10-22-85
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Federal Register

Tuesday
October 22, 1985

Briefings on How To Use the Federal Register—
For information on briefings in Atlanta, GA, see announcement on the inside cover of this issue.

Selected Subjects

Administrative Practice and Procedure
Federal Trade Commission

Aviation Safety
Federal Aviation Administration

Cable Television
Federal Communications Commission

Communications Common Carriers
Federal Communications Commission

Income Taxes
Internal Revenue Service

Navigation (Water)
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Navy Department

Radio
Federal Communications Commission

Reporting and Recordkeeping Requirements
Treasury Department

Securities
Securities and Exchange Commission

Supplemental Security Income (SSI)
Social Security Administration

Uniform System of Accounts
Transportation Department

Vocational Rehabilitation
Veterans Administration

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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

ATLANTA, GA

WHEN: Nov. 21; at 1 pm.
Nov. 22; at 9 am. (identical session)

WHERE: Room LP-7,
Richard B. Russell Federal Building,
75 Spring Street, SW., Atlanta, GA.

RESERVATIONS: Deborah Hogan,
Atlanta Federal Information Center,
Before Nov. 12: 404-221-2170
On or after Nov. 12: 404-331-2170

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. The January 1986 Washington, D.C. workshop will include facilities for the hearing impaired. Dates and locations will be announced later.

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Separate Parts in This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 5395 of October 18, 1985

National CPR Awareness Week, 1985

By the President of the United States of America

A Proclamation

Heart attack is the number one cause of sudden death in the United States. More than a million and a half Americans will experience heart attacks this year, of which over a half million will be fatal. We are making progress: Mortality from heart attacks has declined significantly over the past decade. But since heart attacks remain by far the leading cause of death in America, much remains to be done.

Heart attacks sometimes cause the heart to stop pumping, and cardiopulmonary resuscitation (CPR) then becomes a critical and potentially life-saving first-aid procedure. Trained individuals applying CPR can often preserve the life of a heart attack victim until proper medical care can be obtained. Tens of thousands of Americans who have had heart attacks are leading productive lives today only because someone trained in CPR quickly and effectively applied this life-saving technique.

Cardiopulmonary resuscitation may also be life-saving first aid for other conditions that cause sudden cessation of the heartbeat or cut off the delivery of oxygen into the lungs. Medical authorities are in agreement that a person adequately trained in CPR can make all the difference between life and death in many emergencies. But they stress that CPR is effective only when employed by people who are properly trained.

Because of the effectiveness of CPR, the number of sudden deaths from heart attacks and other emergencies could be reduced still further if more Americans were trained in this procedure. Facilities for CPR training are widespread, and I am pleased to acknowledge the contribution by those who train others. I urge all qualified Americans to take advantage of this training and to become certified in the use of CPR. This could be a life-saving decision.

To reinforce this message and to increase awareness among all Americans that people trained in CPR can be an effective means of reducing mortality from heart attacks, the Congress, by Senate Joint Resolution 175, has designated the week beginning October 20 through October 26, 1985, as "National CPR Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of October 20 through October 26, 1985, as National CPR Awareness Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, the officials of other areas subject to the jurisdiction of the United States, and the American people to join with me in acknowledging the benefits of this valuable life-saving technique and to undergo training in its use.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 85-25292
Filed 10-18-85; 4:10 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 24807; Amdt. 93-47]

Locations At Which Special VFR Weather Minimums Do Not Apply

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action updates and corrects the official names of locations at which special visual flight rules (SVFR) weather minimums do not apply. These updates are editorial and do not amend the applicability of the existing rule.

EFFECTIVE DATE: November 29, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Brent A. Fernald, Airspace and Air Traffic Rules Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Office of the Associate Administrator for Air Traffic, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8626.

SUPPLEMENTARY INFORMATION:

The Rule

Part 93, Subpart I, of the Federal Aviation Regulations (FAR), prescribes 33 locations at which SVFR weather minimums do not apply. Since that regulation was promulgated, the names of some of the locations have been formally amended due to reasons such as a change to "international" status and dedication in honor of prominent persons. Therefore, the names of locations as they appear in FAR 93.113 do not reflect their official names. The Federal Aviation Regulations need to contain the official names of the 33 locations at which SVFR weather minimums do not apply. This action editorially updates and corrects the list of locations to properly reflect their official names.

Because this amendment is editorial in nature and imposes no additional burden on airspace users or aircraft operators, I find that notice and public procedure is unnecessary; and that the amendment may be made effective less than 30 days after publication. This document involves a rulemaking action which is not a major rule under Executive Order 12291 and is not a significant rule under Department of Transportation Regulatory Policy and Procedures (44 FR 11034, February 26, 1949). In addition, the FAA has determined that the expected economic impact of this amendment is so minimal that it does not require regulatory evaluation.

List of Subjects in 14 CFR Part 93

Airport traffic area, Aviation safety, Traffic patterns.

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

The Amendment

Accordingly, Part 93, Subpart I, of the Federal Aviation Regulations (14 CFR 93), is amended as follows:

1. The authority citation for Part 93 is revised to read as follows:

Authority: 49 U.S.C 1303, 1348, 1354(a), 1421(a), 1424, 2402, and 2424; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. The following listings in § 93.113 are revised to read as follows:

§ 93.113 Control zones within which special VFR weather minimums are not authorized.

* * * * *

1. Altanta, Ga. (The William B. Hartsfield Atlanta International Airport).
2. Baltimore, Md. (Baltimore/Washington International Airport).
3. Boston, Mass. (General Edward Lawrence Logan International Airport).

* * * * *

5. Chicago, Ill. (Chicago-O'Hare International Airport.)

* * * * *

7. Columbus, Ohio (Port Columbus International Airport).
8. Covington, Ky. (Greater Cincinnati International Airport).

* * * * *

10. Denver, Colo. (Stapleton International Airport).

* * * * *

13. Houston, Tex. (Houston Intercontinental Airport).
14. Indianapolis, Ind. (Indianapolis International Airport).

* * * * *

18. Memphis, Tenn. (Memphis International Airport).

* * * * *

21. Newark, N.J. (Newark International Airport).

* * * * *

27. Pittsburgh, Pa. (Greater Pittsburgh International Airport).

* * * * *

31. St. Louis, Mo. (Lambert-St. Louis International Airport).

* * * * *

Issued in Washington, D.C., on October 16, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 85-25058 Filed 10-21-85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Parts 2 and 3

Requirements for Motions in Commission Investigations and Adjudications

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules governing investigations and adjudications. These amendments will require anyone seeking to quash an investigational subpoena or civil investigative demand, or disputing, seeking to compel or seeking to enforce discovery in an adjudication to make a good faith effort to resolve disputes before filing a formal petition or motion. The petition or motion must include a statement attesting to these efforts. These amendments have been implemented in order to encourage counsel to resolve disputed issues before filing petitions and motions, and to prevent the filing of unnecessary petitions and motions.

EFFECTIVE DATE: October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence DeMille-Wagman, Federal Trade Commission, Washington, DC 20580, (202) 523-3800.

SUPPLEMENTARY INFORMATION: On August 5, 1985, at 50 FR 31610, the Commission published for comment proposed amendments to its Rules of Practice and Procedure designed to require anyone seeking to quash an investigational subpoena or civil investigative demand, or disputing, seeking to compel or seeking to enforce discovery in and adjudication to make a good faith effort to resolve disputes before filing a petition or motion. One comment was received. This comment, from the Commission's chief administrative law judge Ernest G. Barnes, referred only to the proposed adjudicative rule amendments, which it supported. This comment raised no new issues. Accordingly, the Commission has decided to promulgate the amendments set forth below.

List of Subjects

16 CFR Part 2

Administrative practice and procedure, Claims, Equal access to justice.

16 CFR Part 3

Administrative practice and procedure, Investigations.

In consideration of the foregoing, the Commission amends its rules of practice as follows:

1. The authority for Parts 2 and 3 continues to read as follows:

Authority: 15 U.S.C. 46 (g).

PART 2—[AMENDED]

2. By redesignating paragraphs (d)(2) and (d)(3) of § 2.7 as paragraphs (d)(3) and (d)(4) and by adding a new paragraph (d)(2) to § 2.7 to read as follows:

§ 2.7 Compulsory process in investigations.

* * * * *

(d) * * *

(2) *Statement.*—Each petition shall be accompanied by a signed statement representing that counsel for the petitioner has conferred with counsel for the Commission in an effort in good faith to resolve by agreement the issues raised by the petition and has been unable to reach such as agreement. If some of the matters in controversy have been resolved by agreement, the statement shall specify the matters so resolved and the matters remaining unresolved. The statement shall recite the date, time, and place of each such conference between counsel, and the names of all parties participating in each such conference.

* * * * *

PART 3—[AMENDED]

3. By adding a new paragraph (f) to § 3.22 to read as follows:

§ 3.22 Motions.

* * * * *

(f) *Statement.*—Each motion to quash filed pursuant to Rule 3.34(c) or 3.37(b), each motion to compel or to determine sufficiency pursuant to Rule 3.38(a), each motion for sanctions pursuant to Rule 3.38(b), and each motion for enforcement pursuant to Rule 3.38(c), shall be accompanied by a signed statement representing that counsel for the moving party has conferred with opposing counsel in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach such an agreement. If some of the matters in controversy have been resolved by agreement, the statement shall specify the matters so resolved and the matters remaining unresolved. The statement shall recite the date, time, and place of each such conference between counsel, and the names of all parties participating in each such conference. Unless otherwise ordered by the administrative law judge, the statement required by this rule must be filed only with the first motion concerning compliance with the discovery demand at issue.

4. In § 3.34, paragraph (c) is revised to read as follows:

§ 3.34 Subpoenas.

* * * * *

(c) *Motions to quash.* Any motion by the subject of a subpoena to limit or quash the subpoena shall be filed within the earlier of ten (10) days after service thereof or the time for compliance therewith. Such motions shall set forth all assertions of privilege or other factual and legal objections to the subpoena, including all appropriate arguments, affidavits and other supporting documentation, and shall include the statement required by Rule 3.22(f).

5. In § 3.37, paragraph (b) is revised to read as follows:

§ 3.37 Access for inspection and other purposes.

* * * * *

(b) *Motion to quash.* Any motion by the subject of an order to limit or quash the order shall be filed within the earlier of ten (10) days after service thereof or the time for compliance therewith. Such motion shall set forth all assertions of privilege or other factual and legal objections to the order, including all appropriate arguments, affidavits and other supporting documentation, and shall include the statement required by Rule 3.22(f).

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-25199 Filed 10-21-85; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-22533; IC-14755; File No. S7-13-85]

Facilitating Shareholder Communications

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission ("Commission") today announced the adoption of amendments to its shareholder communications rules which govern the process by which registrants communicate with the beneficial owners of securities registered in the name of a broker, dealer or other nominee. The amendments are intended to allow for the most advantageous implementation of the system of direct communication provided under those rules.

EFFECTIVE DATE: New Rule 14a-13 and amended Rules 14b-1 adn 14c-7 are effective January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Prior to the effective date, contact Sarah A. Miller, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission 450 Fifth Street, NW., Washington, DC 20549. After the effective date, contact Cecilia D. Blye, (202) 272-2573, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission today announced the adoption of certain rule amendments to Rule 14b-1 [1] and 14c-7 [2] and the adoption of Rule 14a-13.[3]

I. Executive Summary

In March 1985, the Commission proposed certain amendments to refine its shareholder communications rules.[4]

[1] 17 CFR 240.14b-1.

[2] 17 CFR 240.14c-7.

[3] 17 CFR 240.14a-13.

[4] Release No. 34-21901 (March 28, 1985) [50 FR 13612].

These amendments delineated, in two seperate rules, the respective obligations of brokers and registrants. In addition, the proposed amendments provided, among other things, that: (1) If a registrant requests the list of non-objecting security holders, it must request the list from all brokers having customers who are beneficial owners of the registrant's securities; (2) a broker must provide the beneficial owner lists to registrants as often as they request the information, rather than only once a year; and (3) a registrant may mail its annual report to security holders directly to its beneficial owners so long as the registrant notifies the broker at the time it submits a search card or requests beneficial owner information by some other means.[5] These amendments resulted from the one-year deferral of the effective date (from January 1, 1985 to January 1, 1986) of Rule 14b–1(c) which was agreed to by representatives of the securities industry and registrant community and authorized by the Commission in August 1984.[6] The deferral was intended to provide more time for the determination of reasonable costs and the implementation of a system to provide registrants with security holder information in an efficient, timely, and effective manner. At the time it authorized the deferral, the Commission agreed to undertake certain steps to clarify the respective functions of brokers and dealers [7] (hereinafter collectively referred to as "brokers") and registrants to ensure the effective implementation of the system of direct communication.

These proposals generated 41 comment letters.[8] Commentators, representing the legal and registrant communities and the securities industry, generally supported the proposals to improve the system of direct communications between registrants and beneficial owners. Accordingly, the Commission is adopting the amendments substantially as proposed.

The proposing release recognized the importance of an intermediary to the effective implementation of the shareholder communications rules. Commentators urged the Commission to recognize explicitly in the rules the role of an intermediary in the shareholder communications system. Also commentators suggested, in response to an inquiry in the proposing release, that the Commission provide for a specified response time in which brokers are to provide registrants with lists of beneficial owners who do not object to disclosure of their names, addresses, and securities positions. In light of these comments, the Commission modified the rules to recognize that a broker may employ an intermediary to act as its designated agent in performing the obligations imposed under the shareholder communications rules and to provide a specified response time in which brokers are to forward to registrants non-objecting beneficial owner lists. Certain other technical clarifying revisions also have been made. The Commission will monitor the workability of its shareholder communications rules to determine whether any further refinements to the rules are necessary and appropriate.

This release discusses the background to the shareholder communications rules and the revisions to those rules. The release also provides an overview regarding implementation of these rules. Persons interested in further information are directed to the text of the amendments and the proposing release.

II. Background

Rule 14b–1 was revised substantially in 1983 pursuant to recommendations of the Advisory Committee on Shareholder Communications, contained in its report, *Improving Communications Between Issuers and Beneficial Owners of Nominee Held Securities*. Paragraph (c) of the rule was adopted to provide a means of direct communication between registrants and their beneficial owners by requiring brokers to provide requesting registrants with the names, addresses, and securities positions of their customers who are beneficial owners of the registrant's securities and who have not objected to such disclosure.[9] In August 1984, the Commission deferred the original effective date of paragraph (c) from January 1, 1985 to January 1, 1986. The deferral provided additional time to ensure the most effective implementation of the shareholder communications system.[10] Representatives of the securities industry and the registrant community agreed that during this deferral period they would develop and establish both an efficient means of furnishing beneficial owner information to registrants and an appropriate schedule of reimbursement.

In September 1984, the New York Stock Exchange ("the NYSE") appointed the Ad Hoc Committee on Identification of Beneficial Owners. The Ad Hoc Committee, composed of members of both the securities industry and registrant community, was formed to resolve the cost issues and to develop a workable and effective system that would be of maximum use to registrants and not burdensome to brokers. The Ad Hoc Committee now largely has resolved the problems which initially led to the deferral of the effective date of Rule 14b–1(c). The reimbursement of start-up costs issue has been resolved through self-regulatory organization ("SRO") rule changes that permit brokers to assess a $.20 per proxy surcharge for the 1985 annual meeting proxy solicitation. This surcharge, together with an additional surcharge for the next annual meeting proxy solicitation, will fund the start-up costs associated with furnishing the beneficial owner information to registrants. The second surcharge will fund the balance of the costs not funded by the first $.20 surcharge and will be the subject of separate SRO rule changes.[11] The other cost issue—determination of reasonable costs for maintaining beneficial owner lists—is being addressed by the Ad Hoc Committee and also will be the subject of a separate SRO rule change.

In August 1985, the Ad Hoc Committee drafted a model letter to aid brokers in communicating with their customers in order to ascertain whether or not they object to disclosure of their names, addresses, and securities

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[5] In addition to the specific rule amendments, the narrative portion of the proposing release addressed, in connection with the discussion on employment of an intermediary (*see* discussion *infra* pp. 8, 13, 15), a fourth issue, namely the confidentiality of the source of the beneficial owner lists. *See* Release No. 34–21901, *supra* note 4, 50 FR at 13613.

[6] Release No. 34–21339 (September 21, 1984) [49 FR 38096].

[7] In its proposing release, the Commission clearly intended to require all record holders within its jurisdiction to come within the direct communication system. Accordingly, the term "broker," which as used in the industry usually includes the term "dealer," was used to denote those securities industry personnel who hold securities in nominee name. Because the terms "broker" and "dealer" are separately defined under the Securities Exchange Act, *see* sections 3(a) (4) and (5) thereof, the Commission believes it is appropriate to revise the rules to clarify that they apply to both brokers and dealers.

[8] The letters of comment, as well as a copy of the summary of the comment letters prepared by the staff, are available for public inspection and copying at the Commission's Public Reference Room (*See* File No. S7–13–85).

[9] Release No. 34–20021 (July 28, 1983) [48 FR 35082].

[10] Release No. 34–21339 (September 21, 1984) [49 FR 38096].

[11] The $.20 surcharge rule change to the NYSE rules was approved by the Commission on March 28, 1985. Release No. 34–21900 (March 28, 1985) [50 FR 13297]. The Commission approved similar surcharges as part of the rules of the American Stock Exchange and National Association of Securities Dealers. Release No. 34–21915 (April 1, 1985) [50 FR 14069].

positions. The NYSE forwarded that letter to brokers and to the American Stock Exchange and the National Association of Securities Dealers.

To make the system work and to ensure that registrants find the beneficial owner lists useful and meaningful, the Ad Hoc Committee also determined that an intermediary was necessary. By employing an intermediary to compile and to supply beneficial owner lists, registrants will be assured that the lists are compiled in a standardized manner. Moreover, brokers will be assured that the source of the lists will be kept confidential. In addition, economies of scale will be realized by permitting them to delegate this function to an intermediary which will maximize cost savings while minimizing burdens on brokers. The Ad Hoc Committee requested proposals and selected Independent Election Corporation of America ("IECA") to serve as the intermediary between registrants and brokers in supplying lists of beneficial owners. In this function, IECA will be governed by a user board consisting of registrants, brokers, and other industry representatives.

At the time of the deferral of the effective date of Rule 14b–1(c), the Commission agreed to clarify certain aspects of the shareholder communications rules and to take certain additional steps which are the subject of this release.

While the amendments pertain to brokers, the Commission believes that enactment of legislation authorizing the Commission to regulate the proxy processing activities of banks, associations, and other fiduciary entities will realize the full potential of the shareholder communications rules. On July 22, 1985, the House of Representatives passed, by voice vote, legislation entitled the Shareholder Communications Act of 1985 (H.R. 1603). That legislation has been referred to the Securities Subcommittee of the Senate Committee on Banking, Housing, and Urban Affairs. A companion bill (S. 918) was introduced in the Senate on April 16, 1985.

III. Overview of Shareholder Communications Rules

New Rule 14a–13 sets forth two different procedures relating to registrants' obligations in communicating with their beneficial owners, while amended Rule 14b–1 pertains to brokers' obligations in connection with communicating corporate information to benefical owners. Under the first procedure, registrants are required, pursuant to new Rule 14a–13(a) (formerly Rule 14a–3(d)) to inquire, by means of a search card or otherwise, of their record holders the number of proxies and other proxy soliciting material or annual reports to security holders needed by record holders to forward the material to beneficial owners. The registrant must request this information at least 20 calendar days prior to the record date of the annual meeting and the broker is required, under Rule 14b–1(a), to respond to this request within seven business days of receipt of the request. Upon receipt of the proxy, proxy soliciting material or annual report, the broker is required under Rule 14b–1(b), to forward these materials within five business days of receipt to its customers who are beneficial owners.

Rule 14a–13(b) sets forth the requirements for those registrants who wish to communicate directly with their beneficial owners. If a registrant requests a list of beneficial owners who do not object to disclosure of their names, addresses, and securities positions, it must make that request of all brokers having customers who are beneficial owners of the registrant's securities. Further, a registrant is permitted to request a list of non-objecting beneficial owners more often than once a year and the broker will be required to comply with any such request. These lists would be compiled as of the record date for the registrant's latest annual or special meeting. If no meeting is scheduled and the registrant requests a list of its beneficial owners, that list is to be compiled as of a date to be selected by the registrant that is no less than five business days after the broker receives the request. The broker must forward the beneficial owner information to the registrant no later than five business days after the compilation date of the list, *e.g.*, the record date or other date. For example, if no annual or special meeting is scheduled and the broker receives a registrant's request for the list of beneficial owners on October 15, 1985, the list would be compiled as of a date selected by the registrant that is no earlier than October 22, 1985. The broker, in turn, would be required to forward the beneficial owner list to the registrant by October 29, 1985.

