

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program generally, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, N.W., Washington, D.C. 20005, (202) 219-9657. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 8A35, Rockville, MD 20857, (301) 443-6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated her responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table

lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a partial list of petitions received by HRSA on January 2, 1997 through March 31, 1997.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and
2. Any allegation in a petition that the petitioner either:
 - (a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by" one of the vaccines referred to in the Table, or
 - (b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading For Further Information Contact), with a copy to HRSA addressed to Associate Administrator for Health Professions, 5600 Fishers Lane, Room 8-05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition

should be used as the caption for the written submission.

Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. Aleta Anderson on behalf of Steven Anderson, Mount Clemens, Michigan, Court of Federal Claims Number 97-0003 V
2. Jo and Mark Womack on behalf of Devan Scott Womack, Oklahoma City, Oklahoma, Court of Federal Claims Number 97-0010 V
3. Tanya Williams on behalf of Taracee Williams, Mobile, Alabama, Court of Federal Claims Number 97-0017 V
4. Sandra Ward, Cambridge, Massachusetts, Court of Federal Claims Number 97-0022 V
5. Tarra and Aaron Hopkins on behalf of Anthony Aaron Hopkins, Deceased, Cottonwood, Arizona, Court of Federal Claims Number 97-0039 V
6. Georgia Grant on behalf of Dominique Grant, Hempstead, New York, Court of Federal Claims Number 97-0053 V
7. Kim Boyd, Bellingham, Washington, Court of Federal Claims Number 97-0054 V
8. Cynthia and Thomas Burks on behalf of Jason Thomas Burks, San Mateo, California, Court of Federal Claims Number 97-0055 V
9. Ginger Castle on behalf of Jonathan Castle, Deceased, Camp Lejeune, North Carolina, Court of Federal Claims Number 97-0059 V
10. Jennifer and Larry Killian on behalf of Larry Duane Killian, Deceased, Kennett, Missouri, Court of Federal Claims Number 97-0060 V
11. Staci and Zvi Rudawsky on behalf of Derek Rudawsky Denver, Colorado, Court of Federal Claims Number 97-0061 V
12. Tangee McGinnis and Hillary Davis on behalf of Lashondra McGinnis, New Orleans, Louisiana, Court of Federal Claims Number 97-0075 V
13. Patricia Medina on behalf of Michael Trevino, Laredo, Texas, Court of Federal Claims Number 97-0076 V
14. Debra and Steven Fields on behalf of Andrew Fields, Anoka, Minnesota, Court of Federal Claims Number 97-0077 V
15. Lesli and Michael Muchnick on behalf of Jessica Muchnick, Sunrise, Florida, Court of Federal Claims Number 97-0089 V
16. Michelle Bosgraaf on behalf of Hannah Bosgraaf, Orlando, Florida, Court of Federal Claims Number 97-0097 V
17. Tanya Thompson on behalf of Cory Thompson, Bloomington, Illinois,

- Court of Federal Claims Number 97-0102V
18. Juanita Chavez on behalf of Jerika Chavez, Mountainair, New Mexico, Court of Federal Claims Number 97-0103 V
 19. Debra Brooks on behalf of Matthew Brooks, Kansas City, Missouri, Court of Federal Claims Number 97-0104 V
 20. Norman Blackaby, Fort Worth, Texas, Court of Federal Claims Number 97-0105 V
 21. Katherine Ferrara, Neptune, New Jersey, Court of Federal Claims Number 97-0111 V
 22. Kathleen Dunkelberger-Diehl and Bret Diehl on behalf of Bret A. Diehl, Fort Meyers, Florida, Court of Federal Claims Number 97-0114 V
 23. Adriana Nuno on behalf of Emilio Nuno, Santa Barbara, California, Court of Federal Claims Number 97-0123 V
 24. Elizabeth Corder on behalf of Dillon N. Corder, San Clemente, California, Court of Federal Claims Number 97-0125 V
 25. Melissa Leblue on behalf of Paul J. Staley, Jr., Mamou, Louisiana, Court of Federal Claims Number 97-0128 V
 26. Annette and Derwin Hastings on behalf of Kyle Hastings, Williston, North Dakota, Court of Federal Claims Number 97-0144 V
 27. Susan Gorksi, Richland, Washington, Court of Federal Claims Number 97-0156 V
 28. Candace Neep on behalf of Dakota Amber Neep, Roseville, California, Court of Federal Claims Number 97-0162 V
 29. Anna and Charles Calabrese on behalf of Charles J. Calabrese, El Paso, Texas, Court of Federal Claims Number 97-0174 V
 30. Amparo and Harry Perales on behalf of Javier Daniel Perales, Heidelberg, Germany, Court of Federal Claims Number 97-0175 V
 31. Christy and Richard Berry on behalf of Adam Neal Berry, San Antonio, Texas, Court of Federal Claims Number 97-0180 V

