and insert in its place the language "is under secrecy order seeks to provoke an interference with an issued patent" to make the section's language consistent with that of § 1.607(d). In addition, it is proposed to correct the reference to "§ 1.205(c)" to read "§ 1.607(d)"

Environmental, Energy and Other Considerations

The proposed rule change will not have a significant impact on the quality of the human environment or conservation of energy resources.

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)), because it is intended to expedite the disposition of appeals and to simplify by clarification and amplification certain of the rules governing the conduct of an interference. The expedited disposition of appeals will permit the small entity to make earlier business decisions which may be affected by a pending appeal. The effect of the clarification and amplification of the rules relating to interferences will be to reduce the costs associated with involvement in an interference.

The Patent and Trademark Office has determined that this proposed rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions. There will be 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.

This rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no significant additional record keeping or reporting requirements are placed upon the public.

List of Subjects in 37 CFR Parts 1 and 5

Administrative practice and procedure, Authority delegations (government agencies), Conflict of interests, Courts, Inventions and patents, Lawyers.

Notice is hereby given that, pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, the patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations as set forth below. It is proposed to amend 37 CFR, Parts 1 and 5, as follows with deletions indicated by brackets and additions by arrows.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 would continue to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.14 is proposed to be amended by revising paragraph (e) to read as follows:

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(e) Any request by a member of the public seeking access to, or copies of, any pending or abandoned application preserved in secrecy pursuant to paragraphs (a) and (b) of this section, or [of] any papers relating thereto, must (1) be in the form of a petition and be accompanied by the petition fee set forth in § 1.17(i) or (2) include written authority granting access to the member of the public in that particular application from the applicant or the applicant's assignee or attorney or agent of record. ►see § 1.612(a) for access by an interference party to a pending or abandoned application.◄

3. Section 1.131 is proposed to be revised to read as follows:

§ 1.131 Affidavit for declaration of prior invention to overcome cited patent or publication.

(a) When any claim of an application or a patent under reexamination is rejected on reference to a domestic patent which substantially shows or describes but does not claim ►the same patentable invention, as defined in § 1.601(n), as◄ the rejected invention, or on reference to a foreign patent or to a printed publication, and the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the person qualified under §§ 1.42, 1.43 or 1.47, shall make oath or declaration as to facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued, or before the date of the foreign patent, or before the date of the printed publication, then the patent or publication cited shall not bar the grant of a patent to the inventor or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country.

(b) The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from ►prior to◄ said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained.

4. Section 1.192 is proposed to be amended by revising paragraph (a) and adding new paragraphs (c) and (d) to read as follows:

§ 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a

brief in triplicate. ►If the brief exceeds 30 pages, in addition to the appendix required by paragraph (c)(7) of this section, it will be returned to the appellant.◄ The brief must be accompanied by the requisite fee set forth in § 1.17(f) and must set forth the authorities and arguments on which the appellant will rely to maintain the appeal. [The brief must include a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved.]

* * * * *

►(c) The brief shall contain the following items under appropriate headings and in the order here indicated:

(1) *Status of claims.* A statement of the status of all the claims, pending or cancelled, and identifying the claims appealed.

(2) *Status of amendments.* A statement of the status of any amendment filed subsequent to final rejection.

(3) *Summary of invention.* A concise explanation of the invention defined in the claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters.

(4) *Issues.* A concise statement of the issues presented for review.

(5) *Grouping of claims.* For each ground of rejection which appellant contests and which applies to more than one claim, it will be presumed that the rejected claims stand or fall together unless a statement is included that the rejected claims do not stand or fall together, accompanied by reasons as to why appellant considers the rejected claims to be separately patentable.

(6) *Argument.* The contentions of the appellant with respect to each of the issues presented for review in paragraph (c)(4) of this section, and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on. Each issue should be treated under a separate heading.

(i) For each rejection under 35 U.S.C. 112, first paragraph, the argument shall specify the errors in the rejection and how the first paragraph of 35 U.S.C. 112 is complied with, including, as appropriate, how the specification and drawings, if any, (A) describe the subject matter defined by each of the rejected claims, (B) enable any person skilled in the art to make and use the subject matter defined by each of the rejected claims, and (C) set forth the best mode contemplated by the appellant of carrying out his or her invention.

(ii) For each rejection under 35 U.S.C. 112, second paragraph, the argument shall specify the errors in the rejection and how the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(iii) For each rejection under 35 U.S.C. 102, the argument shall specify the errors in the rejection and why the rejected claims are patentable under 35 U.S.C. 102, including any specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection.