The amendments further provide that, if it chooses, the registrant may mail annual reports directly to non-objecting beneficial owners so long as the registrant notifies the broker when making its initial request for beneficial owner information that the registrant intends to mail the annual report directly to its non-objecting beneficial owners. The registrant would notify the broker of its intention at the time it submits a search card requesting the beneficial owner information. If so notified by the registrant, a broker would have no obligation in connection with that mailing to forward the annual report to non-objecting beneficial owners but would have, of course, the obligation to forward reports to those beneficial owners who objected to the disclosure of their identities.

The amendments also would provide that, without assurances of reimbursement of reasonable expenses associated with satisfying its obligations with respect to communications with beneficial owners, a broker has no obligation to perform its obligations under Rule 14b–1(b) and (c). The registrant has a corresponding obligation to pay a broker's reasonable expenses associated with providing beneficial owner information.

If a broker has designated an agent or intermediary to act on its behalf in performing its obligations under Rule 14b–1(c), the registrant must make its request for a list of non-objecting beneficial owners to that designated agent. If the broker has designated such an agent, the registrant will learn the agent's identity when it submits, pursuant to Rule 14a–13(a), the search card requesting the number of proxy cards, proxy soliciting material, and annual reports needed by the broker to forward to beneficial owners. The broker, in turn, is required, under Rule 14b–1(a), to identify its agent, if one has been designated. After receiving the registrant's request for beneficial owner information, the agent will notify all brokers of the registrant's request. Brokers will supply the intermediary with the information who then will compile the information in a standardized delivery format and forward it to the registrant. Using the above example, the registrant will make its request to the designated agent for a list of non-objecting beneficial owners. If no annual or special meeting is scheduled and the designated agent receives the registrant's request for the list on October 15, 1985, the list would be compiled as of the date selected by the registrant that is no earlier than October 22, 1985. The designated agent would make the request for a list of non-objecting beneficial owners from all brokers. Brokers, in turn, would forward the requested information to the designated agent who would then compile the list and deliver it to the registrant by October 29, 1985.

IV. Discussion

A. Use of Intermediary

1. Overall Role

Both the Commission and the Ad Hoc Committee believe that an intermediary is necessary to the effective implementation of the shareholder communications system. The intermediary would receive registrants' requests for beneficial owner information and deliver the beneficial owner information supplied by all brokers to the registrants. The proposing release recognized the intermediary's importance in stating that an intermediary will be employed to compile and to supply beneficial owner lists in order to assure standardized delivery format and client confidentiality of brokers.[12] The Commission further noted that economies of scale will be realized by maximizing cost savings while minimizing burdens on brokers by permitting them to delegate this function to an intermediary.[13]

The intermediary would serve as a central processing agent between brokers and registrants in the transmission of lists of non-objecting beneficial owners.[14] In addition, the intermediary would act, on behalf of brokers, in performing all administrative functions required in providing beneficial owner information, including: receiving requests for beneficial owner information from registrants; advising brokers of the record date for a registrant's request; receiving customer lists from brokers; preparing, in a standardized format, lists of non-objecting beneficial owners and billing registrants for fees associated with providing the beneficial owner information.[15]

Commentators generally endorsed the use of an intermediary. Several commentators, representing registrants as well as the legal and brokerage communities, suggested, however, that the shareholder communications rules be amended to reflect specifically the intermediary's role in the system of direct communications. Because the Commission believes that the use of an intermediary is necessary for the system to work efficiently, particularly to assure both client confidentiality and standardized delivery format, the Commission has revised the rules to reflect that (1) brokers may employ an intermediary to act as agent on their behalf in fulfulling the broker's obligations under the shareholder communications rules, and (2) registrants must make their requests to such intermediary. Obviously, registrants will make the request for a non-objecting beneficial owner list to the intermediary only after, the brokers' response to the search card identifying the intermediary is received. Should a broker later designate a new intermediary to act on its behalf, it would be to the benefit of all concerned parties for the broker to notify the registrant of this fact.

While the Commission envisions that brokers generally will choose to employ an agent to assist them in performing their obligations under these rules, and that the agent employed generally will be the intermediary selected by the Ad Hoc Committee, employing an intermediary is not a condition to complying with the shareholder communications rules. Accordingly, the revised rules recognize that a broker may not wish to employ an intermediary to act on its behalf and that, in such cases, the registrant must make the request directly to the broker. The specific amendments reflecting the intermediary's role are discussed below.

2. Client Confidentiality

Of those commentators who addressed the assurance of the client confidentiality function of the intermediary, securities industry commentators endorsed the concept while three registrant and legal commentators opposed it. By employing an intermediary to excise all information identifying specific brokers, brokers will be assured that registrants will obtain only the names, addresses, and securities positions of its beneficial owners. The two registrant commentators who opposed the broker anonymity function of the intermediary maintained that broker confidentiality might limit the usefulness of the beneficial owner information. The Commission believes, however, that disclosure of the broker's identity would not enhance the system of direct communications and, accordingly, has amended Rule 14b–1(c) by adding a note stating, among other things, that a broker or its agent need only supply the registrant with the names, addresses, and securities positions of non-objecting beneficial owners.

3. Standardized Delivery Format

The proposing release stated that by employing the intermediary to compile and to supply beneficial owner lists, registrants will be assured that the lists are compiled in a standardized manner. Commentators generally endorsed the use of the intermediary to achieve this. Certain commentators, however, suggested that the Commission condition the implementation of the shareholder communications system on specifying a common delivery format. The Commission believes that establishing a mutually acceptable delivery format is best left to the determination of the participants in the shareholder communications system. The Commission would anticipate, however, that any delivery format established would allow registrants flexibility and facilitate corporate communications.

B. 14a–13 Obligations of Registrants in Communicating With Beneficial Owners

1. General.

Proposed Rule 14a–13 consolidated all registrant-related provisions associated with direct shareholder communications, by placing together provisions of Rule 14a–3(d) and the registrant-related provisions of Rule 14b–1(c). As adopted, Rule 14a–13 deals explicitly with solicitations of written consents or authorizations when circumstances warrant separate treatment and to provide that if a special meeting is convened to elect directors in lieu of an annual meeting, an annual report must be furnished to security holders in connection with such meeting. In addition, Rule 14a–13 makes clear that the annual report to security holders is required whether the registrant is soliciting proxies or consents in connection with the annual election of directors and that if it is impracticable for a registrant to make the inquiry for beneficial owner information of the record holder 20 calendar days before the record date of a special meeting then the request must be made as soon as practicable before the record date of such meeting.[16]

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[12] Release No. 34–21901 *supra* note 4, at p. 13613.

[13] *Id.*

[14] It should be noted that a beneficial owner's election to disclose its name, address, and securities position is an election with respect to all registrant's securities in a beneficial owner's account(s) with that broker.

[15] *See* Ad Hoc Committee letter of June 18, 1985 at pages 3–4 of Exhibit I therein.

[16] When the Commission proposed these amendments in Release No. 33–6592 (July 1, 1985) [50 FR 29409], it indicated that these amendments would be adopted at the same time as the shareholder communications proposals were adopted. The comment period for the July proposals closed on September 17, 1985 and, 39 comment letters were received, only one of which addressed these amendments. That comment letter did not oppose the amendments but, rather, suggested clarifications that will be considered as part of the comprehensive review of the proxy rules.

2. Rule 14a–13(a)

Consistent with commentators' suggestions, Rule 14a–13(a)(1) was revised to clarify that the registrant would only need inquire of brokers as to the specific number of copies of the annual report to security holders that ultimately will be distributed by the brokers to beneficial owners pursuant to Rule 14b–1(b). This information would be in addition to the number of copies of the proxy and proxy soliciting material needed to forward to all beneficial owners. To ensure that a registrant knows to whom the request for beneficial owner information is to be made—the broker or its agent—Rule 14a–13(a)(1) was changed to require a registrant to inquire specifically of a broker whether it has designated an agent to act on its behalf and, if so, to ascertain the name and address of that agent. As discussed below, a corresponding change has been made to Rule 14b–1(a). Rule 14a–13(a)(1) also has been changed to clarify that, if it wishes to mail its annual report directly to non-objecting beneficial owners, a registrant has an obligation under Rule 14a–13(c) to notify the broker at the time it makes its inquiry, pursuant to Rule 14a–13(a), that it intends to send copies of its annual report to security holders to non-objecting beneficial owners.

Rule 14a–13(a)(3) has been changed in two respects. First, Rule 14a–13(a)(3) has been revised to clarify that supplying record holders with copies of the proxy, proxy soliciting material, and annual report to security holders and not just the annual report to security holders must be done in a timely manner. Second, commentators expressed concern that Rule 14a–13(a)(3) may be interpreted to require registrants to supply brokers with sufficient copies of the annual report to security holders to mail to all beneficial owners even if the registrant intended to mail the annual reports to security holders directly to its non-objecting beneficial owners. To prevent any such misunderstandings, Rule 14a–13(a)(3) and companion Note 2 have been revised to reflect the possibility that a registrant may mail the annual report to security holders to non-objecting beneficial owners and to require registrants, in those cases, to supply record holders with only the requisite number of copies for distribution by the broker to objecting beneficial owners.

3. Rule 14a–13(b)

As proposed, Rule 14a–13(b) would have required that a registrant request the list from all brokers having customers who are beneficial owners of the registrant's securities. This requirement was intended to ensure that registrants do not request the security holder lists only from the largest brokers thereby leaving the smaller brokers with no means of recouping expenses associated with maintaining the required information. Commentators generally endorsed the proposal. Of the three commentators who opposed the provision, one commentator suggested that registrants involved in a takeover primarily are interested in holders of large blocks of its securities and should not be required to request non-objecting beneficial owner lists from all brokers.[17] The Commission continues to believe that this provision is necessary for the rule to be fair and effective and has adopted the provision as proposed.

With regard to security holder confidentiality, Rule 14a–13(b)(2) states explicitly that a registrant must use the beneficial owner lists exclusively for purposes of corporate communications. The Commission believes that the inclusion of this provision in the rule adequately addresses concerns regarding security holder confidentiality.

The proposing release also addressed the issue of voluntary communications such as quarterly reports.[18] Due to the importance of this issue the Commission again encourages registrants in connection with their use of beneficial owner lists voluntarily to forward corporate communications to all beneficial owners either directly or through brokers. Accordingly, the Commission believes it is desirable where registrants use the non-objecting beneficial owner lists to mail such communications directly to non-objecting beneficial owners, that they also deliver to brokers for forwarding a sufficient number of copies of the corporate communication in order not to disadvantage those security holders who object to disclosure of their identities to registrants.[19] Further, the Commission believes that even in the case of voluntary communications, the rapid turnover of securities and accompanying non-objecting beneficial owners should be considered in order to avoid the use of outdated non-objecting beneficial owner lists.

Next, consistent with commentators' suggestions, both Rule 14a–13 (b) and (c) were revised to recognize that an intermediary can act as the brokers' agent. Accordingly, when a broker indicates that it has designated an agent, the registrant shall request the beneficial owner list from the agent and reimburse the designated agent for the reasonable expenses[20] associated with providing the beneficial owner information. Thus, the Commission anticipates that, if all brokers have designated the intermediary selected by the Ad Hoc Committee, a registrant will need to make only one request for the non-objecting beneficial owner list to that intermediary to satisfy its obligations under Rule 14a–13(b).

4. Rule 14a–13(c)

Proposed Rule 14a–13(c) would have permitted a registrant[21] to mail the annual reports to security holders directly to those non-objecting beneficial owners that have been identified to them.[22] Any registrant choosing to do its own annual report mailing, however, is required, pursuant to paragraph (a), to so inform the broker at the time it made its inquiry for

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[17] In tender offers or proxy contests, there is no current requirement under Rules 14a–7, 17 CFR 240.14a–7, and 14d–5, 17 CFR 240.14d–5, for a registrant to turn over a non-objecting beneficial owner list to a requesting security holder. Those rules apply only to lists of record holders and securities position listings of clearing agents. The Commission will consider whether to propose for comment amendments to Rules 14a–7 and 14d–5 which would provide security holders access to lists of non-objecting beneficial owners. Such amendments would provide equal access to these lists and avoid tipping the balance of regulation either in favor of management or in favor of tender offerors or proxy contestants. In the context of tender offers, this change may be consistent with and necessary to effectuate the purposes of the Williams Act. *See* S. Rep. No. 550, 90th Cong., 1st Sess. 3 (1967), "[t]he bill is designated to require full and fair disclosure for the benefit of investors while at the same time providing the offeror and management equal opportunity to fairly present their case." *See also* Release No. 33–6022 (February 5, 1979) 44 FR 9956.

[18] Release No. 34–21901 *supra* note 4, at 13814.

[19] Two commentators suggested that the rules require registrants who choose to communicate voluntarily with their non-objecting beneficial owners to deliver sufficient copies of the specific communication to brokers for forwarding to objecting beneficial owners. The Commission does not believe such a change is necessary at this time.

[20] Determination of the fee received from the registrant for the non-objecting beneficial owner list will be the subject of proposed SRO rules.

[21] The shareholder communications rules only apply to those registrants who are subject to the Commission's proxy rules.

[22] A few commentators suggested that registrants be permitted to mail proxy cards and proxy soliciting material directly to non-objecting beneficial owners. Consideration of whether to permit registrants to mail proxy soliciting material to non-objecting beneficial owners was not a subject of the Commission's proposal to amend the shareholder communications rules. Further, the Advisory Committee on Shareholder Communications determined not to disrupt the existing system of proxy distribution and voting. *See* Report on *Improving Communications Between Issuers and Beneficial Owners of Nominee Held Securities* at pp 54–71.

beneficial owner information under paragraph (a). Commentators overwhelmingly supported the proposal and, accordingly, the Commission adopted this provision substantially as proposed.

The proposing release stated that for reasons of economy, registrants may wish to engage in split mailing, *i.e.*, forwarding the annual report by bulk mail and mailing the proxies and other proxy soliciting material by first class mail. In connection with the use of split mailings, certain registrant commentators addressed the requirement in Rule 14a–3(b) that annual reports must accompany or precede the proxy statement. Commentators requested the Commission to provide specific guidance in this area. Due to the variety of geographic source locations for mailing annual reports and proxy soliciting materials of public reporting companies as well as intended destinations of the materials, however, the Commission is unable to specify exact time periods. Registrants who take steps reasonably calculated to guarantee that the annual reports to security holders accompany or precede the proxy statements will be deemed to have complied with Rule 14a–3(b).[23]

The proposing release also solicited comment as to whether Rule 14a–5 [24] should be amended to provide that when annual reports to security holders are mailed separately from proxy material, all proxy statements should disclose the date the mailing of the annual report to security holders was commenced and should contain instructions on how to obtain a copy of that annual report. The majority of those commentators addressing this issue were registrants who overwhelmingly opposed such an amendment to Rule 14a–5. These commentators based their opposition on the grounds that either no useful purpose would be served or that changes in schedule would prevent accurate disclosure of the date of mailing of the annual report. The Commission agrees and, accordingly, has determined not to amend Rule 14a–5 in this manner.

[23] In *Ash* v. *GAF Corp.*, 723 F.2d 1090, 1094 (3d Cir. 1983), the Third Circuit held that sending the annual report by third class mail four to five days prior to mailing the proxy statement by first class mail "did not reasonably guarantee that shareholders would recieve the annual report at the same time or before the proxy materials. In fact, the procedures made it highy probable that shareholders would receive the annual report after they had received the proxy materials."

[24] 17 CFR 240.14a–5.

C. 14b–1 Obligation of Registered Brokers in Connection With the Prompt Forwarding of Certain Communications to Beneficial Owners

1. General

In response to commentators' suggestions, Rule 14b–1 was revised to allow a broker to employ an intermediary to act on its behalf in performing the broker's obligations under the shareholder communications rules.The provision in Rule 14b–1(a) corresponds to that in Rule 14a–13(a)(1) which requires a broker to respond to a registrant's inquiry as to whether the broker has designated an agent to act on its behalf and, if so, to provide the name and address of that designated agent.

2. Rule 14b–1(c)

Under proposed Rule 14b–1(c), a registrant could request the beneficial owner list whenever it wants such a list and the broker, in response to that request, would provide the list. Specifically, the registrant could request the list to be compiled either as of the registrant's record date for its latest annual or special meeting of security holders or, if the request is not made in connection with a meeting, a date no earlier that ten business days after receipt of the registrant's request. Commentators generally supported the proposal to permit registrants to request the lists as often as they wished. One commentator, however, proposed that a maximum number of requests per registrant per year be established. Because these rules are intended to provide for maximum communication between registrants and their beneficial owners, the Commission is of the view that, at this time, registrants should not have limits imposed on the number of requests for beneficial owner lists and, accordingly, has not adopted any such limits.

Proposed Rule 14b–1(c) also provided that non-meeting lists of non-objecting beneficial owners would be compiled as of a date no earlier than ten business days after receipt by the broker of the registrant's request. The proposed ten business day time period was based on the Commission's understanding that broker's back office systems generally do not permit retroactive establishment of beneficial owner lists but, rather, only allow those lists to be established prospectively. Because the securities industry has indicated that this time period should be shortened, the Commission has adopted a five business day time period [25] for non-meeting beneficial owner lists. Such an amendment will facilitate communication between registrants and security holders especially involving those corporate actions where time factors are critical.

Proposed Rule 14b–1(c) was structured to provide that a registrant may designate the compilation date for non-meeting lists. Registrant and legal commentators expressed concern, however, that Rule 14b–1(c) was not sufficiently explicit in empowering the registrant, rather than the broker, to designate the compilation date for non-meeting lists. The Commission believes that registrants should be permitted to select the date as of which the non-meeting list is to speak and, accordingly, has clarified that that is the case. Thus, under the rules a registrant may specify the compilation date for a non-meeting list. That date, however, cannot be any earlier than five business days after the broker receives the registrant's request.

In connection with a broker's obligation to provide beneficial owner lists to a registrant, the Commission requested comment on whether a time limit should be specified within which a broker is to provide the registrant with the requested list. An overwhelming majority of the commentators who responded supported imposing a specified turn around response time period. These commentators reasoned that a specific time limit was essential to the operation of the shareholder communication rules and made suggestions for a sufficient time period ranging from five to twenty business days. The Commission agrees that a specified time period is appropriate to ensure that registrants do not receive stale beneficial owner lists that are of little or no value. Accordingly, the Commission has adopted a five business day time period in which brokers are to respond to a registrant's request for non-objecting beneficial owner lists.[26] In recognition of the likelihood that a broker may designate an agent to act on its behalf, a note specifying that the time period commences upon receipt by the broker or its designated agent of the registrant's request has been adopted.[27]

[25] Under the shareholder communications rules, business day is defined as it is in Rule 14d–1(b)(6), 17 CFR 240.14d–1(b)(6).

[26] In its comment letter, the Ad Hoc Committee, representing members of both the registrant community and securities industry, suggested that a five business day time period was feasible.

[27] If a broker designates an agent to act on its behalf, the broker will still be under the obligation to comply with Rule 14b–1(c) and, accordingly, receipt by the intermediary of the registrant's request will be deemed to be receipt by the broker.

Commentators indicated that generally a broker will need three business days to compile and to transmit the beneficial owner information to the intermediary and the intermediary will require two business days to forward the requested beneficial owner information to the registrant.

3. Rule 14b–1(d)

In addition to recognizing that a broker may designate an agent to act on its behalf, Rule 14b–1(d), as adopted makes clear that, without assurance by the registrant, or reimbursement of reasonable expenses, both direct and indirect, incurred in connection with performing its obligations under the rule, a broker need not satisfy its obligations under paragraph (b) and (c) of Rule 14b–1. A broker is obligated, under paragraph (a), however, to supply the information requested by the registrant without regard to reimbursement.

D. Rule 14c–7

The Commission received several comments to its proposed amendments to Rule 14c–7 suggesting that Rule 14c–7, governing the distribution of information statements and annual reports to security holders, be amended to conform with Rule 14a–13. The Commission agrees that such amendments would be useful and, accordingly, has amended Rule 14c–7 to conform, to the extent appropriate, with Rule 14a–13.

V. Statutory Basis and Text of Amendments

These amendments are being adopted pursuant to sections 12, 14, 17 and 23(a) of the Securities Exchange Act of 1934.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

VI. Text of Amendments

In accordance with the foregoing Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 is amended by adding the following citation (Citations before * * * indicate general rulemaking authority).

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. * * * §§ 240.14a–3, 14a–13, 14b–1 and 14c–7 also issued under sections 12, 14 and 17, 15 U.S.C. 781, 78n and 78q.

§ 240.14a–3 [Amended]

2. By removing paragraph (d) including Notes 1 and 2 and redesignating paragraphs (e) and (f) as paragraphs (d) and (e) of § 240.14a–3.

3. By adding § 240.14a–13 to read as follows:

§ 240.14a–13 Obligation of registrants in communicating with beneficial owners.