Dated: June 12, 1997.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 97-15994 Filed 6-17-97; 8:45 am]

BILLING CODE 4160-15-U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Revised Environmental Assessment and Habitat Conservation Plan for the Natomas Basin area, Sacramento and Sutter Counties, CA

AGENCY: Fish and Wildlife Service.

ACTION: Notice of availability.

SUMMARY: On January 15, 1997, the Fish and Wildlife Service published a notice of availability of an environmental assessment and receipt of an application for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended, submitted by the City of Sacramento, California, for the Natomas Basin Habitat Conservation Plan (Plan). The application has been assigned permit number PRT-823773. The proposed permit would authorize the incidental take of the federally threatened giant garter snake (*Thamnophis gigas*), Aleutian Canada goose (*Branta canadensis leucopareia*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and vernal pool fairy shrimp (*Branchinecta lynchi*); and the federally endangered peregrine falcon (*Falco peregrinus anatum*), conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and vernal pool tadpole shrimp (*Lepidurus packardii*). The HCP also addresses the following federally listed plant species: slender orcutt grass (*Orcuttia tenuis*), hairy orcutt grass (*Orcuttia pilosa*), Sacramento orcutt grass (*Orcuttia viscida*), and palmate bird's beak (*Cordylanthus palmatus*). The proposed taking of these species would be incidental to development for urban uses within the 53,341-acre Natomas Basin in the City of Sacramento and Sacramento and Sutter Counties. The proposed permit also would authorize future incidental take of the currently unlisted California tiger salamander (*Ambystoma tigrinum californiense*), Swainson's hawk (*Buteo swainsoni*), greater sandhill crane (*Grus canadensis tubida*), bank swallow (*Riparia riparia*), Boggs Lake hedge-hyssop (*Gratiola heterosepala*) and Ahart's dwarf flax (*Juncus leiospermus* var. *ahartii*), among others, should any of these species become listed under the Endangered Species Act in the future. The permit would be in effect for 50 years.

During the 45-day public comment period for this Plan, the Service received numerous comments on the Plan with respect to the adequacy of its conservation program and other issues. The Service and the City of Sacramento, working jointly, have since revised the Natomas Basin Plan and its associated Implementing Agreement to clarify the Plan's intent and, where necessary, to strengthen its conservation program. This notice announces the availability of the revised Plan and Implementing Agreement for public comment. The Service also announces the availability

of a revised Environmental Assessment for the Natomas Basin Plan incidental take permit application. This notice is provided pursuant to section 10(c) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

Comments are specifically requested on the appropriateness of the assurances that would be provided under the Department of Interior's No Surprises policy should the permit be issued, as specifically outlined in sections 6.9.2-6.9.4 of the Implementing Agreement.

DATES: Written comments on the Habitat Conservation Plan, Environmental Assessment and Implementing Agreement should be received on or before July 9, 1997.

ADDRESSES: Comments regarding the application or adequacy of the Environmental Assessment and Habitat Conservation Plan should be addressed to the Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino, Suite 130, Sacramento, California 95821-6340. Please refer to permit number PRT-823773 when submitting comments. Individuals wishing copies of the application, Environmental Assessment or Implementing Agreement for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Cay Goude or Mr. William Lehman, Sacramento Fish and Wildlife Office, telephone (916) 979-2725.

SUPPLEMENTARY INFORMATION: Section 9 of the Endangered Species Act and Federal regulation prohibit the "taking" of a species listed as endangered or threatened, respectively. However, the Fish and Wildlife Service, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Background

The Natomas Basin Habitat Conservation Plan addresses development within the 53,341-acre Natomas Basin in Sutter and Sacramento Counties, California. The Natomas Basin is subject to several