(iv) For each rejection under 35 U.S.C. 103, the argument shall specify the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied on in the rejection, and shall explain how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument shall explain why the references, taken as a whole, do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not properly be combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of this paragraph.

(v) For any rejection other than those referred to in paragraphs (c)(6) (i) to (iv) of this section, the argument shall specify the errors in the rejection and the specific limitations in the rejected claims, if appropriate, or other reasons, which cause the rejection to be in error.

(7) *Claims appealed.* An appendix containing a copy of the claims involved in the appeal.

(d) Failure to comply with any of the requirements of paragraph (c) of this section may result in dismissal of the appeal. Any arguments or authorities not included in the brief may be refused consideration by the Board of Patent Appeals and Interferences.◄

5. Section 1.193 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.193 Examiner's answer.

* * * * *

(b) The appellant may file a reply brief directed only to such new points of argument as may be raised in the examiner's answer, within one month from the date of such answer. ►The new points of argument shall be specifically identified in the reply brief. If the reply brief exceeds 15 pages, or the examiner determines that it is not directed only to new points of argument raised in the examiner's answer, the examiner will so notify the appellant and at the same time return the reply brief to the appellant.◄ [However, if] ►If◄ the examiner's answer states a new ground of rejection appellant may file a reply thereto within two months from the date of such answer; such reply may [include] ►be accompanied by◄ any amendment or material appropriate to the new ground.

6. Section 1.194 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.194 Oral hearing.

* * * * *

(b) If appellant desires an oral hearing, appellant must file a written request for such hearing accompanied by the fee set forth in § 1.17(g) within one month after the date of the examiner's answer. ►If the examiner's answer states a new ground of rejection and if appellant files a reply as provided for by § 1.193(b), then the written request must be made within three months after the date of the filing of the reply.◄ If appellant requests an oral hearing and submits therewith the fee set forth in § 1.17(g), an oral argument may be presented by, or on behalf of, the primary examiner if considered desirable by either the primary examiner or the Board.

* * * * *

7. Section 1.196(b)(1) is proposed to be revised to read as follows:

§ 1.196 Decision by the Board of Patent Appeals and Interferences.

* * * * *

(b) * * *

(1) The appellant may submit an appropriate amendment of the claims so rejected or a showing of facts, or both, and have the matter reconsidered by the examiner in which event the application will be remanded to the examiner and the decision of the Board of Patent Appeals and Interferences shall not be considered final for the purpose of judicial review. The statement shall be binding upon the examiner unless an amendment or showing of facts not previously of record be made which, in the opinion of the examiner, overcomes the new ground for rejection stated in the decision. ►Should the examiner make the rejection final the applicant may again appeal to the Board of Patent Appeals and Interferences.◄ When appropriate, upon conclusion of proceedings on remand before the examiner, the Board of Patent Appeals

and Interferences may enter an order otherwise making its decision final.

* * * * *

8. Section 1.604(a) is proposed to be revised to read as follows:

§ 1.604 Request for interference between applications by an applicant.

(a) An applicant may seek to have an interference declared with an application of another by—

(1) Suggesting a proposed count and presenting [a] ►at least one◄ claim corresponding to the proposed count ►, or identifying at least one claim in his or her application that corresponds to the proposed count◄,

(2) Identifying the other application and, if known, a claim in the other application which corresponds to the proposed count, and

(3) Explaining why an interference should be declared.

* * * * *

9. Section 1.607(a) is proposed to be revised to read as follows:

§ 1.607 Request by applicant for interference with patent.

(a) An applicant may seek to have an interference declared between an application and an unexpired patent by—

(1) ►Identifying the patent,

(2)◄ Presenting a proposed count ►

(3) identifying at least one claim in the patent corresponding to the proposed count, (4) presenting at least one◄ [and a] claim corresponding to the proposed count ► or identifying at least one claim already pending in his or her application that corresponds to the proposed count,◄ and, if any claim of the patent or application ►identified as corresponding to the proposed count◄ does not correspond exactly to the proposed count, explaining why [an interference should be declared, (2) identifying the patent and indicating which claim in the application and which claim or claims of the patent correspond to the proposed count] ►each such claim corresponds to the proposed count◄, and [3] ►(5)◄ applying the terms of ►and◄ [the] application claim ►(i) identified as◄ corresponding to the count and (ii) not previously in the application◄ to the disclosure of the application.

* * * * *

10. Section 1.612(a) is proposed to be revised to read as follows:

§ 1.612 Access to applications.