(a) If the registrant knows that securities of any class entitled to vote at a meeting (or by written consents or authorizations if no meeting is held) with respect to which the registrant intends to solicit proxies, consents or authorizations are held of record by a broker, dealer, bank or voting trustee, or their nominees, the registrant shall:

(1) By first class mail or other equally prompt means: (i) inquire of such record holders: (A) whether other persons are the beneficial owners of such securities and if so, the number of copies of the proxy and other soliciting material necessary to supply such material to beneficial owners; and, in the case of an annual (or special in lieu of the annual) meeting, or written consents in lieu of such meeting, at which directors are to be elected, the number of copies of the annual report to security holders necessary to supply such material to beneficial owners to whom such reports are to be distributed by the broker, dealer, bank, voting trustee or their nominees and not by the registrant; and (B) if the record holder has an obligation under § 240.14b–1(c), whether an agent has been designated to act on its behalf in fulfilling such obligation and, if so, the name and address of such agent; and (ii) indicate to such record holders which are brokers or dealers whether the registrant, pursuant to paragraph (c) of this section, intends to distribute the annual report to security holders to beneficial owners of its securities who have not objected to disclosure of their names, addresses and securities positions.

(2) Make the inquiry at least 20 calendar days prior to the record date of the meeting of security holders, or (i) if such inquiry is impracticable 20 calendar days prior to the record date of a special meeting, as many days before the record date of such meeting as is practicable or (ii) if, consents or authorizations are solicited, and such inquiry is impracticable 20 calendar days before the earliest date on which they may be used to effect corporate action, as many days as is practicable, or (iii) at such later time as the rules of a national securities exchange on which the class of securities in question is listed may permit for good cause shown; and

(3) Shall supply, in a timely manner, the record holders of whom the inquiry is made with additional copies of the proxy, other proxy soliciting material, and/or the annual report to security holders, in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities who is to be furnished with such material by the broker, dealer, bank, voting trustee or their nominees. The number of annual reports supplied shall be sufficient to supply those beneficial owners to whom the report is to be distributed by the broker, dealer, bank, voting trustee or their nominees. The registrant shall upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to record holders to whom the material is sent.

Note 1.—If the registrant's list of security holders indicates that some of its securities are registered in the name of a clearing agency registered pursuant to section 17A of the Act (*e.g.*, "Cede & Co.," nominee for the Depository Trust Company), the registrant shall make appropriate inquiry of the clearing agency and thereafter of the participants in such clearing agency who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant.

Note 2.—The attention of registrant is called to the fact that brokers and dealers have an obligation pursuant to § 240.14b–1(b) and applicable self-regulatory organization requirements to obtain and forward, within the time periods prescribed therein, (a) proxy soliciting materials to all beneficial owners, and (b) annual reports to security holders, to all beneficial owners unless the registrant has notified the broker or dealer that it has assumed responsibility to mail such material to non-objecting beneficial owners in which case the broker or dealer shall mail such material to objecting beneficial owners.

(b) Any registrant requesting pursuant to § 240.14b–1(c) a list of names, addresses and securities positions of beneficial owners of its securities who have not objected to disclosure of such information shall:

(1) Request such list from all brokers and dealers (through their agents) having customers who are beneficial owners of the registrant's securities;

(2) Use the information so furnished exclusively for purposes of corporate communications; and

(3) Upon the request of such brokers and dealers, through their agents, pay the reasonable expenses, both direct and indirect, of providing beneficial owner information.

Note.—A registrant will be deemed to have satisfied its obligations under paragraph (b) of this section by requesting non-objecting beneficial owner lists from a designated agent acting on behalf of the broker or dealer and paying to that designated agent the

reasonable expenses of providing the beneficial owner information.

(c) A registrant, at its option, may mail its annual report to security holders to the beneficial owners whose identifying information is provided by brokers and dealers, through their agents, pursuant to § 240.14b–1(c), provided that such registrant notifies the brokers and dealers, at the time a search card requesting the beneficial owner information in accordance with paragraph (a) of this section is sent that the registrant will mail the annual report to security holders to the beneficial owners so identified.

4. By revising § 240.14b–1 to read as follows:

§ 240.14b–1 Obligation of registered brokers and dealers in connection with the prompt forwarding of certain communications to beneficial owners.

A broker or dealer registered under section 15 of the Act shall:

(a) Respond no later than seven business days after receipt of an inquiry made in accordance with § 240.14a–13(a) by or on behalf of a registrant soliciting proxies, consents or authorizations by indicating, by means of a search card or otherwise: (1) The approximate number of its customers who are beneficial owners of the registrant's securities that are held off record by the broker, dealer or its nominees;

(2) The number of its customers who are beneficial owners of the registrant's securities who have objected to disclosure of their names, addresses and securities positions if the registrant has indicated, pursuant to § 240.14a–13(a)(1)(ii), that it will distribute the annual report to security holders to beneficial owners of its securities who have not objected to disclosure of their names, addresses and securities positions; and (3) the identity of its designated agent, if any, acting on behalf of the broker or dealer in fulfilling its obligations under paragraph (c) of this section;

(b) Upon receipt of the proxy, other proxy soliciting material, and/or annual reports to security holders, forward such materials to its customers who are beneficial owners of the registrant's securities no later than five business days after the receipt of the proxy material or annual reports; and

(c) Through its agent or directly, provide the registrant, upon the registrant's request, with the names, addresses and securities positions, compiled as of a date specified in the registrant's request which may be the registrant's record date for its latest annual or special meeting of security holders, or, if not in connection with a meeting, another date which is no earlier than five business days after receipt of the registrant's request, of its customers who are beneficial owners of the registrant's securities and who have not objected to disclosure of such information. A broker or dealer, through its agent or directly, will be required to transmit the data to the registrant no later than five business days after the record date or other date specified by the registrant.

Note.—Where a broker or dealer employs a designated agent to act on its behalf in performing the obligations imposed on the broker or dealer by paragraph (c) of this section, the five business day time period for forwarding beneficial owner information is calculated from the date the designated agent receives the registrant's request. In complying with the registrant's request for beneficial owner information under paragraph (c) of this section, a broker or dealer need only supply the registrant with the names, addresses and securities positions of non-objecting beneficial owners.

(d) A broker or dealer need not satisfy (1) its obligations under paragraphs (b) and (c) of this section if a registrant does not provide assurance of reimbursement of the broker's or dealer's reasonable expenses, both direct and indirect, incurred in connection with performing the obligations imposed by this section; or (2) its obligation under paragraph (b) of this section to forward annual reports to non-objecting beneficial owners identified by the broker or dealer, through its agent or directly, pursuant to paragraph (c) of this section if the registrant notifies the broker or dealer pursuant to § 240.14a–13(c) that the registrant will mail the annual report to such non-objecting beneficial owners, identified by the broker or dealer and delivered in a list to the registrant pursuant to paragraph (c) of this section.

5. By revising § 240.14c–7 to read as follows:

§ 240.14c–7 Providing copies of material for certain beneficial owners.

(a) If the registrant knows that securities of any class entitled to vote at a meeting, or by written authorizations or consents if no meeting is held, are held of record by a broker, dealer, bank or voting trustee, or their nominees, the registrant shall:

(1) By first class mail or other equally prompt means, (i) inquire of such record holders whether other persons are the beneficial owners of such securities and, if so, the number of copies of the information statement necessary to supply such material to beneficial owners and, in the case of an annual (or special in lieu of the annual) meeting, or written consents in lieu of such meeting, at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners for whom proxy material has not been and is not to be made available and to whom such reports are to be distributed by the brokers, dealer, bank, voting trustee or their nominees and not by the registrant; and

(2) Indicate to such record holders which are brokers or dealers whether the registrant pursuant to paragraph (c) of this section, intends to distribute the annual report to security holders to beneficial owners of its securities who have not objected to disclosure of their names, addresses and securities positions; and

(3) Supply, in a timely manner, such record holder of whom the inquiry is made with additional copies of the information statement and the annual report to security holders, in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities who is to be furnished with such material by the broker, dealer, bank, voting trustee or their nominees. The number of annual reports supplied shall be sufficient to supply those beneficial owners to whom the report is to be distributed by the broker, dealer, bank, voting trustee or their nominees. The registrant shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

Note 1.—If the registrant's list of security holders indicates that some of its securities are registered in the name of a clearing agency registered pursuant to section 17A of the Act (*e.g.*, "Cede & Co." nominee for the Depository Trust Company), the registrant shall make appropriate inquiry of the clearing agency and thereafter of the participants in such a clearing agency who may hold on behalf of a beneficial owner, and shall comply with the above rule with respect to any such participant.

Note 2.—The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to registrants, however, where banks, brokers and dealers and other persons hold securities in nominee accounts or "street names" on behaf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

Note 3.—The attention of registrants is called to the fact that brokers and dealers have an obligation pursuant to applicable self-regulatory organization requirements to obtain and foward, in a timely manner, (a) information statements to all beneficial owners, and (b) when requested by the registrant annual reports to security holders to beneficial owners for whom such brokers and dealers hold securities.

(b) Any registrant requesting a list of names, addresses and securities positions of beneficial owners of its securities who have not objected to disclosure of such information shall.

(1) Request such list from all brokers and dealers (through their agents) having customers who are beneficial owners of the registrant's securities;

(2) Use the information so furnished exclusively for purposes of corporate communications; and

(3) Upon the request of such brokers and dealers, through their agents, pay the reasonable expenses, both direct and indirect, of providing beneficial owner information.

Note.—A registrant will be deemed to have satisfied its obligations under paragraph (b) of this section by requesting non-objecting beneficial owner lists from a designated agent acting on behalf of the broker or dealer and paying to that designated agent the reasonable expenses of providing the beneficial owner information.

(c) A registrant, at its option, may mail its annual report to security holders to the beneficial owners whose identifying information is provided by brokers and dealers, through their agents, provided that such registrant notifies the brokers and dealers in accordance with paragaph (a) of this section that the registrant will mail the annual report to security holders to the beneficial owners so identified.

By the Commission.

October 15, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25107 Filed 10-21-85; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 270

[Release No. IC-14756; File No. S7-16-84]

Pricing of an Initial Purchase Payment for a Variable Annuity Contract

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments.

SUMMARY: The Commission is adopting an amendment to a rule under the Investment Company Act of 1940 that will permit an insurance company separate account to price an initial purchase payment for a variable annuity contract in accordance with a "two day/five day" procedure. The amended rule is part of a series of Commission rules intended to codify the standards applied to routine separate account exemptive and interpretive questions. The Commission is also adopting related technical amendments to one of the general rules under the Act.

EFFECTIVE DATE: October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Brian M. Kaplowitz, Special Counsel (202) 272-2061, or Karen L. Skidmore, Attorney (202) 272-3017, Office of Insurance Products and Legal Compliance, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today announced the adoption of an amendment to rule 22c-1 [17 CFR 270.22c-1] under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] ("Act") that permits any registered insurance company separate account ("separate account") to price an initial purchase payment for a variable annuity contract ("variable annuity" or "contract") in accordance with a "two day/five day" procedure. Specifically, the amendment permits a separate account to price an initial purchase payment not later than two business days after receipt of the order to purchase by the insurance company sponsoring the separate account ("insurer"), if the variable annuity application and other information necessary for processing the order to purchase (collectively, "application") are complete upon receipt, and to retain the purchase payment for up to five business days while attempting to obtain the information necessary to complete an incomplete application. If the application cannot be completed within five business days after receipt, the purchase payment must be returned immediately and in full, unless the prospective purchaser is informed of the reasons for the delay and specifically consents to the insurer retaining the purchase payment until the application is made complete.

The Commission believes the "two day/five day" procedure appropriately balances the insurance-related functions involved in the initial sale of a variable annuity and the Act's prompt pricing requirement. The initial sale of a variable annuity, unlike a sale of typical investment company shares, generally involves an insurance and suitability examination and the processing of a lengthy application by the insurer. Since these matters usually cannot be resolved within one day, strict compliance with rule 22c-1 might not be possible. The two business day period allowed for processing the initial completed application and payment accommodates this problem.[1] Similarly, the exemption from rule 22c-1 granted in the case of an incomplete application will alleviate the industry's concern with literal compliance with the rule. At the same time, the amendment's guidelines for the treatment of incomplete applications will require insurers to act promptly in completing and approving a prospective purchaser's application. The guidelines require that after five business days, the purchaser must be given the opportunity to determine whether he wishes to pursue the application or receive a refund.

This rule amendment is part of a series of Commission rules intended to codify the standards applied to routine separate account exemptive and interpretive questions.[2] Additionally, the Commission is adopting related technical amendments to rule 0-1(e) [17 CFR 270.0-1(e)] under the Act. The background and reasons for the proposal and set forth in Investment Company Act Release No. IC-13913 (May 1, 1984) [49 FR 19320, May 7, 1984].

Discussion

The amendment adopted herein was proposed for public comment on May 1, 1984. In response, the Commission received one comment letter.[3] While the commentator supported the proposed modifications to rule 22c-1, it questioned at the outset the need to adopt the interpretive position in a formal rule. It also suggested a series of changes to the proposed amendments.

With respect to the need for amending rule 22c-1, the commentator stated that the proposed "two day/five day" procedure already appeared to be uniformly applied and that, as an informal position, it provided the flexibility to address evolving circumstances. It has been the experience of the staff, however, that there has been confusion over the years about the circumstances under which this position may be relied upon. This

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[1] Since these insurance-related matters arise only in the processing of an initial purchase payment, all subsequent purchase payments must continue to be priced without use of the "two day/five day" procedure.

[2] *See, e.g.*, Investment Company Act Rel. No. 13407 (July 28, 1983) [48 FR 36097, Aug. 9, 1983] (rule 11a-2); Investment Company Act Rel. No. 13406 (July 28, 1983) [48 FR 36243, Aug. 10, 1983] (rule 6c-8).

[3] The comment letter was subsequently amplified by a second letter from the same commentator.

rulemaking initiative was motivated by the need to publish and to clarify the "two day/five day" procedure for all variable annuity issuers. It would appear preferable to provide certainty for the industry and the public in the important area of pricing than to refrain from action because of possible variant situations which may develop in the future. The Commission and the staff can subsequently address "evolving circumstances" as they actually occur, as specific applications for exemptive relief or formal requests for a no-action position.

With respect to the substance of the proposed changes to rule 22c–1, the commentator recommended a series of refinements which it stated would clarify the scope of the proposal and make it more useful. Most of the suggested changes addressed certain "logistical problems" asserted to be present in group contracts. The changes included expanding the definition of a prospective purchaser, providing for "implied consent" in certain tax-qualified contract situations, and expanding the five business day requirement for obtaining consent. In addition, the commentator proposed that the rule amendments clearly state when a contract is deemed to have been received by the insurer and that the notice and consent requirements may be satisfied by telephonic or oral communication. The Commission has determined to adopt the rule with certain clarifying language in both the rule and this accompanying release. The main points are discussed below.

1. Receipt of the Purchase Order by the Sponsor Insurance Company

The commentator recommended that the amended rule state clearly that an order to purchase a variable annuity is deemed received when it arrives at the administrative offices of the insurance company, not when a representative or agent of the insurance company receives the application.[4] This approach, the commentator contended, recognizes that the insurance features giving rise to the need for extra time in the initial pricing-in, *i.e.*, underwriting and processing, usually take place at the insurer's administrative offices.

The Commission has not incorporated the commentator's suggestion into the amended rule. It believes there is no real need to change current practice by requiring a company to designate its administrative offices as the only appropriate points for acceptance of a purchase order. Virtually all companies currently provide in the contract and disclose in the prospectus when communications and payments are deemed received, *e.g.*, "at our principal administrative office before ____ p.m." Thus, in most cases, receipt at an administrative office is the pertinent event.[5] However, should an insurer wish to authorize either an agent or a representative, in addition to its administrative offices, to accept a purchaser's offer to enter into a variable annuity contract (by tender of an application and payment), the Commission sees no reason why the pricing-in period should not begin to run for that company at the place where the contract may be made binding. Thus, "receipt" for pricing purposes under rule 22c–1(c) means receipt by the person (including a corporate entity) empowered to accept the contract as defined under the terms of the contract and disclosed in the prospectus.

2. Type of Communication Necessary To Satisfy the Notification and Consent Requirements

The proposed rule amendments would require that a prospective purchaser be informed of the reasons for the delay if an incomplete application has not been made complete within five business days of its receipt.[6] They would further require that the purchase payment be returned immediately unless the prospective purchaser specifically consents to the insurer retaining it until the application is made complete.[7]

The commentator recommended that the notification and consent requirements be deemed to be satisfied by telephonic or oral communication and that the rule be modified to state this clearly.[8] The commentator noted that any interpretation of the amended rule as requiring a written communication from an insurer's administrative office would make the rule unworkable, as a practical matter. The Commission agrees that either telephonic or oral communication is acceptable for purposes of the proposed amendments, although it has determined not to revise the language of the final rule amendments. The Commission wishes, however, to underscore its expectation that insurers using this method of notification and consent will also memorialize any oral exchange with a written document to be placed in their files and available for inspection.

3. Suggestions Related to Administration Problems of Group Contracts

a. *Definition of the Term, "Prospective Purchaser".* The commentator argued that it is unclear under the proposed amendments whether, in the case of a group contract, the term "prospective purchaser" means a contractowner, a participant under a group contract, or an administrator of a retirement plan. It suggested that the term might be defined to include specifically plan administrators and employers. Thus, only an administrator or employer would have to be notified and give consent for an insurer to hold a plan participant's funds without pricing him in beyond the five business day period specified in the proposed amendments for an incomplete application. This suggested modification, the commentator contended, would ease the logistical problems encountered in some group contracts where multiple layers of administrators may make it difficult for the insurer to contact the applicant within the five business days. Similarly, the commentator argued that where an investor cannot be contacted within that time period, plan administrators "often prefer" not to have initial purchase payments refunded because of the "administrative burdens" involved.

The Commission, while agreeing that the term "prospective purchaser" needs to be clarified, has determined that it would not be appropriate to adopt the commentator's suggested definition. For purposes of the pricing-in requirements of the Act, a prospective purchaser refers to either the individual contractowner or the individual participant under a group contract.[9] It is that individual who must consent to the insurer retaining the purchase payment beyond a minimum period of time without pricing him in. The Commission understands the industry's viewpoint that a large group contract combined with several layers of administrators may make it more difficult for the insurer to trace a particular applicant to obtain his consent within the prescribed time period. However, if the insurer were relieved of this duty by merely

[4] A company's administrative offices may include both a home office and any regional office.

[5] Even where an administrative office is the point of receipt, the insurer may still, of course, permit an agent to accept an application and payment for forwarding to the administrative office. The Commission has not been made aware of any problems arising from delays by the agent in remitting the application and accompanying payment to the administrative office promptly. If this became a problem, the Commission would take the necessary corrective action, including enforcement action if appropriate.

[6] Paragraph (c)(2)(i).

[7] Paragraph (c)(2)(ii).

[8] The proposed amendments were silent as to how these requirements might be met.

[9] A sub-paragraph has been added to the amended rule to define "prospective purchaser."

contacting the plan administrator, the individual would be denied both the benefit of prompt pricing or an immediate return of payment and the opportunity of choosing to waive that benefit. The possibility of some additional administrative burden on the insurer does not appear to the Commission to be an adequate reason to deny prospective purchasers the Act's protections in this area.

b. *Other suggestions.* As an alternative to defining "prospective purchaser" as suggested, the commentator argued that, at a minimum, initial purchase payments should not be required to be returned as per the proposed amendments where a contract is purchased by or for a tax-qualified retirement program. This, the commentator contended, would protect participants from any adverse tax consequences should the participant be inadvertently in receipt of roll-over assets (*e.g.*, from an H.R. 10 or corporate pension plan) beyond the time period prescribed by the tax laws as a result of a refund triggered by the five business day time period. Alternatively, the commentator suggested that the Commission support an interpretation that consent to retain payments beyond five business days would be implied where the annuity purchase involves a tax-qualified plan transaction or is pursuant to certain other group arrangements, provided that full disclosure of this practice is in the prospectus.

The Commission believes that the suggested alternatives would give broader relief than necessary to ensure that a participant is not inadvertently in receipt of funds the subsequent repayment of which would disqualify him from certain tax-related benefits. Under the proposed amendments, the insurer need not automatically return the purchase payment accompanying an incomplete application after five business days have elapsed; the insurer need only obtain the consent of the prospective purchaser in order to hold his payment until such time as the application is made complete. This procedure allows the prospective purchaser to determine for himself whether he wishes to pursue the application further in view of any tax consequences or changes in market and financial circumstances. Of course, if the prospective purchaser cannot be reached and, therefore, consent cannot be obtained within this period, the initial purchase payment must be returned. However, the Commission has not been made aware of any particular instances where this problem has actually occurred during the past year that the informal "two day/five day" procedure has been in use. Therefore, on balance, the Commission has determined to adopt the amendments essentially as proposed.

4. Definition of the Term "Initial Purchase Payment"

Finally, the commentator observed that in regard to "initial purchase payments," it was unclear whether new participants or new accounts under an existing group contract would be eligible for the rule's exemptive relief. While it is true that the under certain group contracts, any new participant is automatically enrolled without any initial underwriting considerations present, nonetheless, a new application may involve other insurance-related considerations.[10] Therefore, and in order not to disadvantage new participants in certain group contracts, as compared to owners of individual contracts, the amended rule will reflect additional language to ensure that all initial purchase payments made by prospective purchasers of either individual or group will be covered.

5. Amendments to Rule 0-1(e)

As proposed, the Commission is amending rule 0-1(e) of the General Rules and Regulations under the Act, which defines various terms used in certain of those rules, including the term "separate account" and sets forth conditions for availability of exemptive relief for separate accounts pursuant to various of those rules, to include rule 22c-1 as one of the rules listed therein.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act [15 U.S.C. 605(b)], the Chairman of the Commission previously certified that the adoption of the amendment to Rule 22c-1 will not have a significant economic impact on a substantial number of small entities. No comments were received on that certification.

Paperwork Reduction Act

The rule amendment is not subject to the Act because it does not impose an information collection requirement.

[10] For example, state insurance law usually requires that the individuals applying for insurance contract ownership have an "insurance interest" in the person named in the annuity contract (as either annuitant or beneficiary). Therefore, if the application does not indicate the familiar or economic relationship justifying an insurable interest, the insurer can not accept the application until such information can be verified.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Statutory Basis and Text of Rule 22c-1 and Amendments to Rule 0-1(e)

Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. The authority citation for Part 270 is amended by adding the following citation.

Authority: Secs. 38, 40, 54 Stat. 841, 842; 15 U.S.C. 80a-37.* * * § 270.1 also issued under Sec. 38(a) [15 U.S.C. 80a-37(a)]. § 270.22c-1 also issued under Secs. 6(c), 22(c), and 38(a) [15 U.S.C. 80a-6(c), 80a-22(c), and 80a-37(a)].

2. By revising paragraphs (e) introductory text and (e)(2) of § 270.0-1 to read as follows:

§ 270.0-1 Definition of terms used in the rules and regulations.

* * * * *

(e) Definition of separate account and conditions for availability of exemption under §§ 270.6c-6, 270.6c-7, 270.6c-8, 270.11a-2, 270.14a-2, 270.15a-3, 270.16a-1, 270.22c-1, 270.22d-3, 270.22e-1, 270.26a-1, 270.26a-2, 270.27a-1, 270.27a-2, 270.27a-3, 270.27c-1, and 270.32a-2 of this chapter.

* * * * *

(2) As conditions to the availability of exemptive Rules 6c-6, 6c-7, 6c-8, 11a-2, 14a-2, 15a-3, 16a-1, 22c-1, 22d-3, 22e-1, 26a-1, 26a-2, 27a-1, 27a-2, 27a-3, 27c-1, and 32a-2, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to, or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

3. By adding new paragraph (c) to § 270.22c-1 to read as follows:

§ 270.22c-1 Pricing of redeemable securities for distribution, redemption and repurchase.

* * * * *

(c) Notwithstanding the provisions above, any registered separate account offering variable annuity contracts, any

person designated in such account's prospectus as authorized to consummate transactions in such contracts, and any principal underwriter of or dealer in such contracts shall be permitted to apply the initial purchase payment for any such contract at a price based on the current net asset value of such contract which is next computed:

(1) Not later than two business days after receipt of the order to purchase by the insurance company sponsoring the separate account ("insurer"), if the contract application and other information necessary for processing the order to purchase (collectively, "application") are complete upon receipt; or

(2) Not later than two business days after an application which is incomplete upon receipt by the insurer is made complete, *Provided*, That, if an incomplete application is not made complete within five business days after receipt,

(i) The prospective purchaser shall be informed of the reasons for the delay, and

(ii) The initial purchase payment shall be returned immediately and in full, unless the prospective purchaser specifically consents to the insurer retaining the purchase payment until the application is made complete.

(3) As used in this section:

(i) "Prospective Purchaser" shall mean either an individual contractowner or an individual participant in a group contract.

(ii) "Initial Purchase Payment" shall refer to the first purchase payment submitted to the insurer by, or on behalf of, a prospective purchaser.

Dated: October 15, 1985.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25108 Filed 10-21-85; 8:45 am]

BILLING CODE 8010-01

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 85-158]

Country of Origin Marking of Pistachio Nuts

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of delayed effective date.

SUMMARY: Customs previously ruled that imported pistachio nuts which are processed by roasting, need not subsequently be marked as products of the foreign country where grown, but become a product of the country where the roasting is performed. A request was received to rescind these rulings because the roasting process does not substantially transform pistachio nuts which have otherwise attained the character in which they will be sold to consumers prior to importation. Specifically, it was called to Customs attention that pistachio nuts which are grown in Iran are then roasted elsewhere than in Iran. These roasted pistachio nuts are then sold without any indication that the nuts are products of Iran, and under brand names which imply that they are products of California. Customs decided that the roasting; roasting and salting; or roasting, salting, and coloring; of pistachio nuts, without more, does not result in a substantial transformation. Accordingly, by T.D. 85-158, published in the **Federal Register** on September 18, 1985 (50 FR 37842), the 2 previous rulings were rescinded and the containers of such products must be marked to indicate the country of origin of the raw products. This change was to have taken effect on October 18, 1985.

However, Customs has received requests to delay the effective date T.D. 85-158. Because the requests have merit, Customs has decided to grant 2 additional months to allow all affected parties to comply with the requirements of T.D. 85-158. Accordingly, the effective date is changed from October 18, 1985, to December 18, 1985. All pistachio nuts entered for consumption or withdrawn from warehouse on or after this date are subject to the ruling. The certification requirements of 19 CFR 134.25 will apply only to such pistachio nuts. The ruling will not affect those pistachio nuts which are entered for consumption or withdrawn from warehouse before October 18, 1985, but sold at retail after this date. Only those retail packages which contain pistachio nuts imported on or after the effective date must be marked with the country of origin.

In order to facilitate compliance with the ruling, as an interim measure, the use of adhesive labels applied to cans and packages already in stock or manufactured and printed prior to September 18, 1985 (date of publication of the ruling) may be accepted.

DATE: The effective date of this document is October 15, 1985. The new effective date for the document published in the September 18, 1985 (50 FR 37842) **Federal Register** is December 18, 1985.

FOR FURTHER INFORMATION CONTACT: Lorrie R. Rodbart, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

Dated: October 15, 1985.

John P. Simpson,

Director, Office of Regulations and Rulings.

[FR Doc. 85-24897 Filed 10-18-85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; the Automobile; Property Essential to Self-Support; The Home

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: The Department of Health and Human Services is amending its regulations to provide rules where resources are excluded because they are property essential to an individual's self-support. These changes, which do not appear in existing regulations, include value limits for property essential to self-support and the conditions under which an individual's property will be taken into consideration when income-producing activities are associated with the home.

EFFECTIVE DATE: These regulations are effective October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7463.

SUPPLEMENTARY INFORMATION: We published the Notice of Proposed Rulemaking (NPRM) covering the rules on the resources provisions on November 8, 1982 (47 FR 50511). The rules on property essential to self-support and conditions under which an individual's property will be taken into consideration when income-producing activities are associated with the home (which were included in that NPRM) are being finalized separately at this time. The previously published NPRM concerning resources included policies on many issues and may not be ready for publication as final regulations for some time. These rules on property essential to self-support are urgently needed for accuracy and consistency in

claims adjudication and appeals at the hearing level. Therefore, these rules are being finalized at this time. We discuss the comments we received on the subject rules and our responses to them later in the preamble.

Interim regulations dealing with automobiles were published on July 24, 1979 (44 FR 43265). Those regulations are also incorporated in these final regulations since they may relate to property essential to self-support. The comments we received from those interim regulations are also discussed in the preamble.

Section 1613(a)(3) of the Social Security Act (the Act) states that property essential to a person's self-support is excluded from resources "in accordance with and subject to limitations prescribed by the Secretary." Current regulations, however, merely provide that property essential to self-support is excluded from resources if its current market value does not exceed limits which take into account the nature of the business and the gross and net income such business may be expected to produce. In addition, they provide that nonbusiness property is essential to self-support if it is relied upon by the individual as a significant factor in producing income on which he or she can live. Current regulations do not set limits on the value of property or on the amount of income a person must get from the property or how it relates to a service essential to the person's daily activities before the property can be excluded as a resource essential to self-support. However, limits of $6,000 equity value and the requirement of a 6 percent annual rate of return for the exclusion of property essential to self-support are contained in operating instructions. We are placing these limits and other specific rules in these regulations.

Under these rules, we will exclude from countable resources up to $6,000 of a person's equity in business and nonbusiness income-producing assets (other than the home property) if each income-producing activity produces a net annual income to the individual of at least 6 percent of the excluded equity value. This net annual income requirement must be met every year. However, if an activity produces less than a 6 percent return due to circumstances beyond the individual's control (for example, crop failure, illness, etc.) and there is a reasonable expectation that the activity will again produce a 6 percent return, the property is also excluded.

We are providing an exception to the $6,000/6-percent rule in these final regulations as a result of public comments received after publication of the Notice of Proposed Rulemaking on the resources provisions on November 8, 1982, at 47 FR 50511. The $6,000/6-percent rule will not apply to any property essential to self-support that represents the authority granted by a governmental agency to engage in an income-producing activity. An example of this type of property is a commercial fishing permit.

The rationale for this exception is that there is an important distinction between property that provides the authority to engage in an activity and property, such as tools and machinery, that is actually used to perform the activity. For activities which require the approval of an authorizing governmental agency, a person cannot even attempt to become self-supporting without official permission. By recognizing this distinction, we will allow these individuals to engage in their chosen activities on an equal footing with other persons who do not need permission to undertake an activity. However, when this type of property is not used in a trade or business or nonbusiness income-producing activity, and there is no reasonable expectation that it will be used, it is a countable resource subject to the applicable limit.

We are also revising the regulations to show that if any income-producing property also qualifies as the individual's home (principal place of residence), it is excluded from countable resources under the home exclusion. Any income-producing assets that are located on the home property but do not qualify under the home exclusion, however, may be excluded in certain instances as "property essential to self-support."

Due to changes in operating policy, a limit of $6,000 equity value and a requirement of a 6-percent annual rate of return on income-producing property associated with the home already apply to all claims filed January 1, 1981 or later. In any claim filed on or after October 1, 1976 and before January 1, 1981, income-producing property was excluded regardless of value, if the income-producing property was associated with an excluded home. Thus, the group of individuals whose claims were filed on or after October 1, 1976 and before January 1, 1981 has been advantaged by not having this self-support property subjected to the $6,000/6-percent rule. By bringing this group in line with similarly situated SSI recipients, some of these recipients may lose SSI benefits. To lessen the effect of this change, we intend to apply the rule only prospectively upon routine redetermination of eligibility.

In addition, we are amending the rules dealing with (an) automobile(s). The rules for automobiles in these final regulations are the same rules, with one exception, that were published in the **Federal Register** on July 24, 1979 (44 FR 43265) with interim effect. The exception, which is the exclusion of a vehicle for use as transportation in unusual climate and terrain, has been moved from the rules concerning property essential to self-support to the section concerning automobiles. This promotes consistency and curtails the number of automobiles that may be excluded from resources. In some situations, current regulations may allow for the exclusion of more than one automobile.

Section 416.1212 defines the home and explains that the home is not counted toward the resource limit, regardless of its value. If a person leaves the home to move into an institution, we will not count the home as a resource as long as a spouse or dependent relative of the eligible individual continues to live there.

Section 416.1218 explains the rules dealing with (an) automobile(s). We indicate in this section that either an individual's equity or the current market value will be used to value an automobile depending on the situation. The rules for automobiles in these regulations are essentially the same rules that were published in the **Federal Register** on July 24, 1979 (44 FR 43265) with interim effect. We invited public comments through September 24, 1979. Views were expressed by several commenters on the automobile interim rules and are being addressed later in this preamble. These rules were effective November 1, 1979. However, we are modifying this section to provide for the total exclusion of an automobile necessary for transportation to perform essential daily activities in unusual climate and terrain. Current rules provide for this exclusion as part of the rules about property essential to self-support. This final rule relocates this exclusion to § 416.1218.

The rules dealing with property essential to self-support are in §§ 416.1220 through 416.1227. When we count the value of the resources persons have, we do not count the value of property essential to self-support, if it meets certain requirements. Property essential to self-support can include both real and personal property used in a trade or business, nonbusiness income-producing property, and property not used for income production. Property essential to self-

support does not include the home as defined in § 416.1212.

Sections 416.1220 through 416.1224 describe property essential to self-support and explain how we count that property. These sections provide specific value limits for property essential to self-support. We will exclude as property essential to self-support up to $6,000 of an individual's equity in property if it yields him or her a net annual return of at least 6 percent of his or her equity up to $6,000. If the individual's equity is greater than $6,000, we count only the equity that exceeds $6,000 toward the resource limit (as described in § 416.1205) if the net annual income requirement of 6 percent is met on the amount of the excluded equity. Section 416.1222(b) excepts from the $6,000 and 6 percent requirements any property essential to self-support that represents the authority granted by a governmental agency to engage in an income-producing activity.

Sections 416.1225 through 416.1227 describe the conditions under which we exclude resources that beneficiaries use or set aside to complete an approved plan to become self-supporting. These rules are not new but have been in Subpart Q, Referral for Rehabilitation Services, Other Benefits, Other Services and Assistance. The rules are now being located in this subpart because they concern resources. These rules are also similar to the income rules on an approved plan for self-support that were published in the **Federal Register** on October 3, 1980 (45 FR 65541).

Comments Received Following Publication of the Notice of Proposed Rulemaking on the Home and Property Essential to Self-Support (Published November 8, 1982 (47 FR 50511))

Comment: One commenter suggested that the term "principal place of residence" should be defined in § 416.1210(c) (now § 416.1212(c)) of the resources provisions because a home can still be excluded if an individual leaves the home and has the intent to return. The intent to return rule causes homes for institutionalized individuals to be excluded for years, even if there is no dependent relative living there.

Response: The term "principal place of residence" is defined as the home in § 416.1212 (along with the requirement for ownership interest). The rules that describe institutionalized individuals are in § 416.211. Further defining the term "principal place of residence" will not eliminate the need to establish an individual's intent, since it remains our policy that the home will be considered the individual's principal place of residence if he or she moves to an institution, but intends to return home.

Comment: One commenter suggested that the last sentence of § 416.1210(c) (now § 416.1212(c)) of the resources provisions be amended so that the home exclusion will now apply where the dependent relative is a spouse or a minor child and lives in an individual's home while the individual is in an institution.

Response: We are modifying the regulation to make it clear that our current policy is that the home exclusion will continue to apply as long as a spouse or dependent relative lives in the home.

Comment: Several commenters suggested that the proposed rule concerning property essential to self-support ($6,000 equity value/6-percent net annual income) in proposed § 416.1220(b) (now § 416.1222(a)) be revised since the limits were based on an earlier survey. The present limit will not permit SSI recipients to be self-supporting and does not take into account the high inflation since the start of the program. Several commenters were especially concerned about the effect of the limits on small farmers.

Response: It is true that the proposed limits on property essential to self-support were based on an earlier survey. At the time, we considered Congressional intent, reviewed State plan requirements used in former State programs, analyzed some small income producing operations, and conducted a study of approximately 600 claims involving income producing property. We also considered the value of the property involved and the income being derived from it. The decision to base the $6,000 limit on equity instead of current market value took into account the capital investment necessary in farming and other small businesses. Also, the use of equity instead of current market value to evaluate property essential to self-support does permit individuals who might otherwise be ineligible based on the market value of the property to receive SSI benefits because the property is encumbered.

The equity value limit, therefore, would allow small farmers to own valuable resources and remain eligible for SSI since farm equipment and machinery can be encumbered. For farmers also, the home exclusion can exclude from resources the land on which they farm, oftentimes a high value asset. So we think the combination of a rule based on equity value and a rule excluding the farmer's land provides sufficient safeguards that truly needy farmers can be eligible for SSI.

In administering this national needs based program, it has been our experience that the proposed uniform nationwide limits are reasonable in the generality of cases. However, we are not unmindful of the concerns raised and we will therefore continue to evaluate the reasonableness of the limits and will make any changes we decide are necessary in light of our evaluation.

Comment: One commenter stated that the equity value limitation concerning property essential to self-support is inappropriate when applied to commercial fishermen in the State of Alaska. An Alaskan limited entry permit is apparently valued by the State up to $33,000. The proposed rule essentially forces Alaska's blind, elderly, and disabled fishermen and fisherwomen to choose between work and welfare. They must either keep their fishing permits and continue to fish (notwithstanding the risk that they will not earn enough to fully support themselves and their families) or sell their permits. In the short term, the sale would bring them money. However, after the proceeds of the sale were spent, they would be wholly dependent on the Government for support. The rule, therefore, is inconsistent with Congress' intent in creating SSI.

Response: We are adopting an exception to the $6,000/6-percent rule in response to this comment. The general limits will not apply to any property used in a trade or business or a nonbusiness income-producing activity that is essential to self-support if the property represents the authority granted by a governmental agency to engage in an income-producing activity. Unlike the equipment and land of small farmers, these fishermen's highest value asset, their permits which they are required by State law to obtain in order to fish, cannot be effectively excluded by the general limits or any other resource exclusion. The exception, therefore, attempts to place on a par all individuals who engage in self-support activities. The exception will apply not just to fishing permits but to any asset that represents the authority to engage in a self-support activity.

Comment: One commenter stated that the $6,000 equity limit on the amount of resources essential to self-support in proposed § 416.1220(b) (now § 416.1222(a)) will almost always preclude the exclusion in cases where an individual is institutionalized and rents his or her home while in the institution. The limit is too low to enable an individual to keep his or her home while in the institution and could cause the home to be sold. This situation could

cause an individual to have no home when he or she leaves the institution.

Response: The home will remain excluded from resources as the individual's principal place of residence while the individual is in an institution if the individual has the intention of returning to the home when he or she is released from the institution.

Comments Received Following Publication of Interim Regulations on the Automobile (Published July 24, 1979 (44 FR 43266))

Comment: Two commenters suggested that the current market value of an automobile be its wholesale price and not its retail price. The trade-in wholesale value is the amount of money that the individual will receive if the automobile is sold, and thus should be the value placed on the vehicle.

Response: In determining the current market value of an automobile, we do use the wholesale value rather than the retail value. This policy is spelled out in the operating instructions.

Comment: One commenter suggested that an indexing clause be included in the final rule since the $4,500 amount was adopted by Congress in 1977. Can this amount be considered "reasonable" in future years?

Response: We are not adopting the suggestion to include an indexing clause to update the limit on the automobile because program experience shows that the first automobile owned by an SSI recipient/applicant is excluded in virtually all cases. Few automobiles owned by SSI individuals are worth more than $4,500 wholesale, and it is very rare that a first automobile worth more than $4,500 does not qualify for exclusion because of how it is used as described in § 416.1218 of the regulations.

Comment: One commenter suggested that the rule in § 416.1218(b)(3), which would require that the individual's equity in a second car be counted, should be clarified to explain the reference to § 416.1224(d) concerning a motor vehicle which is considered essential to self-support.

Response: The reference to § 416.1224(d) has been changed and the rule rewritten to make it easier to understand. The new rule was placed in § 416.1214(b)(1)(iv) of the NPRM that was published November 8, 1982 (47 FR 50511) and is being finalized in this publication as § 416.1218(b)(1)(iv). It explains that an automobile is totally excluded if necessary to perform essential daily activities in unusual climate or terrain. The rule was relocated from the self-support rules to the automobile rules.

Comment: One commenter stated that the reason which prompted Congress to adopt a market value of $4,500 to evaluate an automobile for food stamp recipients does not exist in the SSI program. Congress was attempting to correct the public perception of abuse of the food stamp program by individuals who owned expensive cars and whose automobiles were excluded because the law permitted exclusion of one automobile regardless of value if used for a household member's transportation. Since this is not the predicament of the SSI program, the commenter states SSA had no reason to depart from the equity standard for evaluating the automobile. Also, several commenters requested additional rationale to support the evaluation of the first car at current market value while a second car is valued at equity.

Response: When the NPRM for the automobile was published on May 2, 1978 (43 FR 18698), it proposed to implement a June 4, 1977, Secretary's decision to exclude the value of an automobile using an equity basis of $2,000. In commenting on the NPRM, the Department of Agriculture and the Office of Management and Budget suggested that an exception to the equity concept be made with respect to the automobile in order to achieve consistency with the Food Stamp Act of 1977. That statute provided for a $4,500 market value limit for all automobiles in a food stamp household, with certain exceptions. Based on the foregoing, SSA agreed there was a need for program consistency with the food stamp program and welfare reform planning with respect to the treatment of automobiles and this is why the automobile is an exception to the usual SSI equity rule when valuing resources.