(a) After an interference is declared, each party shall have access to and may obtain copies of the files of any application set out in the notice declaring the interference, except for affidavits filed under § 1.131 and any evidence and explanation under § 1.608 filed separate from an amendment. ►A party seeking access to any abandoned or pending application referred to in the opposing party's involved application or access to any pending application referred to in the opposing party's patent must file a motion under § 1.635.◄

* * * * *

11. Paragraph (e)(1)(vi) of § 1.637 is proposed to be revised to read as follows:

§ 1.637 Content of motions.

* * * * *

(e) * * *

(1) * * *

(vi) [When the opponent is a patentee, designate the claims of the patent which define the same patentable invention defined by the proposed count] ►Identify all claims in the opponent's application or patent which should be designated to correspond to each proposed count; if the opponent's application does not contain any such claim, the motion shall propose a claim to be added to the opponent's application.◄ * * *

* * * * *

12. Paragraph (c) of § 1.658 is proposed to be revised to read as follows:

§ 1.658 Final decision

* * * * *

(c) A judgment in an interference settles all issues which (1) were raised and decided in the interference, (2) could have been properly raised and decided in the interference by a motion under § 1.633 (a) through (d) and (f) through (j) or § 1.634 and (3) could have been properly raised ► by a motion under § 1.633(e) ◄ and decided in an additional interference [with a motion under § 1.633(e)] ► on an invention which was claimed during the pendency of the original interference either (i) in the winning party's involved application or patent or (ii) in a non-involved application owned by a losing party ◄. A losing party [who could have properly moved, but failed to move, under §§ 1.633 or 1.634] shall be estopped to take *ex parte* or *inter partes* action in the Patent and Trademark Office after the interference which is inconsistent with [that party's failure to properly move] ► the issues settled by the judgment ◄, except that a losing party shall not be estopped with respect to any claims which correspond, or properly could have corresponded, to a count as to which that party was awarded a favorable judgment.

13. Paragraph (b) of § 1.662 is proposed to be revised to read as follows:

§ 1.662 Request for entry of adverse judgment; reissue filed by patentee.

* * * * *

(b) If a patentee involved in an interference files an application for reissue during the interference and omits all claims of the patent corresponding to the counts of the interference for the purpose of avoiding the interference, judgment may be entered against the patentee. A patentee who files an application for reissue other than for the purpose of avoiding the interference shall timely file a preliminary motion under §1.633(h)►,◄ or show good cause why the motion could not have been timely filed ► or would not be appropriate ◄.

* * * * *

PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO EXPORT AND FILE APPLICATIONS IN FOREIGN COUNTRIES

14. The authority citation for 37 CFR Part 5 would continue to read as follows:

Authority: 35 U.S.C. 6, 41, 181–188 and the Export Administration Act of 1979, as amended, the Arms Export Control Act, as amended, the Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978, and the delegations in the regulations under these acts to the Commissioner (15 CFR 370.10(j), 22 CFR 125.04, and 10 CFR 810.7).

15. Paragraph (b) of § 5.3 is proposed to be revised to read as follows:

§ 5.3 Prosecution of application under secrecy orders; withholding patent.

* * * * *

(b) An interference will not be declared involving national applications under secrecy order. However, if an applicant whose application [under secrecy order copies claims from] ► is under secrecy order seeks to provoke an interference with ◄ an issued patent, a notice of that fact will be placed in the file wrapper of the patent. (See [§ 1.205(c)] ► § 1.607(d) ◄).

* * * * *

Date: July 16, 1987.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

Note: This Appendix A will not appear in the code of Federal Regulations.

Appendix A—Proposed Requirements for Examiner's Answer

Chapter 1200 of the Manual of Patent Examining Procedure would be amended to require that the examiner's answer include, in the order indicated, the following items:

(1) *Status of claims.* A statement of whether the examiner agrees or disagrees

with the statement of the status of claims contained in the brief and a correct statement of the status of all the claims pending or cancelled, if necessary.

(2) *Status of Amendments.* A statement of whether the examiner agrees or disagrees with the statement of the status of amendments contained in the brief, and an explanation of any disagreement.

(3) *Summary of invention.* A statement of whether the examiner agrees or disagrees with the summary of invention contained in the brief, an explanation of why the examiner disagrees, and correct summary of invention, if necessary.

(4) *Issues.* A statement of whether the examiner agrees or disagrees with the statement of the issues in the brief and an explanation of why the examiner disagrees, including:

(i) Identification of any issues which are petitionable rather than appealable, and

(ii) Identification of any issues or grounds of rejection which the examiner no longer considers applicable.

(5) *Grouping of Claims.* A statement of whether the examiner agrees or disagrees with any statement in the brief that certain claims do not stand or fall together, and, if the examiner disagrees, an explanation as to why those claims are not separately patentable.