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation because they will not have an annual effect on the economy of $100 million and will not cause increases in costs or prices. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because these rules affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements requiring OMB clearance.

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program)

Dated: June 6, 1985.

Approved: July 25, 1985.

Martha A. McSteen,

Acting Commissioner of Social Security.

Margaret M. Heckler,

Secretary of Health and Human Services.

Subpart L of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 416—[AMENDED]

1. The authority citation for Subpart L of Part 416 continues to read as follows:

Authority: Secs. 1102, 1611, 1613, 1614 and 1631 of the Social Security Act, as amended; Sec. 211 of Pub. L. 93-66; 49 Stat. 647, as amended; 86 Stat. 1466, 1470, 1471 and 1475, as amended; 42 U.S.C. 1302, 1382, 1382b, 1382c and 1383.

2. Section 416.1212 is revised to read as follows:

§ 416.1212 Exclusion of the home.

(a) *Defined.* A home is any property in which an individual (and spouse, if any) has an ownership interest and which serves as the individual's principal place of residence. This property includes the shelter in which an individual resides, the land on which the shelter is located and related outbuildings.

(b) *Home not counted.* We do not count a home regardless of its value. However, see §§ 416.1220–416.1224 when there is an income-producing property located on the home property that does not qualify under the home exclusion.

(c) *If an individual changes principal place of residence.* If an individual (and spouse, if any) moves out of his or her home without the intent to return, the home becomes a countable resource because it is no longer the individual's principal place of residence. If an individual leaves his or her home to live in an institution, we still consider the home to be the individual's principal place of residence, irrespective of the individual's intent to return as long, as a spouse or dependent relative of the eligible individual continues to live there. The individual's equity in the

former home becomes a countable resource effective with the first day of the month following the month it is no longer his or her principal place of residence.

3. Paragraph (b) of § 416.1218 is revised to read as follows:

§ 416.1218 Exclusion of the automobile.

* * * * *

(b) *Limitation on automobiles.* In determining the resources of an individual (and spouse, if any), automobiles are excluded or counted as follows:

(1) *Total exclusion.* One automobile is totally excluded regardless of its value if, for the individual or a member of the individual's household—

(i) It is necessary for employment;

(ii) It is necessary for the medical treatment of a specific or regular medical problem;

(iii) It is modified for operation by or transportation of a handicapped person; or

(iv) It (or other type of vehicle) is necessary because of climate, terrain, distance, or similar factors to provide necessary transportation to perform essential daily activities.

(2) *Exclusion to $4,500 of the market value.* If no automobile is excluded under paragraph (b)(1) of this section, one automobile is excluded from counting as a resource to the extent its current market value does not exceed $4,500. If the market value of the automobile exceeds $4,500, the excess is counted against the resource limit.

(3) *Other automobiles.* Any other automobiles are treated as nonliquid resources and counted against the resource limit to the extent of the individual's equity (see § 416.1201(c)).

* * * * *

4. Section 416.1220 is revised to read as follows:

§ 416.1220 Property essential to self-support; general.

When counting the value of resources an individual (and spouse, if any) has, the value of property essential to self-support is not counted, within certain limits. There are different rules for considering this property depending on whether it is income-producing or not. Property essential to self-support can include real and personal property (for example, land, buildings, equipment and supplies, motor vehicles, and tools, etc.) used in a trade or business (as defined in § 404.1066 of Part 404), nonbusiness income-producing property (houses or apartments for rent, land other than home property, etc.) and property used to produce goods or services essential to an individual's daily activities. Liquid resources other than those used as part of a trade or business are not property essential to self-support. If the individual's principal place of residence qualifies under the home exclusion, it is not considered in evaluating property essential to self-support.

5. Section 416.1222 is revised to read as follows:

§ 416.1222 How income-producing property essential to self-support is counted.

(a) *General.* When deciding the value of property used in a trade or business or nonbusiness income-producing activity, only the individual's equity in the property is counted. We will exclude as essential to self-support up to $6,000 of an individual's equity in income-producing property if it produces a net annual income to the individual of at least 6 percent of the excluded equity. If the individual's equity is greater than $6,000, we count only the amount that exceeds $6,000 toward the allowable resource limit specified in § 416.1205 if the net annual income requirement of 6 percent is met on the excluded equity. If the activity produces less than a 6-percent return due to circumstances beyond the individual's control (for example, crop failure, illness, etc.), and there is a reasonable expectation that the individual's activity will again produce a 6-percent return, the property is also excluded. If the individual owns more than one piece of property and each produces income, each is looked at to see if the 6-percent rule is met and then the amounts of the individual's equity in all of those properties producing 6 percent are totaled to see if the total equity is $6,000 or less. The equity in those properties that do not meet the 6-percent rule is counted towards the allowable resource limit specified in § 416.1205. If the individual's total equity in the properties producing 6-percent income is over the $6,000 equity limit, the amount of equity exceeding $6,000 is counted as a resource towards the allowable resource limit.

Example 1. Sharon has a small business in her home making hand-woven rugs. The looms and other equipment used in the business have a current market value of $7,000. The value of her equity is $5,500 since she owes $1,500 on the looms. Sharon's net earnings from self-employment is $400. Since Sharon's equity in the looms and other equipment ($5,500) is under the $6,000 limit for property essential to self-support and her net income after expenses ($400) is greater than 6 percent of her equity, her income-producing property is excluded from countable resources. The home is not considered in any way in valuing property essential to self-support.

Example 2. Charlotte operates a farm. She owns 3 acres of land on which her home is located. She also owns 10 acres of farm land not connected to her home. There are 2 tool sheds and 2 animal shelters located on the 10 acres. She has various pieces of farm equipment that are necessary for her farming activities. We exclude the house and the 3 acres under the home exclusion (see § 416.1212). However, we look at the other 10 acres of land, the buildings and equipment separately to see if her total equity in them is no more than $6,000 and if the annual rate of return is 6 percent of her equity. In this case, the 10 acres and buildings are valued at $4,000 and the few items of farm equipment and other inventory are valued at $1,500. Charlotte sells produce which nets her more than 6 percent for this year. The 10 acres and other items are excluded as essential to her self-support and they continue to be excluded as long as she meets the 6-percent annual return requirement and the equity value of the 10 acres and other items remains less than $6,000.

Example 3. Henry has an automobile repair business valued at $5,000. There are no debts on the property and bills are paid monthly. For the past 4 years the business has just broken even. Since Henry's income from the business is less then 6 percent of his equity, the entire $5,000 is counted as his resources. Since this exceeds the resources limit as described in § 416.1205, he is not eligible for SSI benefits.

(b) *Exception.* Property that represents the authority granted by a governmental agency to engage in an income-producing activity is excluded as property essential to self-support if it is:

(1) Used in a trade or business or nonbusiness income-producing activity, or,

(2) not used due to circumstances beyond the individual's control, e.g., illness, and there is a reasonable expectation that the use will resume.

Example. John owns a commercial fishing permit granted by the State Commerce Commission, a boat, and fishing tackle. The boat and tackle have an equity value of $6,500. Last year, John earned $2,000 from his fishing business. The value of the fishing permit is not detemined because the permit is excluded under the exception. The boat and tackle are producing in excess of a 6 percent return on the excluded equity value, so they are excluded under the general rule (see paragraph (a) of this section) up to $6,000. The $500 excess value is counted toward the resource limit as described in § 416.1205.

6. Section 416.1224 is revised to read as follows:

§ 416.1224 How nonbusiness property used to produce goods or services essential to self-support is counted.

Nonbusiness property is considered to be essential for an individual's (and spouse, if any) self-support if it is used to produce goods or services necessary

for his or her daily activities. This type of property includes real property such as land which is used to produce vegetables or livestock only for personal consumption in the individual's household (for example, corn, tomatoes, chicken, cattle). This type of property also includes personal property necessary to perform daily functions exclusive of passenger cars, trucks, boats, or other special vehicles. (See § 416.1218 for a discussion on how automobiles are counted.) Property used to produce goods or services or property necessary to perform daily functions is excluded if the individual's equity in the property does not exceed $6,000. Personal property which is required by the individual's employer for work is not counted, regardless of value, while the individual is employed. Examples of this type of personal property include tools, safety equipment, uniforms and similar items.

Example. Bill owns a small unimproved lot several blocks from his home. He uses the lot, which is valued at $4,800, to grow vegetables and fruit only for his own consumption. Since his equity in the property is less than $6,000, the property is excluded as necessary to self-support.

7. Section 416.1225 is added to read as follows:

§ 416.1225 An approved plan for self-support; general.

If the individual is blind or disabled, resources will not be counted that are identified as necessary to fulfill a plan for achieving self-support which is in writing, has been approved by the Social Security Administration and is being pursued by the individual.

8. Section 416.1226 is revised to read as follows:

§ 416.1226 What a plan to achieve self-support is.

A plan to achieve self-support must—

(a) Be designed especially for the individual;

(b) Be in writing;

(c) Be approved by the Social Security Administration (a change of plan must also be approved);

(d) Be designed for an initial period of not more than 18 months. The period may be extended for up to another 18 months if the individual cannot complete the plan in the first 18-month period. A total of up to 48 months may be allowed to fulfill a plan for a lengthy education or training program designed to make the individual self-supporting;

(e) Show the individual's specific occupational goal;

(f) Show what resources the individual has or will receive for purposes of the plan and how he or she will use them to attain his or her occupational goal; and

(g) Show how the resources the individual set aside under the plan will be kept identifiable from his or her other funds.

9. Section 416.1227 is added to read as follows:

§ 416.1227 When the resources excluded under a plan to achieve self-support begin to count.

The resources that were excluded under the individual's plan will begin to be counted as of the first day of the month following the month in which any of these circumstances occur:

(a) Failing to follow the conditions of the plan:

(b) Abandoning the plan;

(c) Completing the time schedule outlined in the plan; or

(d) Reaching the goal as outlined in the plan.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8059]

Statutory Merger Using Voting Stock of the Corporation Controlling the Merged Corporation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the statutory merger of a controlled corporation into an acquiring corporation using the voting stock of the corporation controlling the merged corporation (reverse triangular merger). Changes to the applicable tax law were made by Public Law 91-693. These regulations affect corporations involved in reverse triangular mergers, and the shareholders and security holders of those corporations, and provide guidance needed to comply with the law.

DATES: These regulations are effective October 22, 1985. These regulations apply to statutory mergers occurring after December 31, 1970.

FOR FURTHER INFORMATION CONTACT: Andrew B. Pullman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:.

Background

On January 2, 1981, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 368 of the Internal Revenue Code of 1954 (the "Code") (46 FR 114). The amendments were proposed to conform the regulations to Public Law 91-693, which added section 368(a)(2)(E) to the Code. Because a public hearing was not requested, no public hearing was held. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Summary of Public Comments and Changes To Proposed Regulations

Control Requirement

Section 368(a)(2)(E)(ii) of the Code requires that, in the transaction, former shareholders of the surviving corporation (hereinafter "T") exchange, for voting stock of the controlling corporation (hereinafter "P"), an amount of stock which constitutes control of T (as defined in section 368(c) of the Code). Section 1.368-2(j)(3)(i) of the proposed regulations provides that the amount of T stock surrendered in the transaction by T shareholders in exchange for P voting stock must itself constitute control. Accordingly, if P owns more than 20 percent of T, the transaction does not qualify under section 368(a)(2)(E). Example (3) of proposed § 1.368-2(j)(7) illustrates that result. Numerous commenters suggested that, instead, the regulations provide that the requirement of section 368(a)(2)(E)(ii) is satisfied if, in the transaction, T shareholders surrender in exchange for P voting stock an amount of T stock which, when added to P's prior stock ownership in T, constitutes control.

After careful consideration, it is concluded that the statute does not permit the interpretation advanced by the commenters. Section 1.368-2(j)(3)(i) and example (4) of § 1.368-2(j)(7) of the final regulations retain the rule set forth in the proposed regulations. Examples (6) and (7) of § 1.368-2(j)(7) of the final regulations clarify, however, that the control requirement of section 368(a)(2)(E)(ii) may be satisfied despite the fact that, in the transaction, P contributes money or other property to T in exchange for additional T stock, or P receives T stock in exchange for its prior interest in the merged corporation (hereinafter "S"). However, as

illustrated in example (9) of § 1.368–2(j)(7) of the final regulations, the receipt of such T stock will not contribute to satisfaction of that control requirement.

Section 1.368–2(j)(3)(i) of the proposed regulations also provides that, for purposes of the control requirement, T's outstanding stock is measured immediately before the transaction. Further, as illustrated in examples (2) and (4) of proposed § 1.368–2(j)(7), payments to T's shareholders other than P voting stock (such as cash payments to dissenters or payments in redemption of T stock), as part of the transaction, could prevent satisfaction of that requirement. Several commenters suggested that, similar to reorganizations under section 368(a)(1)(B), payments to T's shareholders could be disregarded for purposes of the control requirement, provided the consideration was furnished by T and not by P. In response, § 1.368–2(j)(3)(i) of the final regulations, reflecting an interpretation of the statute which looks to the consideration furnished by P rather than that received by the T shareholders, provides that such payments by T and not by P may be disregarded for purposes of section 368(a)(2)(E)(ii). As with reorganizations under section 368(a)(1)(B), the facts and circumstances of each case will determine whether the payments came from T or P. Examples (2) and (3) of § 1.368–2(j)(7) of the final regulations illustrate that result. However, § 1.368–2(j)(3)(i) and (iii) also clarify that those payments are treated as a reduction of T's properties for purposes of section 368(a)(2)(E)(i), which requires that, after the transaction, T hold substantially all of its properties. In addition, receipt of consideration other than P stock by T shareholders in the transaction could prevent satisfaction of the continuity of interest requirement.

Section 1.368–2(j)(3)(i) of the proposed regulations defines control under section 368(c). Since current law is sufficiently clear as to the definition of control under section 368(c), the final regulations do not contain such a definition.

Section 1.368–2(j)(3)(ii) of the proposed regulations provides that P must acquire control of T in the transaction. Section 1.368–2(j)(3)(ii) of the final regulations clarifies this rule to provide that P must be in control of T immediately after the transaction. Thus, any disposition by P of the T stock acquired (other than a transfer described in section 368(a)(2)(C)), or any new issuance of stock by T to persons other than P, as part of the transaction, which causes P not to be in control of T will prevent the transaction from qualifying under section 368(a)(2)(E). Example (8) of § 1.368–2(j)(7) of the final regulations illustrates this rule.

"Substantially All" Requirement

Section 368(a)(2)(E)(i) of the Code requires generally that, after the transaction, T hold substantially all of its properties and substantially all of the properties of S. Section 1.368–2(j)(4) of the proposed regulations indicates that this requirement will not be satisfied where, as part of the transaction, T transfers assets to a corporation controlled by T, notwithstanding section 368(a)(2)(C) of the Code. Several commenters suggested that section 368(a)(2)(C) permits assets to T to be transferred to a controlled corporation without violating the "substantially all" requirement. In response, § 1.368–2(j)(4) of the final regulations provides that such transfers do not violate the "substantially all" requirement.

Section 1.368–2(j)(3)(iii)(E) of the final regulations clarifies that money transferred from P to S to satisfy minimum state capitalization requirements, which eventually is returned to P as part of the transaction, is not taken into account in applying the "substantially all" test to the assets of S.

Assumption of Liabilities; Exchange of Securities

Section 1.368–2(j)(5) of the proposed regulations provides that P may assume liabilities of T without disqualifying the transaction under section 368(a)(2)(E). Commenters requested that the regulations clarify the treatment of such liability assumption by P. Accordingly, § 1.368–2(j)(5) of the final regulations clarifies that liability assumption is a continuation to the capital of T by its shareholder P. In addition, § 1.368–2(j)(5) of the final regulations clarifies that where, pursuant to the plan of reorganization, securities of T are exchanged for securities of P, or for other securities of T which, for example, are convertible into P stock, that exchange is subject to the otherwise applicable provisions of section 354 and 356.

Relation to Section 368(a)(1)(B)

A few commenters suggested that the regulations confirm that a transaction which fails to qualify under section 368(a)(2)(E) may, under appropriate circumstances, qualify as a reorganization described in section 368(a)(1)(B), as in Rev. Rul. 67–448, 1967–2 C.B. 144. Examples (4) and (5) of § 1.368–2(j)(7) of the final regulations confirm this result.

Merged Corporation

Finally, in response to comments, § 1.368–2(j)(6) of the final regulations clarifies that S can be an existing corporation as well as a corporation formed for purposes of the section 368(a)(2)(E) transaction.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Because the notice of proposed rulemaking for these regulations was filed with the **Federal Register** on December 29, 1980, no regulatory flexibility analysis is required.

Drafting Information

The principal author of these regulations is Andrew B. Pullman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.301–1 through 1.383–3

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 1.368–2 is amended by adding paragraphs (b)(3), (i), and (j). These added provisions read as follows:

§ 1.368–2 Definition of terms.

* * * * *

(b) * * *

(3) For regulations under section 368(a)(2)(E), see paragraph (j) of this section.

* * * * *

(i) [Reserved]

(j)(1) This paragraph (j) prescribes rules relating to the application of section 368 (a) (2) (E). Section 368(a)(2)(E) applies to statutory mergers occurring after December 31, 1970.

(2) Section 368(a)(2)(E) does not apply to a consolidation.

(3) A transaction otherwise qualifying under section 368(a)(1)(A) is not disqualified by reason of the fact that stock of a corporation (the controlling corporation) which before the merger was in control of the merged corporation is used in the transaction, if the conditions of section 368(a)(2)(E) are satisfied. Those conditions are as follows:

(i) In the transaction, shareholders of the surviving corporation must surrender stock in exchange for voting stock of the controlling corporation. Further, the stock so surrendered must constitute control of the surviving corporation. Control is defined in section 368(c). The amount of stock constituting control is measured immediately before the transaction. For purposes of this subdivision (i), stock in the surviving corporation which is surrendered in the transaction (by any shareholder except the controlling corporation) in exchange for consideration furnished by the surviving corporation (and not by the controlling corporation of the merged corporation) is considered not to be outstanding immediately before the transaction. For effect on "substantially all" test of consideration furnished by the surviving corporation, see paragraph (j)(3)(iii) of this section.

(ii) Except as provided in paragraph (j)(4) of this section, the controlling corporation must control the surviving corporation immedately after the transaction.

(iii) After the transaction, except as provided in paragraph (j)(4) of this section, the surviving corporation must hold substantially all of its own properties and substantially all of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction). The term "substantially all" has the same meaning as in section 368(a)(1)(C). The "substantially all" test applies separately to the merged corporation and to the surviving corporation. In applying the "substantially all" test to the surviving corporation, consideration furnished in the transaction by the surviving corporation in exchange for its stock is property of the surviving corporation which it does not hold after the transaction. In applying the "substantially all" test to the merged corporation, assets transferred from the controlling corporation to the merged corporation in pursuance of the plan of reorganization are not taken into account. Thus, for example, money transferred from the controlling corporation to the merged corporation to be used for the following purposes is not taken into account for purposes of the "substantially all" test:

(A) To pay additional consideration to shareholders of the surviving corporation;

(B) To pay dissenting shareholders of the surviving corporation;

(C) To pay creditors of the surviving corporation;

(D) To pay reorganization expenses; or

(E) To enable the merged corporation to satisfy state minimum capitalization requirements (where the money is returned to the controlling corporation as part of the transaction).

(4) A transaction qualifying under section 368(a)(1)(A) by reason of the application of section 368(a)(2)(E) is not disqualified merely because part or all of the stock of the surviving corporation is transferred to a corporation controlled by the controlling corporation, or because part or all of the assets of the surviving corporation or the merged corporation are transferred to a corporation controlled by the controlling corporation. See section 368(a)(2)(C).

(5) The controlling corporation may assume liabilities of the surviving corporation without disqualifying the transaction under section 368(a)(2)(E). An assumption of liabilities of the surviving corporation by the controlling corporation is a contribution to capital by the controlling corporation to the surviving corporation. If, in pursuance of the plan of reorganization, securities of the surviving corporation are exchanged for securities of the controlling corporation, or for other securities of the surviving corporation, see sections 354 and 356.

(6) In applying section 368(a)(2)(E), it makes no difference if the merged corporation is an existing corporation, or is formed immediately before the merger, in anticipation of the merger, or after preliminary steps have been taken to otherwise acquire control of the surviving corporation.

(7) The following examples illustrate the application of this paragraph (j). In each of the examples, Corporation P owns all of the stock of Corporation S and, except as otherwise stated, Corporation T has outstanding 1,000 shares of common stock and no shares of any other class. In each of the examples, it is also assumed that the transaction qualifies under section 368(a)(1)(A) if the conditions of section 368(a)(2)(E) are satisfied.

Example (1). P owns no T stock. On January 1, 1981, S merges into T. In the merger, T's shareholders surrender 950 shares of common stock in exchange for P voting stock. The holders of the other 50 shares (who dissent from the merger) are paid in cash with funds supplied by P. After the transaction, T holds all of its own assets and all of S's assets. Based on these facts, the transaction qualifies under section 368(a)(1)(A) by reason of the application of section 368(a)(2)(E). In the transaction, former shareholders of T surrender, in exchange for P voting stock, an amount of T stock (950/1,000 shares or 95 percent) which constitutes control of T.

Example (2). The facts are the same as in example (1) except that holders of 100 shares in corporation T, who dissented from the merger, are paid in cash with funds supplied by T (and not by P or S) and in the merger, T's remaining shareholders surrender 720 shares of common stock in exchange for P voting stock and 180 shares of common stock for cash supplied by P. The requirements of section 368(a)(2)(E)(ii) are satisfied since, in the transaction, former shareholders of T surrender, in exchange for P voting stock, an amount of T stock (720/900 shares or 80 percent) which constitutes control of T. The T stock surrendered in exchange for consideration furnished by T is not considered outstanding for purposes of determining whether the amount of T stock surrendered by T shareholders for P stock constitutes control of T.

Example (3). T has outstanding 1,000 shares of common stock, 100 shares of nonvoting preferred stock, and no shares of any other class. On January 1, 1981, S merges into T. Prior to the merger, as part of the transaction, T distributes its own cash in redemption of the 100 shares of preferred stock. In the transaction, T's remaining shareholders surrender their 1,000 shares of common stock in exchange for P voting stock. The requirements of section 368(a)(2)(E)(ii) are satisfied since, in the transaction, former shareholders of T surrender, in exchange for P voting stock, an amount of T stock (1,000/1,000 shares or 100 percent) which constitutes control of T. The preferred stock surrendered in exchange for consideration furnished by T is not considered outstanding for purposes of determining whether the amount of T stock surrendered by T shareholders for P stock constitutes control of T. However, the consideration furnished by T for its stock is property of T which T does not hold after the transaction for purposes of the substantially all test in paragraph (j)(3)(iii) of this section.

Example (4). On January 1, 1971, P purchased 201 shares of T's stock. On January 1, 1981, S merges into T. In the merger, T's shareholders (other than P) surrender 799 shares of T stock in exchange for P voting stock. Based on these facts, in the transaction, former shareholders of T do not surrender, in exchange for P voting stock, an amount of T stock which constitutes control of T (799/1,000 shares being less than 80 percent). Therefore, the transaction does not qualify under section 368(a)(1)(A). However, if S is a transitory corporation, formed solely for purposes of effectuating the transaction, the transaction may qualify as a reorganization described in section 368(a)(1)(B) provided all of the applicable requirements are satisfied.

Example (5). On January 1, 1971, P purchased 200 shares of T's stock. On January 1, 1981, S merges into T. Prior to the merger, as part of the transaction, T distributes its own cash in redemption of 1 share of T stock from a T shareholder other than P. In the merger, T's remaining shareholders (other than P) surrender 799 shares of T stock in exchange for P voting stock. Based on these facts, in the transaction, former shareholders of T do not surrender, in exchange for P voting stock, an amount of T stock which constitutes control of T (799/999 shares being less than 80 percent). Therefore, the transaction does not qualify under section 368(a)(1)(A). However, if S is a transitory corporation, formed for purposes of effectuating the transaction, the transaction may qualify as a reorganization described in section 368(a)(1)(B) provided all of the applicable requirements are satisfied.

Example (6). The stock of S has a value of $25,000. The stock of T has a value of $75,000. On January 1, 1984, S merges into T. In the merger, T's shareholders surrender all of their T stock in exchange for P voting stock. After the transaction, T holds all of its own assets and all of S's assets. Based on these facts, the transaction qualifies under section 368(a)(1)(A) by reason of the application of section 368(a)(2)(E). In the transaction, former shareholders of T surrender, in exchange for P voting stock, an amount of T stock (1,000/1,000 shares or 100 percent) which constitutes control of T. The stock of T received by P in exchange for P's prior interest in S is not taken into account for purposes of section 368(a)(2)(E)(ii) since the amount of T stock constituting control of T is measured before the transaction.

Example (7). The stock of T has a value of $75,000. On January 1, 1984, S merges into T. In the merger, T's shareholders surrender all of their T stock in exchange for P voting stock. As part of the transaction, P contributes $25,000 to T in exchange for new shares of T stock. None of the cash received by T is distributed or otherwise paid out to former T shareholders. After the transaction, T holds all of its own assets and all of S's assets. Based on these facts, the transaction qualifies under section 368(a)(1)(A) by reason of the application of section 368(a)(2)(E). In the transaction, former shareholders of T surrender, in exchange for P voting stock, an amount of T stock (1,000/1,000 shares or 100 percent) which constitutes control of T. The T stock received by P in exchange for its contribution to T is not taken into account for purposes of section 368(a)(2)(E)(ii) since the amount of T stock constituting control of T is measured before the transaction.

Example (8). The facts are the same as in example (7) except that, as part of the transaction, corporation R, instead of P, contributes $25,000 to T in exchange for T stock. Based on these facts, the transaction does not qualify under section 368(a)(1)(A) by reason of section 368(a)(2)(E) since P does not control T immediately after the transaction.

Example (9). T stock has a value of $75,000. P owns 500 shares (½) of that stock with a value of $37,500. The stock of S has a value of $125,000. On January 1, 1984, S merges into T. In the merger, T's shareholders (other than P) surrender their T stock in exchange for P voting stock. Based on these facts, in the transaction, former shareholders of T do not surrender, in exchange for P voting stock, an amount of T stock which constitutes control of T (500/1,000 shares being less than 80 percent). Therefore, the transaction does not qualify under section 368(a)(1)(A). The stock of T received by P in exchange for P's prior interest in S does not contribute to satisfaction of the requirement of section 368(a)(2)(E)(ii).

Approved: September 24, 1985.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Ronald A. Pearlman,

Assistant Secretary of the Treasury.

[FR Doc. 85-25174 Filed 10-21-85; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[T.D. 8042]

Income Tax—Taxable Years Beginning After December 31, 1953; Property Transferred in Connection With the Performance of Services; Correction

Correction

In FR Doc. 85-23287 appearing on page 39664, in the issue of Monday, September 30, 1985, in the second column, eighteenth line, the word "first" is corrected to read, "third".

BILLING CODE 1505-01-M

Office of the Secretary

31 CFR Part 103

Amendments to Implementing Regulations, Currency and Foreign Transactions Reporting Act

AGENCY: Department of the Treasury, Office of the Secretary.

ACTION: Final rule.

SUMMARY: These regulatory amendments make a number of clarifying or procedural, nonsubstantive changes to the implementing regulations for the Currency and Foreign Transactions Reporting Act. Experience with enforcing the regulations over the years has shown that these changes will be helpful to persons required to comply with the regulations. These amendments accomplish the following: update the authority citation for Part 103; correct an inconsistency in language used to describe brokers or dealers in securities; add paragraph markings to § 103.11; clarify the definition of "bank"; clarify the definition of "currency"; clarify the scope of the currency transportation reporting requirement; change the procedures governing the filing of reports; make explicit that reports filed under this Part are available to other Federal, state, local and foreign law enforcement agencies for criminal, tax and regulatory proceedings, and to certain other Federal agencies for national security purposes; and clarify the compliance assurance responsibilities of bank supervisory agencies.

EFFECTIVE DATE: November 21, 1985.

FOR FURTHER INFORMATION CONTACT: Robert J. Stankey, Jr., Financial Crimes & Frauds Advisor, Office of the Assistant Secretary (Enforcement & Operations), Department of the Treasury, Room 1458, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, (202) 566-8022.

SUPPLEMENTARY INFORMATION:

Background

The Currency and Foreign Transactions Reporting Act, Title II of Public Law No. 91-508 (permanently codified at 31 U.S.C. 5311 *et seq.*), empowers the Secretary of the Treasury to require financial institutions to keep records and file reports that the Secretary determines have a high degree of usefulness in criminal, tax and regulatory matters. In general, a variety of financial institutions, including banks, savings and loans, credit unions, currency exchanges, and brokers or dealers in securities are required by Treasury regulations implementing the Act to file reports of large currency transactions. Financial institutions also are required to maintain records necessary to trace transactions through the nation's banking system. The Department's experience in enforcing the Act in recent years has indicated that the following clarifying and procedural, nonsubstantive regulatory changes are desirable and appropriate.

Update the authority citation for Part 103: This amendment updates the Title 31 citation for the Bank Secrecy Act to reflect the addition of a new reward section enacted by the Comprehensive Crime Control Act of 1984.

Correct an inconsistency in the language used to describe brokers or dealers in securities: The table of contents and heading for § 103.35, as well as several places in the text of Part 103, refer to "brokers *and* dealers in securities" (emphasis added). However, § 103.11 defines the term "brokers *or* dealers in securities" (emphasis added). This change eliminates any possible confusion that might arise from this inconsistency by changing the term wherever it appears to read "brokers or dealers in securities."

Add paragraph symbols to § 103.11: This amendment adds paragraph markings before each definition within § 103.11, and conforms existing subparagraph markings. The purpose of this change is to provide an easy method for citing to specific definitions within § 103.11.

Clarify the definition of "bank": This revised definition is not meant to be substantively different. The language has been revised in order to clarify the existing scope of the definition.

Clarify the definition of "currency": This revised definition is not meant to be substantively different. The language has been revised in order to clarify the existing scope of the definition.

Clarify the scope of the currency transportation reporting requirement: This clarifying amendment moves the last sentence of paragraph (a) to paragraph (d). This technical change is desirable since the sentence, which further defines the scope of the reporting requirement, applies to the entire section and not just to paragraph (a); paragraph (d) qualifies the entire section.

Change the procedure governing the filing of reports: This amendment clarifies instructions concerning where to obtain, and where and when to file, all reports forms required by Part 103. It also emphasizes certain requirements currently described on the forms themselves. Furthermore, language stating the obligation to provide all information required by a given form is consolidated in a single section—§ 103.26; duplicative language in § 103.22 is deleted.

Make explicit that reports filed under this Part are available for state, local and foreign law enforcement use, and national security purposes: This amendment makes explicit the Secretary's authority to disclose reports required under this Part to state, local and foreign law enforcement agencies for criminal, tax and regulatory investigations or proceedings. It also makes clear that Intelligence Community agencies can have access to reports filed under this Part for national security purposes. For example, an analysis of reports on certain types of foreign transactions could be of benefit to the Intelligence Community in discovering information about the financial sources and methods employed by hostile foreign intelligence agencies.

Clarify the compliance assurance responsibilities of bank supervisory agencies: The bank supervisory agencies and the Securities and Exchange Commission have been delegated responsibility for assuring that their respective constituencies comply with the Act. The bank supervisory agencies also have independent statutory authorities for examining various financial institutions for safety and soundness. The amendment restates existing delegations of enforcement authority using terminology that is more consistent with the independent statutory authorities of the bank supervisory agencies.

Proposed Amendment Description

Regulatory Impact Analysis

This regulatory amendment is not a major rule for purposes of Executive Order 12291. It is not anticipated to have an annual effect on the economy of $100 million or more. It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have any 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 foreign markets. Consequently, a Regulatory Impact Analysis is not required.

Regulatory Flexibility Analysis

Because no notice of proposed rulemaking is required for this final rule, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

Because no additional information collection requirements are imposed by this final rule, it is not subject to the Paperwork Reduction Act (44 U.S.C. 3502 *et seq.*).

Notice and Comment

The Department of Treasury has determined that a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b) is not required because these regulatory amendments effect interpretative rules and rules of agency procedure, or because notice and public comment thereon are unnecessary. These regulatory amendments do not change the legal effect of the current regulations nor do they have any substantial impact on those regulated. The amendments clarify existing language, make purely stylistic changes to the form of the regulations, highlight existing reporting requirements, change routine technical procedures, and elaborate upon existing delegations of agency authority.

Drafting Information

The principal author of this document is Terry V. Thiele, Office of the General Counsel, Department of the Treasury. However, personnel from other Treasury offices participated in its development.

List of Subjects in 31 CFR Part 103

Authority delegations (Government agencies), Banks and banking, Foreign banking, Currency, Investigations, Law enforcement, Reporting and recordkeeping requirements, Taxes.

PART 103—[AMENDED]

31 CFR Part 103 is amended as set forth below:

1. The authority citation for Part 103 is revised to read as follows:

Authority: Sec. 21 of the Federal Deposit Insurance Act, Pub. L. 91-508, Title I, 84 Stat. 1114, 1116 (12 U.S.C. 1829b, 1951, 1959); and the Currency and Foreign Transactions Reporting Act, Pub. L. No. 91-508, Title II, 84 Stat. 1118, as amended (31 U.S.C. 5311-23).

2. Throughout Part 103, the word "and" is changed to "or" wherever it appears between the words "brokers and dealers in securities".

§ 103.11 [Amended]

3. Section 103.11 is amended as follows:

a. By designating the terms Bank, Broker or dealer in securities, currency, domestic, financial institution, foreign bank, foreign financial agency, monetary instruments, person, Secretary, transaction in currency, and, United States, as paragraphs (a) through (l), respectively,

b. In the definition of "Bank", (new paragraph (a)), by revising the introductory text, adding a new paragraph (a)(8) and by removing paragraph (b), and

c. By revising the definition of "currency", which is new paragraph (c), as follows:

(a) *Bank.* Each agent, agency, branch or office within the United States of any person doing business in one or more of the capacities listed below:

* * * * *

(8) A bank organized under foreign law.

(b) *Broker or dealer in securities.*

* * *

(c) *Currency.* The coin and paper money of the United States or of any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issuance. Currency includes U.S. silver certificates, U.S. notes and Federal Reserve notes. Currency also includes official foreign bank notes that are customarily used and accepted as a

medium of exchange in a foreign country.

* * * * *

§ 103.22 [Amended]

4. The last sentence is removed from both § 103.22 (a)(1) and (a)(2).

§ 103.23 [Amended]

5. The last sentence is removed from § 103.23(a) and is inserted at the beginning of § 103.23(d).

§ 103.26 [Amended]

6. Paragraph (d) of § 103.26 is designated as paragraph (e) and revised, and a new paragraph (d) is added, to read as follows:

* * * * *

(d) Reports required to be filed by § 103.24 shall be filed on or before June 30 each calendar year with respect to foreign financial accounts exceeding $10,000 maintained during the previous calendar year. They shall be filed with the Commissioner of Internal Revenue on forms to be prescribed by the Secretary and all information called for in such forms shall be furnished.

(e) Forms to be used in making the reports required by §§ 103.22 and 103.24 may be obtained from the Internal Revenue Service. Forms to be used in making the reports required by § 103.23 may be obtained from the U.S. Customs Service.

* * * * *

§ 103.43 [Amended]

7. Section 103.43 is revised to read as follows:

(a) The Secretary may make any information set forth in any report received pursuant to this part available to any other department or agency of the United States, any state or local government or any foreign government, upon the request of the head of such department or agency made in writing and stating the particular information desired, the criminal, tax or regulatory investigation or proceeding in connection with which the information is sought and the official need therefor.

(b) The Secretary may make any information set forth in any report received pursuant to this part available to any other department or agency of the United States that is a member of the Intelligence Community, as defined by Executive Order 12356 or any succeeding executive order, upon the request of the head of such department or agency made in writing and stating the particular information desired, the national security matter with which the information is sought and the official need therefor.

(c) Any information made available under this section to other department or agencies of the United States, any state or local government, or any foreign government shall be received by them in confidence, and shall not be disclosed to any person except for official purposes relating to the investigation, proceeding or matter in connection with which the information is sought.

§ 103.46 [Amended]

8. Paragraphs (a) of § 103.46 are revised to read as follows:

(a) Responsibility for assuring compliance with the requirements of this part is delegated as follows:

(1) To the Comptroller of the Currency with respect to those financial institutions regularly examined for safety and soundness by national bank examiners;

(2) To the Board of Governors of the Federal Reserve System with respect to those financial institutions regularly examined for safety and soundness by Federal Reserve bank examiners;

(3) To the Federal Deposit Insurance Corporation with respect to those financial institutions regularly examined for safety and soundness by FDIC bank examiners;

(4) To the Federal Home Loan Bank Board with respect to those financial institutions regularly examined for safety and soundness by FHLBB bank examiners;

(5) To the Administrator of the National Credit Union Administration with respect to those financial institutions regularly examined for safety and soundness by NCUA examiners;

(6) To the Securities and Exchange Commission with respect to brokers or dealers in securities;

* * * * *

Dated: October 8, 1985.

David D. Queen,

Acting Assistant Secretary (Enforcement & Operations)

FR Doc. 85-24983 Filed 10-21-85; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS JOHN RODGERS (DD 983) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the autority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS JOHN RODGERS (DD 983) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the placement of the forward masthead light in the forward quarter of the vessel and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval destroyer. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Five of section 706.2 is amended by adding the following vessel to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, section 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, section 2(a)(ii)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light. Annex I, section (3)(a)	Percentage horizontal separation attained
USS John Rodgers	DD 983						X	X	46.4

Dated: September 16, 1985.

Approved:

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 85-25149 Filed 10-21-85; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS Farragut (DDG 37) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Farragut (DDG 37) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a), regarding the arc of visibility of its forward masthead light, and Annex I, section 3(a), regarding the location of the forward masthead light in the forward quarter of the vessel and the horizontal distance between the forward and after masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Four of § 706.2 is amended by adding to the existing paragraph 22 the following vessel to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

22. On the following ships, the arc of visibility of the forward masthead light, required by Rule 21(a), may be obstructed through 1.4° at the following angles relative to the ship's heading:

Vessel	Number	Obscured angles relative to ship's heading
USS Farragut	DDG 37	19.5° and 340.5°.

2. Table Five of § 706.2 is amended by adding the following vessel to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, section 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, section 2(a)(ii)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light. Annex I, section (3)(a)	Percentage horizontal separation attained
USS Farragut	DDG 37						x	x	23.2

Dated: September 16, 1985.
Approved:
James F. Goodrich,
Acting Secretary of the Navy.
[FR Doc. 85-25150 Filed 10-21-85; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS CHICAGO (SSN 721) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS CHICAGO (SSN 721) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the locations of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS CHICAGO (SSN 721) is a member of the SSN 688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to USS CHICAGO (SSN 721).

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessel to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, Section 2(a)(i), Annex I
USS CHICAGO	SSN 721	3.5

2. Table Three of § 706.2 is amended by adding the following vessel to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern lights, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; section 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; section 2(k), Annex I	Anchor light, relationship of aft light to forward light in meters; section 2(k), Annex I
USS CHICAGO	SSN 721			209°	4.3	6.1	3.4	1.7 below.

Dated: September 16, 1985.
Approved:
James F. Goodrich,
Acting Secretary of the Navy.
[FR Doc. 85-25151 Filed 10-21-85; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.
ACTION: Final Rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS SAN JOSE (AFS 7) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a combat stores vessel. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 16, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS SAN JOSE (AFS 7) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a combat stores vessel. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance

with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following vessel to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, section 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, section 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light. Annex I, section (3)(a)	Percentage horizontals separation attained
USS San Jose	AFS 7							X	98.1

Dated: September 16, 1985.

Approved:

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 85-25152 Filed 10-21-85; 8:45 am]

BILLING CODE 3810-AE-M

Corps of Engineers, Department of the Army

33 CFR Parts 204, 207, and 334

Danger Zones, Navigation and Restricted Area Regulations

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is consolidating the danger zone regulations in Part 204, with the restricted area/prohibited area regulations in Part 207 and repromulgating the regulations in a new Part 334. These changes are made to place these danger zones, restricted area and prohibited area regulations into the regulatory program of the Corps. The regulations which govern the regulatory program of the Corps of Engineers are promulgated in 33 CFR Parts 320–330.

EFFECTIVE DATE: December 6, 1985.

ADDRESS: USACE, DAEN–CWO–N, Washington, D.C. 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard at (202) 272–0199.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities, the Department of the Army has established danger zone regulations in 33 CFR Part 204 and restricted area and prohibited area regulations in Part 207. Today, we are logically combining these regulations with procedural regulations in a new Part 334 which places it numerically with the Corps regulatory program. All regulations in Part 204 are transferred to Part 334 and are renumbered as set forth below. Those regulations in Part 207 which establish restricted areas and prohibited areas generally for Department of Defense agencies are transferred to Part 334 and are also renumbered as set forth below. All navigation regulations in Part 207 which do not establish the specific restricted areas/prohibited areas designated below, remain in 33 CFR Part 207. The regulations in 33 CFR 207.640 title "San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California" and the regulations in 33 CFR 207.750 title "Puget Sound Area, Wash." contain both navigation regulations and restricted area regulations for those geographic areas. We have identified those paragraphs which establish restricted areas under §§ 207.640 and 207.750 and renumbered and transferred those paragraphs. The remainder of the navigation regulations in §§ 207.640 and 207.750 remain unchanged.