(6) *Claims appealed.* A statement of whether the copy of the appealed claims contained in the appendix to the brief is correct and if not, a correct copy of any incorrect claim.

(7) *References of record.* A listing of the references of record relied on, including (where appropriate, and especially in the case of non-patent references) the page or pages in each reference relied on.

(8) *New references.* A statement of whether or not any new reference is being applied and a listing of each such reference being cited for a new ground of rejection in the examiner's answer, including (where appropriate, and especially in the case of non-patent references) the page or pages in each reference relied on.

(9) *Grounds of rejection.* For each ground of rejection applicable to the appealed claims, and explanation of the ground of rejection, or reference to a final rejection or other single prior action for clear exposition of the rejection.

(i) For each rejection under 35 U.S.C. 112, first paragraph, the examiner's answer, or the single prior action, shall explain how the first paragraph of 35 U.S.C. 112 is not complied with, including, as appropriate, how the specification and drawings, if any, (a) do not describe the subject matter defined by each of the rejected claims, (b) would not enable any person skilled in the art to make and use the subject matter defined by each of the rejected claims, and (c) do not set forth the best mode contemplated by the appellant of carrying out his or her invention.

(ii) For each rejection under 35 U.S.C. 112, second paragraph, the examiner's answer, or single prior action, shall explain how the claims do not particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(iii) For each rejection under 35 U.S.C. 102, the examiner's answer, or single prior action, shall explain why the rejected claims are anticipated or not patentable under 35 U.S.C. 102, pointing out where all of the specific limitations recited in the rejected claims are found in the prior art relied upon in the rejection.

(iv) For each rejection under 35 U.S.C. 103, the examiner's answer, or single prior action, shall state the ground of rejection and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on in the rejection, shall identify any difference between the rejected claims and the prior art relied on and shall explain how the claimed subject matter is rendered unpatentable over the prior art. If the rejection is based upon a combination of references, the examiner's answer, or single prior action, shall explain the rationale for making the combination.

(v) For each rejection under 35 U.S.C. 102 or 103 where there may be questions as to how limitations in the claims corresponds to features in the prior art, the examiner, in addition to the requirements of (9)(iii) and (iv) above, should compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison shall align the language of the claim side by side with a reference to the specific page, line number, drawing reference number and quotation from the prior art, as appropriate.

(vi) For each rejection, other than those referred to in paragraphs (i) to (v) of this section, the examiner's answer, or single prior action, shall specifically explain the basis for the particular rejection.

(10) *New ground of rejection.* A statement of whether or not any new ground of rejection is being made in the examiner's answer and a complete statement and explanation of any such new ground. The requirements of section (9) shall be complied with for any new ground of rejection.

(11) *Response to argument.* A statement of whether the examiner agrees or disagrees with each of the contentions of appellant in the brief with respect to the issues presented and an explanation of the reasons for disagreement with any such contention. If any ground or rejection is not argued and responded to by appellant, the response shall point out each claim affected.

(12) *Period of response to new ground of rejection.* A statement setting the period for appellant to file a reply to any new ground of rejection, if necessary.

[FR Doc. 87-22476 Filed 9-29-87; 8:45am]

BILLING CODE 3510-16-M

federal register

Wednesday
September 30, 1987

Part VIII

Department of Health and Human Services

Health Care Financing Administration

Public Health Service

42 CFR Parts 110 and 417

Medicare and Medicaid Programs; Redesignation of Rules Concerning Federal Requirements for Health Maintenance Organizations; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Public Health Service

42 CFR Parts 110 and 417

[OPH-2-F]

Medicare and Medicaid Programs; Redesignation of Rules Concerning Federal Requirements for Health Maintenance Organizations

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This rule moves the regulations that implement title XIII of the Public Health Service Act from 42 CFR Part 110 to a new Subpart A of 42 CFR Part 417. We are moving these regulations, which generally govern Federal qualification and Federal aid for health maintenance organizations (HMOs), to HCFA's regulations because the authority to administer these regulations has been transferred from the Public Health Service to HCFA.

EFFECTIVE DATE: October 1, 1987.

FOR FURTHER INFORMATION CONTACT: Larry Sobel, (202) 245-0197.

SUPPLEMENTARY INFORMATION:

I. Background

Until recently, the authority for determining whether an entity is a Federally qualified health maintenance organization (HMO) within the meaning of section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)) was delegated to the Assistant Secretary for Health of the Department of Health and Human Services (the Department). This delegation was published in the **Federal Register** on April 22, 1983 (48 FR 17395) and is set forth in regulations at 42 CFR 417.406. However, that authority was redelegated to the Administrator of HCFA, as described in the **Federal Register** on March 21, 1986 (51 FR 9894). That document states that the "* * * change in authority for the Federal HMO program was made in order to more closely coordinate the Health Maintenance Organization Program with the Medicare Program and improve the objectives of both programs to improve health care and the use of prepaid health care."