Later this year we will publish proposed rules to provide for definitions, procedures, and policies relating to danger zones and restricted areas/prohibited areas.

Notes

1. The Department of the Army has determined that notice of proposed rulemaking with respect to this rule is impracticable and unnecessary since these changes involve only agency organization, practice and procedures.

2. The Department of the Army has also determined that this rule is not a major rule within the meaning of Executive Order 12291 and is exempt from the general requirements of Executive Order 12291 in accordance with the exemption provided military functions.

3. The Department of the Army certifies that this rule will not have a significant ecomomic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 33 CFR Part 334

Navigation, Waterways, Transportation.

Accordingly, sections from Parts 204 and 207 are redesignated in Part 334 as follows:

PART 334—DANGER ZONES AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 is added to read as follows:

Authority: (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

2. Sections from 33 CFR Parts 204 and 207 are moved to 33 CFR Part 334 and redesignated as follows:

Old Sec. No.	*New Sec. No.*
204.1	334.10
204.1a	334.20
207.4	334.30
204.2	334.40
207.6	334.50
204.4	334.60
204.5	334.70
204.10	334.80

204.20	334.90
204.23	334.100
207.105	334.110
204.24	334.120
204.27	334.130
204.30	334.140
207.116	334.150
207.117	334.160
204.32	334.170
207.125	334.180
204.36	334.190
204.42	334.200
204.44	334.210
204.46	334.220
204.40	334.230
204.41	334.240
207.126	334.250
207.128	334.260
207.129	334.270
207.152b	334.280
207.153	334.290
207.155	334.300
207.157	334.310
207.158	334.320
204.48	334.330
204.49	334.340
204.49a	334.350
204.50	334.360
204.51	334.370
204.51a	334.380
204.52	334.390
204.53	334.400
204.54	334.410
204.55	334.420
207.164	334.430
204.56	334.440
207.164a	334.450
207.164b	334.460
207.164c	334.470
204.80	334.480
204.81	334.490
207.165	334.500
207.167	334.510
204.82	334.520
207.171	334.530
207.171a	334.540
207.171b	334.550
207.171d	334.560
207.171e	334.570
207.171f	334.580
204.85	334.590
204.86	334.600
207.173	334.610
204.95	334.620
204.100	334.630
204.111	334.640
204.112	334.650
204.113	334.660
204.114	334.670
204.120	334.680
204.126	334.690
204.130	334.700
204.134	334.710
204.135	334.720
204.138	334.730
207.175b	334.740
207.175c	334.750
207.175d	334.760
207.175e	334.770
207.176	334.780
207.184	334.790
207.188	334.800
207.305	334.810
207.475	334.820
204.175	334.830
204.180	334.840
204.187	334.850
207.611	334.860
207.612	334.870
207.612a	334.880
207.612b	334.890
207.613a	334.900
207.613b	334.910
207.614	334.920
204.195	334.930
204.197	334.940
204.200	334.950
204.200a	334.960
204.200b	334.970
207.615	334.980
207.617	334.990
207.640(a)	334.1000
207.640(c)	334.1010
207.640(f)	334.1020
207.640(g)	334.1030
207.640(g)(1)	334.1040
207.640(g)(2)	334.1050
207.640(g)(3)	334.1060
207.640(h)	334.1070
207.640(i)	334.1080
207.640(j)	334.1090
207.640(l)	334.1100
207.640(n)	334.1110
204.201a	334.1120
204.202	334.1130
204.203	334.1140
204.205	334.1150
204.215	334.1160
204.216	334.1170
204.220	334.1180
204.222	334.1190
207.750(a)	334.1200
207.750(c)	334.1210
207.750(e)	334.1220
207.750(j)	334.1230
207.750(k)	334.1240
207.750(n)	334.1250
207.750(o)	334.1260
207.750(p)	334.1270
204.222a	334.1280
204.222b	334.1290
204.222c	334.1300
207.801	334.1310
207.802	334.1320
207.804	334.1330
204.223	334.1340
204.224	334.1350
204.224a	334.1360
204.224b	334.1370
204.224c	334.1380
204.225a	334.1390
207.806	334.1400
207.807	334.1410
204.226	334.1420
207.808	334.1430
204.227	334.1440
204.228	334.1450
204.230	334.1460
204.234	334.1470
207.815	334.1480
207.817	334.1490

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

Sec.

Dated: October 2, 1985.

Approved.

Robert K. Dawson,

Acting Assistant Secretary of the Army, (Civil Works).

[FR Doc. 85-24857 Filed 10-21-85; 8:45 am]

BILLING CODE 3710-08-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[Gen. Docket No. 83-989; FCC 85-554]

Enforcement of Prohibitions Against the Use of Common Carriers for the Transmission of Obscene Materials

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this action the Commission adopts a regulation in accordance with our statutory mandate to restrict access by minors to obscene or indecent telephone messages. This action provides a defense to prosecution under 47 U.S.C. 223(b) (1983) when the defendant has taken either of the steps set forth in the regulation to restrict minors' access to communications prohibited thereunder.

EFFECTIVE DATE: November 25, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jacqueline E. Holmes, Common Carrier Bureau, Domestic Services Branch (202) 634-1860.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 64

Miscellaneous common carriers, Communications common carriers, Telephone.

Second Report and Order

In the matter of enforcement of prohibitions against the use of common carriers for the transmission of obscene materials; GEN Docket No. 83-989.

Adopted October 10, 1985.
Released October 16, 1985.

By the Commission.

Introduction

1. In this *Second Report and Order* the Commission seeks to respond to a court decision that found certain infirmities in the record supporting a regulation we issued pursuant to section 223(b) of the Communications Act of 1934 as amended, 47 U.S.C. 223(b). Section 223(b), *inter alia*, imposes fines on parties who knowingly use telephones or telephone facilities or allow telephones or telephone facilities under their control to be used to transmit obscene or indecent messages for commercial purposes to individuals under eighteen years of age. The section also requires the Commission to develop regulations which, in effect, restrict access by minors to the "dial-a-porn" messages.[1] In a *Report and Order*

[1] In our *Notice of Inquiry*, 48 FR 43348 (September 23, 1983) (NOI), we described the "dial-a-porn" service that resulted in passage of the legislation as follows:

High Society Magazine, Inc. and Car-Bon Publishers obtained the Dial-It number in a lottery for Dial-It numbers conducted by New York Telephone in January 1983. The number was thereafter advertised in "High Society Live!" magazine and, in February 1983, operation of the service commenced. When the number is dialed, the caller hears a description or depiction of actual or simulated sexual behavior. The messages, *which are changed at least once daily, are available to any caller, twenty-four hours a day, every day.* As the local common carrier, New York Telephone does not operate the message service but provides the Dial-It service capability pursuant to an intrastate tariff filed with the Public Service Commission of New York. That tariff, which applies to all New York Telephone Dial-It services, explicitly provides that the subscriber has exclusive control over the content and quality of the messages recorded and that the telephone company assumes no liability therefor.

The Dial-It number operated by High Society has apparently been widely disseminated and called. Sources calculate that the service receives up to 500,000 calls a day, yielding approximately $10,000 for High Society and $35,000 for New York Telephone per day before costs. (Citations omitted and emphasis added.)

As was further explained,

Pursuant to the local tariff for Dial-It services, prior to May 1983 High Society received $.02 for each local call while New York Telephone received $.07 (of which $.0696 is estimated as New York Telephone's cost). As of May 1983, High Society continued to receive $.02 per call, but New York

Continued

adopted June 4, 1984, 49 FR 24996 (June 19, 1984), the Commission promulgated a regulation after reviewing comments and reply comments and a *Further Notice of Inquiry and Notice of Rulemaking* (NPRM), 49 FR 2124 (January 18, 1984).[2] On November 2, 1984, the United States Court of Appeals for the Second Circuit found that the Commission had failed to justify the regulation adequately. *Carlin Communications, Inc. v. FCC*, 749 F.2d 113 (2nd Cir. 1984) (*Carlin*). By a *Second Notice of Proposed Rulemaking*, 50 FR 10510 (March 15, 1985) (*Second Notice*) the Commission solicited further comments in response to the court decision. Specifically, the *Second Notice* sought comments regarding technical means to restrict minors' access to "dial-a-porn" services. We now discuss and analyze these most recent comments and adopt a final regulation based on the entire record.[3]

Background

2. The "dial-a-porn" proceeding initially came before the Commission by way of a complaint filed by Peter F. Cohalan [4] and a Petition for Declaratory Ruling filed by Multipoint Distribution Systems, Inc. (MDSI).[5] The complaint, filed March 17, 1983 by Cohalan individually and as County Executive of Suffolk County in New York, alleged that New York Telephone Company violated 47 U.S.C. 223 by permitting High Society Magazine to use telephone company facilities to transmit obscene messages. New York Telephone Company's reply denied that the communications were obscene in nature and claimed as an affirmative defense that sanctions under section 223 were inapplicable because the Company did not itself make or knowingly transmit the telephone calls. The Commission dismissed the Cohalan complaint without prejudice based on its determination that Section 223 was penal in nature.[6] It referred to the Department of Justice for possible criminal action. Cohalan then filed an application for review of the Commission's dismissal of his complaint.[7] New York Telephone opposed Cohalan's application, asserting that as a common carrier it was not subject to Section 223 because it did not make or knowingly permit its facilities to be used to make proscribed calls. Meanwhile, the Department of Justice determined that the matter was best suited for administrative treatment and returned the matter to the Commission for administrative action.[8]

3. On September 9, 1983, the Commission initiated its NOI to resolve issues concerning its authority to regulate "dial-a-porn" transmissions under section 223.[9] In its NOI, the Commission sought to determine whether telephonic communication of obscene or indecent messages could or should be proscribed pursuant to section 223, and, if so, the extent of the proscription that should be taken. The Commission invited public comment on whether it could enforce regulations prohibiting "dial-a-porn" against common carriers and message service providers under the unamended section 223 and whether common carriers could unilaterally decide that material to be transmitted is obscene and terminate the transmissions based upon their determinations pursuant to statute, tariff, or contractual agreements. Shortly thereafter, Congress amended section 223 of the Communications Act.[10] The Commission was required to issue regulations within 180 days restricting access by minors to the services encompassed by the amendment. Compliance with the regulations would constitute a defense to prosecution under the statute.[11]

Telephone's revenue per local call increased to $.13 (and its average cost to $.114) *See* New York Telephone P.S.C. Tariff No. 900 13 at 25. High Society also receives $.02 for each long distance call. The long distance carriers and local carriers divide the remaining long distance revenues.

NOI, 48 FR at 43349, n. 7.

We note that it is more accurate to refer to the "dial-it" service as the *Mass Announcement Network Service* (MANS), but the parlance has become accepted and is used throughout this proceeding. It should also be noted that although other MANS messages may be reached by dialing a variety of numbers, all Mass Announcement Network Services in the State of New York are on a 976 exchange and can be accessed locally or through an interexchange carrier. *See* Report and Order, 49 FR 24996, n. 6.

[2] The Commission is required to adopt regulations pursuant to section 223(b)(2) of the Act, which provides:

It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communication to persons eighteen years of age or older in accordance with procedures which the Commission shall prescribe by regulation.

[3] The following parties submitted comments and replies in response to the *Second Notice*: American Civil Liberties Union (ACLU); American Telephone & Telegraph (AT&T); Ameritech; BellSouth; Bell Atlantic; Carlin Communications, Inc.; Cincinnati Bell, Inc.; Congressman Thomas Bliley; Contental Telecom, Inc. (Contel); Dial Info, Inc.; District of Columbia Public Service Commission; Home Box Office (HBO) and American Television and Communications Corp. (joint comments); Minnesota Attorney General; Morality in Media; Mountain States Bell, Northwestern Bell and Pacific Northwest Bell; New York Department of Public Service; Pacific Bell and Nevada Bell; Pennsylvania Public Utilities Commission; Phone Programs and Info Line, Inc. (joint comments); Productions-by-Phone; Southwestern Bell; Tel Control; Telecommunications Technology Corp. (TTC); United States Catholic Conference; and United States Telephone Association (USTA). Late-filed comments were submitted by New York and New England Telephone (NYNEX). NYNEX's motion for acceptance of these comments is hereby granted. Late-filed reply comments were submitted by Telecommunications Research and Action Center (TRAC). TRAC's comments are treated herein as informal comments. Other informal comments are too numerous to be listed here. All submissions were fully considered, however, and constitute part of the record of this proceeding.

[4] In the Matter of Peter F. Cohalan and the County of Suffolk, New York v. New York Telephone Company, FCC File No. E-83-14 (March 31, 1983).

[5] Petition for Declaratory Ruling filed by Multipoint Distribution Systems, Inc., FCC File No. CCB DFD 83-2 (June 14, 1983).

[6] Memorandum Opinion and Order, FCC File No. E 83-14 (May 16, 1983).

[7] Applications for Review of the Commission's dismissal of the Cohalan complaint were also submitted by Congressman Bliley (June 14, 1983) and Hubert H. Humphrey, III, Attorney General of Minnesota (September 8, 1983). Both Applications were reviewed and considered by our staff, though the latter submission was untimely filed.

[8] Letter from Richard Willard, Civil Division, Department of Justice, to General Counsel, Federal Communications Commission dated June 10, 1983.

[9] In a related matter, forty-six members of Congress, including Congressman Bliley, sent a letter on May 8, 1983 to Chairman Fowler encouraging the Commission to act rapidly to prevent the proliferation of "dial-a-porn" services.

[10] Section 8 of the Federal Communications Commission Authorization Act of 1983, Pub. L. No. 98-214, effective December 8, 1983.

[11] Section 223 was amended to include subsection (b) as follows:

(b)(1) Whoever knowlingly—

(A) In the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene or indecent communication for commercial purposes to any person under eighteen years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

(B) Permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A), shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(2) It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communications to persons eighteen years of age or older in accordance with procedures which the Commission shall prescribe by regulation.

(3) In addition to the penalties under paragraph (1), whoever, in the District of Columbia or in interstate of foreign communication, intentionally violates paragraph (1)(A) or (1)(B) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

(4)(A) In addition to the penalties under paragraphs (1) and (3), whoever, in the District of Columbia or in interstate or foreign communication, violates paragraph (1)(A) or (1)(B) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

(B) A fine under this paragraph may be assessed either—

(i) By a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

(ii) By the Commission after appropriate administrative proceedings.

Continued

4. On November 28, 1983, Congressman Bliley filed a Petition to Institute Forfeiture Proceedings against Drake Publishers, Inc. (Drake), alleging that Drake violated the unamended statute. Congressman Bliley subsequently sought retroactive application of the amended statute's increased penalties. In its NPRM, the Commission noted that the amended statute seemed to resolve affirmatively questions its predecessor left unanswered concerning the Commission's authority to prohibit obscene telephonic transmissions whether or not the utterer of the statement initiates the transmission. Other questions, however, were left unanswered. The NPRM invited suggestions concerning means to effectuate Congress' mandate in the most technologically and economically feasible manner. In the resulting *Report and Order*, the Commission found that liability under the statute requires, as a preliminary matter, that alleged violators actively participate in providing the messages. After full consideration of the record, the Commission promulgated 47 CFR 64.201 [12] which reads as follows:

64.201 Restrictions On Obscene or Indecent Telephone Message Services.

It is a defense to prosecution under section 223 (b) of the Communications Act of 1934, as amended, 47 U.S.C. 223(b), that the defendant has taken either of the following steps to restrict access to communications prohibited thereunder:

(a) Operating only between the hours of 9:00 p.m. and 8:00 a.m. Eastern Time, or

(b) Requiring payment by credit card before transmission of the message(s).

(5) The United States Court of Appeals for the Second Circuit set aside the Commission's regulation. Because the statute reaches indecent as well as obscene communications,[13] the court assessed the Commission's regulation under traditional first amendment standards. The court held that regulation of "dial-a-porn" messages is content-based, and is therefore subject to exacting judicial scrutiny to determine whether it is a "precisely drawn means of serving a compelling state interest." *Carlin*, at 121, quoting *Consolidated Edison Co. v. Public Service Commission*, 447 U.S. 530 (1980). Thus, the court concluded that the Commission's regulation will withstand constitutional review only if it is closely drawn to the compelling governmental interest of protecting minors from salacious telephonic communications and does so in a manner which avoids unnecessary abridgement of adults' access to the "dial-a-porn" messages. The court further suggested that the Commission might not regulate the "dial-a-porn" messages if even the least restrictive means of regulation available is unreasonable in light of the benefits to be gained balanced against the limitations imposed upon speech. With respect to the rule adopted by the Commission, the court found that the Commission had failed to demonstrate adequately that limiting operational hours of "dial-a-porn" service providers effectively restricts minors' access to the sexually explicit transmissions without, at the same time, unduly impairing the rights of adults to hear the telephonic messages. The court did not reach the constitutionality of the underlying statute, but focused instead on the effect of the Commission's regulation, stating that:

> [T]he [time channelling] regulation [adopted by the Commission] denies access to adults between certain hours, but not to youths who can easily pick up a private or public telephone and call dial-a-porn during the remaining hours . . . . [and] a young person needs to be unsupervised only about ninety seconds in order to dial the number and hear the message.

Carlin, at 121. The court found that the Commission rejected certain alternatives without providing a comprehensive record demonstrating that they were not more effective in controlling minors' access and less restrictive of adults' ability to hear the recordings than the regulation issued. On this basis, it set aside the Commission's regulation.

6. In response, the Commission initiated the *Second Notice* to solicit supplemental information to cure the record's infirmities. Parties were invited to provide information, comments and suggestions relating to the required regulation and the concerns raised in *Carlin*. Specifically, parties were asked to comment upon four general approaches by which minors' access to "dial-a-porn" services might be restricted: Screening and blocking, access and identification codes, limiting operational hours of the service, and bill modification. Parties were instructed to consider a variety of workable schemes entailed by each approach, including effectiveness, technical feasibility and economic practicability of each scheme.

7. After careful consideration of the record in this proceeding, including the *Carlin* decision and the comments submitted in response to the *Second Notice*, we conclude that the most effective means to restrict access by minors to "dial-a-porn" services, while at the same time minimizing restrictions on the rights of adults to hear the messages, is to require providers of such services either (1) to provide messages only to those adults who are first provided an access or identification code by the service provider, without which access to the messages is impossible, or (2) to require the caller to provide payment to the service provider by a credit card before access is obtained.[14]

8. The Commission is required to promulgate technically and economically feasible regulations which, taking into consideration the operation of "dial-it" services, restrict minors' access to "dial-a-porn" messages but are the least restrictive of consenting adults' ability to hear the messages. The following discussion focuses on constitutional, technical, and economic considerations regarding proposals to restrict minors in the use of residential

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(5) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1)(A) or (1)(B). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.

[12] The Commission was under statutory mandate to resolve all complaints filed pursuant to unamended section 223, no later than 90 days after the effective date of the amendment. *See* section 8(d) of the Federal Communications Commission Authorization Act of 1983, Pub. Law No. 98-214, effective December 8, 1983.

The Commission consolidated the Cohalan Complaint and the Bliley Petition and found that the unamended Statute was inapplicable to common carriers because 47 U.S.C. 223 (1) (A) applies only to persons who utter obscene or indecent words during calls they place, or who are actively involved with the "dial-a-porn" statute. *See* In the Matter of Application for Review filed by Peter F. Cohalan and the County of Suffolk, New York Against New York Telephone Company and Petition to Institute Forfeiture Proceedings Filed by Congressman Thomas J. Bliley, Jr. Against Drake Publishers, Inc., FCC 84-76 (March 7, 1984).

Subsequently, in a letter by direction of the Commission to the Department of Justice with regard to its denial of the dismissal of the Cohalan complaint, the Commission stated:

> This action was taken on the basis of our belief that 47 U.S.C. 223 (1)(A) only applies to persons who utter obscene or indecent words during calls that they place, not to recorded message services which only receive calls. At the same time, we recognize that the United States Department of Justice has authority to enforce (the) section . . . which is independent of the Commission's role in administering that statute. Our *Order* was thus not intended to impede the Department's prosecution of individuals it believes to be engaged in activity in violation of that statute. (Footnote omitted.)

Letter from General Counsel, Federal Communications Commission, to Brent Ward, U.S. Attorney, District of Utah, dated June 14, 1985.

[13] The court, citing Miller v. California, 413 U.S. 15, 23 (1973), recognized the Supreme Court's holding that obscene expression is unprotected by the first amendment. *Carlin*, at 119.

[14] Visa, American Express, MasterCard, and Diner's Club typify such credit cards.

telephones to access recorded "dial-a-porn" messages. Additional issues arise when minors seek access to recorded "dial-a-porn" messages from coin-operated telephones, and when live messages are involved. These matters are discussed separately.