In a proposed rule (51 FR 30520), published on August 27, 1986, concerning charging application fees for Federal qualification of HMOs, we indicated our intention to move the regulations that implement title XIII of the Public Health Service Act from 42 CFR Part 110 to a new Subpart A of 42 CFR Part 417.

II. Redesignation

We are moving these regulations, which govern Federal qualification of, and Federal aid for, HMOs and which complement the regulations implementing the Medicare and Medicaid HMO programs, to HCFA's portion of the Code of Federal Regulations (that is, Title 42, Chapter IV). As explained above, the authority for administering these regulations has been transferred from the Assistant Secretary for Health in the Department to the Administrator of HCFA.

In making this redesignation, we have made some minor editorial changes. For example, references to "the Act" have been appropriately changed throughout the regulations text to read "the Public Health Service Act" to distinguish that Act from the Social Security Act.

Although we are not making any other changes now, we are reviewing these regulations in order to determine which technical changes need to be made (for example, correcting addresses) and whether any substantive changes need to be made. Any such changes will be published later in the **Federal Register.**

III. Regulatory Impact Statement

Since this rule is merely a redesignation and makes no substantive changes in current regulations, there is no need for the analysis required by Executive Order 12291 for rules that have a significant impact on the economy.

In addition, because this rule does not require a general notice of proposed rulemaking under the Administrative Procedure Act (5 U.S.C. 553(b)), it is not subject to the requirements for regulatory flexibility analysis imposed under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 through 612).

IV. Other Required Information

A. Paperwork Reduction Act

This final rule consists of a redesignation of regulations text and, as such, does not change in any way the requirements reflected in the regulations. Therefore, this rule need not be reviewed by the Executive Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

B. Waiver of Proposed Rulemaking

The changes in regulations text made as part of this redesignation are minor, and of an editorial nature. Because these changes do not alter any policies or procedures, the usual notice and opportunity for prior public comment are unnecessary and we find good cause to waive notice of proposed rulemaking.

C. Waiver of 30-day Delay in the Effective Date

As noted above, these redesignated regulations are effective October 1, 1987. If we were to provide the customary 30-day delay in the effective date, the next updated issue of Title 42 of the CFR, which will be revised as of October 1, 1987, would show two sets of extensive, essentially duplicative regulations text regarding HMOs. One set would continue to be located in 42 CFR Part 110 and would remain in effect through whatever portion of the 30 day period extends past October 1, 1987. The second set would be located in 42 CFR Part 417, which would become effective after the 30-day delay had expired. Such a confusing and perverse effect would be unintended but would result from the interaction of a 30-day delay in the effective date of this final rule and the annual date of revision of 42 CFR. Therefore, the usual delay in effective date is impractical. In addition, because we are not revising the regulations in any substantive way, but merely redesignating them, the delay is unnecessary.

Accordingly, we find good cause to waive the 30-day delay in the effective date of this final rule and to make it effective on October 1, 1987.

List of Subjects in 42 CFR Part 417

Administrative practice and procedures, Health maintenance organization (HMO), Medicare, Grant programs/health, Health care, Health facilities, Health insurance, Loan programs/health.

Title 42 would be amended as set forth below:

TITLE 42—PUBLIC HEALTH

PART 417—[AMENDED]

1. The authority citation for Subpart A of Part 417 is added to read as follows:

Authority: Sections 215 and 1301 through 1318 of the Public Health Service Act, as amended (42 U.S.C. 216 and 300e through 300e-17).

2. Part 110, Health Maintenance Organizations is redesignated as a new Subpart A, Federally Qualified Health Maintenance Organizations, of Part 417 and all internal cross-references are corrected accordingly. All subpart headings in Part 110 are revised to uncoded internal headings in Part 417, Subpart A. All references to "the Act" are revised throughout to read "the Public Health Service Act." All

references to "this part" are revised to read "this subpart." This redesignation is set forth in the table below:

Redesignation Table for 42 CFR Part 417, Subpart A

Old Section	*New Section*
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110.102	417.101
110.103	417.102
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110.105	417.104
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110.210	417.119
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110.405	417.124
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110.1011	417.180

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance; No. 13.774, Medicare Supplementary Medical Insurance; No. 13.714, Medical Assistance Program)

Dated: September 3, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Dated: September 8, 1987.

Robert E. Windom,

Assistant Secretary for Health.

Approved: September 21, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-22737 Filed 9-29-87; 10:58 am]

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