Screening and Blocking

9. One approach to restrict access by minors to "dial-a-porn" messages involves using technical means to screen or block [15] calls to certain preselected telephone numbers. In our *Report and Order*, we discussed various blocking schemes, some implemented at central offices and others accomplished by blocking technology deployed at information provider premises. We found that the technical means for screening and blocking had not yet been developed as practical regulatory alternatives.[16] Nevertheless, the Second Circuit found that the Commission did not adequately address screening options. *Carlin*, at 119–23. Accordingly, in order to supplement the record, in the *Second Notice* the Commission invited comments on detailed technical variations of these options. We will discuss each of these.

10. *Network blocking.* Network blocking refers to means by which certain outgoing telephone calls are impeded at telephone company central offices. By way of introduction, we note that blocking schemes include exchange blocking (3 or 4 digit blocking), line number blocking (7 digit blocking) and equal access number reporting (10 digit blocking). Blocking by use of these techniques would require software modifications in Stored Program Control (SPC) offices, and would require customer reassignments or equipment upgrades (i.e., installation of additional registers, relays and other facilities) in electromechanical central offices.[17]

11. The Second Circuit found that the Commission did not adequately address exchange blocking as a regulatory alternative. *Carlin*, at 119. We will address that alternative in greater detail, using the augmented record now before us.[18] Exchange blocking, which would block all "dial-it" calls now placed through the 976 exchange, is implemented differently at SPC and electromechanical offices. In SPC offices exchange blocking requires software modifications that divide existing services into two classes: those that are designed to restrict 976 access and those that are not. Subscribers may then choose their class of service to achieve the desired blocking.[19]

12. Most electromechanical offices, including step-by-step and crossbar offices, are not equipped to perform exchange blocking. Implementing 976 exchange blocking for step-by-step electromechanical offices would require telephone companies to separate line groups, reassign customers who request exchange blocking to the newly created line groups, and construct new trunk lines to serve these customer groups. Crossbar electromechanical switch offices would require installation of additional mechanical relay banks capable of blocking particular exchanges.[20] Although exchange blocking would effectively preclude minors from obtaining access to "dial-a-porn" messages from particular telephones, the substantial costs entailed by telephone companies in restricting calls to a particular exchange outweigh the benefits that would reasonably be expected.[21] Apart from any policy or legal infirmities associated with assigning responsibility for "dial-a-porn" access to common carriers, the augmented record before us demonstrates that exchange blocking as a regulatory option is both economically and technically infeasible.

13. Further, exchange blocking would block all "dial-it" messages, not just "dial-a-porn" messages. *See Carlin*, at 122 n.14. We find it unnecessarily restrictive to require those who want to limit access to "dial-a-porn" service also to limit access to all "dial-it" services.[22]

The *Carlin* court noted that:

> [b]locking 976 exchange calls raised other problems. In order to prevent calls to the dial-a-porn numbers the subscriber would not be able to receive the weather dial-it service or other concededly First Amendment protected information. Nevertheless, without intimating our views were such a regulation adopted, the subscriber would make the choice.

Carlin, at 122. We find that a regulation adopting exchange blocking would be constitutionally flawed because it would block all "dial-it" messages.

14. Finally, although the majority of MANS (Mass Announcement Network Service) numbers are currently assigned to 976 exchanges, there is no legal or technical requirement to use that or any other exchange. New York Telephone, for example, has explored the possibility of using additional prefixes to expand its MANS network.[23] MANS information providers in Maryland, Michigan, and New York use the 249, 949, and 929 prefixes, respectively. Other private announcement services (e.g., Dial-a-Prayer in New York) operate independently of telephone company MANS facilities by using regular telephone lines connected to announcement equipment located on the information provider's premises. As a result, any exchange blocking regulation would limit minors' as well as adults' access to particular exchanges, but

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[15] Screening and blocking refer generally to technical methods by which calls to specific numbers or groups of numbers cannot be completed.

[16] *Report and Order*, 49 FR at 24998–99.

[17] Because electromechanical offices are equipped with progressive control switches which are incapable of storing data, these offices are not capable of performing blocking using schemes based on numbers dialed. Implementation of such schemes at electromechanical offices would, therefore, require that additional facilities be constructed or that customers be reassigned to SPC offices capable of blocking outgoing calls. AT&T estimates that of the 20,000 local switching office (9,000 of which are owned by BOCs and 11,000 owned by independents) approximately 30% or 6,000 are SPC offices and the remaining offices are electromechanical. AT&T uses the term "electronic switching system," or ESS, for their SPC switches. *See generally* AT&T Comments. Telephone company comments generally note that SPC offices serve 70% of existing subscriber lines.

[18] Exchange blocking generally refers to three digit blocking. In its comments, however, Ameritech addresses the alternative of adopting a four digit blocking scheme wherein "dial-a-porn" services are migrated to a designated number series (i.e. 976–NXXX) and calls to this discrete number series are blocked upon customer request. Ameritech gives no estimate of the total implementation cost of four digit blocking but states that implementation in its Detroit area alone would cost millions of dollars. Ameritech comments at 12.

[19] As noted at note 17, *supra*, approximately 70% of existing subscriber lines are served by SPC offices. Implementation of exchange blocking in SPC offices would cost about $100 for each new class of service plus $90.00 for translation costs and $20–45.00 for processing each customer service order. These costs would be accrued for each class of service in each central office. *See* comments of Pacific Bell and Mountain States, Northwestern and Pacific Northwest Bell. Ameritech states that the estimated implementation cost of all exchange blocking in the Detroit area alone would be $200,000–300,000. *See generally* Ameritech comments.

[20] Blocking is feasible only in wire spring No. 5 crossbar offices with a sufficient number of available classes of service. *See* Ameritech comments at 9, Mountain States Bell, Northwestern Bell and Pacific Northwest Bell comments at 11, Bell Atlantic at comments 3 and Bell Atlantic's Appendix at 1–2.

[21] NYNEX, for example, estimates that making crossbar central offices in New York capable of performing exchange blocking would cost at least $35 million. NYNEX comments at 28.

[22] A regulatory alternative which shifts the entire cost of exchange blocking to "dial-it" information providers would jeopardize the entire "dial-it" industry. The Commission notes the concerns of commenting parties who urge us to avoid regulatory alternatives which adversely affect the rights of "dial-it" information providers not engaged in the dissemination of pornographic messages. Comments of Carlin at 9; HBO and American Television and Communications Corp. comments at 5; District of Columbia P.S.C. comments at 2–3; Minnesota Attorney General comments at 10; USTA comments at 8–9; Phone Programs and Info Line comments at 26; Dial Info comments at 3; AT&T reply comments at 4.

[23] NYNEX comments at 12.

messages located on the unblocked exchanges would remain accessible. Thus, such a regulation would be ineffective in meeting the Congressional mandate to restrict minors' access to "dail-a-porn" messages.

15. We now turn to a discussion of line number (seven digit) blocking. Blocking calls from particular numbers to other predesignated numbers (upon customer request) may be accomplished at some central offices through a process of line number blocking using a recently innovated service commonly referred to as Customer Local Area Signalling Service (CLASS). Our *Second Notice* solicited comments regarding a CLASS calling feature which permits subscribers to request that calls from their residential lines be denied access to particular "dial-a-porn" numbers.[24] Implementation of these subscription screening services requires that the originating, intermediate, and terminating central offices through which calls are routed be equipped with CLASS and Common Channel Signalling (CCS) facilities.[25] Telephone companies commenting on the use of the CLASS call block feature as a screening service state that, although feasible, CLASS is currently experimental in nature. Implementation of CLASS entails an expensive process which is not expected to be generally available prior to 1987. Current plans limit the blocking capacity of each central office to thirty individual numbers. Seven digit blocking would be ineffective in meeting the Congressional mandate to restrict minors' access to the "dial-a-porn" messages because CLASS is not yet universally available. Even when CLASS is fully implemented by local telephone companies, minors need only seek unsupervised telephones in residences where customers do not subscribe to the screening services to gain access to the messages. Further, the CLASS blocking feature is not adequate to handle the large number of "dail-a-porn" systems currently in operation. Based on these considerations, we find that seven-digit blocking schemes based on CLASS or centrex-like screening features do not now represent technically and economically viable options.

16. Another method by which minors may be prevented from obtaining access to "dial-a-porn" messages is by use of equal access (ten digit) number forwarding. In the *Second Notice*, the Commission sought information regarding use of a ten digit equal access number forwarding scheme to restrict access by minors to "dail-a-porn" messages.[26] This scheme would require local exchange carriers to forward ten digit originating and terminating numbers to interexchange carriers which would compare the numbers with those numbers in a database. If the numbers match, the call would not be completed. Implementation would require that each central office be equipped with equal access capacity. In addition, the interexchange offices must subscribe to Feature Group D or use switches capable of receiving and storing Feature Group D information, including the numbers to be blocked. We note that as a result of the *MTS and WATS Market Structure Proceeding*, CC Docket No. 78–72 (Phase II) (March 19, 1985), many BOCs are installing SPC equipment capable of number forwarding. Nevertheless, number forwarding is not expected to become available on a nationwide basis for some fifteen years.[27] Even then, use of the equal access number for screening purposes will be limited to interexchange calls.

17. In sum, we conclude that network exchange blocking is flawed because it would restrict access to all "dial-it" services provided within the exchange. Other, newly innovated network blocking technologies, *e.g.*, CLASS and centrex-like blocking features, and equal access number reporting, may become viable options at some future date, but all now fail to meet the Congressional mandate because they are not yet available. We will continue to monitor the development of these blocking schemes and will be prepared to consider them as regulatory alternatives in the future.

18. *Blocking implemented at premises of "dial-a-porn service" providers.* Methods which may be used to block "dial-a-porn" messages at the information provider's premises include time channeling, message scrambling, and access and identification codes. Each is analyzed below with emphasis on the information submitted in response to our *Second Notice*.

Other Options

19. *Time Channeling.* In our *Report and Order*, we considered the feasibility of limiting the operation of "dial-a-porn" messages to a time period during which parents are available to supervise their children. We concluded that, in light of the absence of viable technical blocking alternatives, time limitations would effectively restrict access by minors during hours when they are less likely to be closely supervised, and would be least restrictive of the rights of adults to hear the messages.[28] We determined that although adults as well as minors would be denied access during restricted hours, time channeling permits adult access during the remaining portion of the day. We found, further, that operational hour limitations were less restrictive than network

[24] *Second Notice*, 50 FR at 10513, para. 11. In a letter to Bell Communications Research Inc. (BellCore) dated June 13, 1985, and served upon parties of record in this proceeding, the Commission sought supplemental information regarding the use of CLASS features to provide a subscription screening service. BellCore's response, which essentially reiterated information supplied by telephone company commenters, is incorporated in this discussion. The subscription service would operate by requiring telephone companies to process screening requests received from customers. Bell Atlantic is currently field testing CLASS features capable of serving customers with up to four lines. Bell Atlantic's CLASS features will permit blocking of up to three numbers per line. Bell Atlantic Appendix at 2. BellSouth's CLASS blocking feature will be able to block up to 30 individual numbers. It plans to begin deployment of CLASS features in its electronic offices by 1987.

[25] CCS facilities are used to transmit call setup information between SPC offices for a group of trunks over a single dedicated high-speed data link, rather than an individual trunk basis.

[26] *Second Notice*, 50 FR at 10512.

[27] Pacific Bell does not plan to implement these features in electromechanical central offices or in sparsely populated areas. It states that even in its electronic offices use of number forwarding screening features will not be possible prior to 1993. Pacific Bell comments at 12. Bell Atlantic states that number forwarding would be a feasible alternative in areas served by interexchange companies with switches capable of receiving the screening information. Bell Atlantic comments, Appendix A, at 2. NYNEX states that number reporting in its region is not likely to be available for at least 15 years. It estimates equipment costs to provide the feature at over $6.7 million. NYNEX comments at 31. Cincinnati Bell states that number forwarding will become economically viable only if a majority of customers in each service area orders the screening service. Cincinnati Bell comments at 2. Ameritech States that by 1987, 92% of its access lines will be converted to equal access and thus capable of performing number forwarding. It asserts, however, that use of number forwarding to screen calls gives rise to prohibitive costs, and forces customers who desire to refrain from contact with the services to disclose private personal information to "dail-a-porn" service providers. Ameritech at 15. According to BellSouth, automatic number forwarding in its region will be provided to interexchange carriers other than AT&T by electronic end offices converted to equal access. It expects conversion by 1986 but notes that the screening capability will depend upon whether the interexchange carrier subscribes to Feature Group D. BellSouth comments at 8. Contel asserts that the increased burden that screening and blocking regulatory alternative would place on independent telephone companies outweighs any benefits obtained. It estimates its equal access implementation costs to be $990 million. Contel at 3–5. TCI's comments describe an Equal Access Adapter System (EAAS) capable of restricting outgoing calls from local exchange and interexchange offices. Equipment necessary to implement its EAAS is priced at $500 per trunk and costs $5000 to implement at each office. The system requires each central office to utilize an IMB-compatible personal computer. *See generally* TCI comments.

[28] *See generally Report and Order*, 49 FR 24996 (1984).

blocking arrangements. The Second Circuit, however, found that the Commission failed to adequately demonstrate that time-channeling was the most effective means to restrict minors' access to the messages and the least restricitive of adults' access to "dial-a-porn."

20. The Second Circuit expressed concern regarding the financial viability of "dial-a-porn" services providers under a time-channeling restriction [29] but, as the Court itself noted, it is the relative effect, when weighed against the other regulatory alternatives, that determines the type of regulation we should promulgate to restrict minors' access.[30] Time channeling would restrict minors' access during non-school hours when minors are presumably unsupervised for longer periods of time. However, as we noted in our previous consideration of the matter, clever minors are likely to circumvent our rule during the remaining unrestricted hours. Indeed, the court observed that "a young person needs to be unsupervised for only about ninety seconds in order to dial the number and hear the message." *Carlin*, at 121. We must therefore compare the relative effectiveness of time-channeling with other regulatory options. While time channeling is generally less burdensome on access than are network blocking, scrambling or other technologically implemented schemes which would be in effect on a 24 hour per day basis and would require network modification, time channeling is flawed in that it prevents adults from obtaining access to the messages during specified hours but does not provide reasonable assurance that minors will be restricted during the hours when general access is permitted. Thus, time channeling does not represent the least restrictive means to prevent access by minors to "dial-a-porn" services under the Second Circuit's standards. Accordingly, based on the augmented record before us and our consideration of the relative effectiveness of alternative regulatory options, we will no longer rely on an operational hour limitation to meet the Congressional mandate.

21. *Message Scrambling.* Message scrambling refers to a technology by which a master scrambler installed at the premises of a message provider performs functions disassembling the intelligence of the outgoing messages. Consenting adults authorized to receive the message use descrambling devices installed at their premises to reassemble the messages, making them intelligible. The procedure does not require network modification,[31] but requires that adults who desire to hear the messages install decoding devices. AT&T states that the technology required to implement scrambling, which shifts the frequency distribution of the audio transmission, is currently available. It estimates that the cost of equipment necessary to implement scrambling schemes ranges from $150–1000 for each originating facility, and that decoders are available at $15–20.00 each.[32] NYNEX notes that implementation of his scheme is relatively simple as it is based on a one-way transmission system.[33]

22. Although comments indicate that message scrambling is technologically feasible, scrambling schemes effectively impose a 24 hour per day restriction upon adults who wish to hear the messages but do not have the appropriate descrambling equipment.[34] Implementation of a scrambling requirement gives rise to additional difficulties with respect to allocation of the cost of obtaining and the responsibility for installing and maintaining the descrambling devices and scrambling equipment. Under the analysis relied on by the Second Circuit, requiring all subscribers to be responsible for providing decoding equipment to avoid minors' access to "dial-a-porn" messages misallocates the burdens involved. The burdens associated with implementing a scrambling regulation are greater on customers than those presented by other access limiting schemes. Further, a scrambling requirement would prevent adults from obtaining access to recorded messages from coin operated or pay telephones that are not equipped with decoding devices. On the other hand, pay telephones equipped with decoding devices would be readily accessible to minors. We find, therefore, that scrambling is overbroad and unreasonably intrusive upon adults' ability to hear the "dial-a-porn" messages.[35] For these reasons, we reject the scrambling alternative under the guidelines of the court decision.

23. *Access and Identification Codes.* Access and Identification codes are an approach by which "dial-a-porn" providers issue personal identification numbers or authorization codes to requesting customers after ascertaining the customer's age. The codes, which may be credit card numbers or other identification numbers devised by the message provider, must be provided by callers before access to the messages is granted. This process may involve a live operator or an automated verification system that responds to telephone dialing tones. Early in this proceeding we examined the practicality of operator intervention in the case of recorded messages. We noted that "dial-it" services simultaneously serve a multiplicity of callers. Thus, we concluded that requiring operator intervention for each call would be economically impracticable.[36] Since nothing in the augumented record before us suggests that this conclusion is no longer valid, the discussion that follows is made with reference to an automated code verification system.

24. Under an automatic access code system, calls to local telephone exchanges would be directed to "dial-a-porn" service provider facilities and transmission of the messages would not occur until an authorized access code were provided.[37] Within the limitations discussed herein, authorization would be entirely within the control and responsibility of the "dial-a-porn" message provider. Each messsage provider would develop its own access code database and implementation scheme. Implementation schemes would include a written age ascertaining

[29] The Court stated that "(t)he FCC embraced the time-channeling scheme in the face of an argument by Carlin that it will have a disastrous financial effect. . . ." *Carlin*, 749 F.2d at 123. It noted that experience with "dial-a-porn" services during the past year might provide the Commission with data regarding Carlin's assertions. Our *Second Notice* sought such data. Carlin, however, provided no detailed financial documentation in support of its claim. *See generally* Carlin Comments and Reply Comments.

[30] *Carlin*, 749 F.2d at 121–23.

[31] NYNEX points out that incidental costs would be incurred by local exchange companies as a result of customers who request service calls upon their mistaken assumption that the scrambled message indicates line-related defects. NYNEX concedes, however, that these costs are relatively insignificant. NYNEX comments at 42.

[32] AT&T Comments at 9.

[33] NYNEX Comments at 42–43.

[34] *See generally* Comments of HBO and American Television and Communications Corp., Ameritech, and Carlin.

[35] *See* Smith v. California, 361 U.S. 147, 150–51 (1959), *reh'g denied*, 361 U.S. 950 (1960).

[36] *Report and Order*, 49 FR at 24998–99.

[37] Pacific Bell asserts that the automatic decoding and billing system it uses may facilitate the implementation of an access code requirement by routing calls directly to "dial-a-porn" information providers. It estimates that it would incur incidental costs ranging from $200,000 to $300,000 to upgrade its network to accommodate the increased holding time that may result when callers use access codes. Pacific Bell comments at 4. However, telephone company comments generally state that such costs should be borne by "dial-a-porn" service providers. *See generally* comments of AT&T, Ameritech, BellSouth, NYNEX, Pacific Bell and USTA. Under the approach we adopt here, it is anticipated that the "dial-a-porn" provider will be responsible for the costs associated with the defenses reflected in our rule. *See* Appendix.

procedure and a procedure to be used to cancel access or identification codes that are reported lost, stolen or misused. Authorized access or identification codes would be provided by mail to applicants after "dial-a-porn" providers reasonably ascertain that the applicant is at least eighteen years of age.[38] Use of the access codes would require that callers use dial tone multi-frequency telephones, or rotary dialing equipment with ancillary tone equipment.[39]

25. NYNEX indicates that an access code system requires two-way transmission between the service provider and telephone company facilities. NYNEX states that recorded messages routed through the New York metropolitan MANS network are not transmitted directly to callers. Instead, message providers supply recorded messages to a master center. The master center distributes the calls to subcenters on a "receive only" basis. The subcenters then transmit calls to the calling party. Thus, NYNEX asserts that a regulation requiring "dial-a-porn" service providers to install access code recognition is technically infeasible in a one-way dedicated network.[40] NYNEX's argument may be meritorious were the access code requirement to be implemented at the service provider's premises. However, nothing in the record suggests that implementation of a software supported access code recognition system at the master distribution center in a one-way system such as NYNEX's would be infeasible. Indeed, comparable modifications to the programmable central office switches are intrinsic to the proposal of other carriers herein. Alternatively, parties that wish (or need) to assert the defense made available in this order might simply choose not to utilize 976 "dial-it" facilities. Rather these parties may choose to implement access code recognition in two-way incoming trunks. However, alternative non-pornographic uses of the few 976 facilities abandoned thereby would likely arise rapidly. In any event, we believe that the costs of any such systems should be borne by the service providers, not by the telephone companies or other subscribers. We conclude that NYNEX's "dial-a-porn" service providers will have incentives to implement a code recognition system because it represents the most effective and least cumbersome means of satisfying the regulatory mandate.

26. In our *Report and Order*, we accepted unsupported contentions by message providers asserting that an access code requirement is impracticable.[41] No party in this proceeding has offered definitive cost figures for the equipment needed by "dial-a-porn" providers to implement an access code scheme, though we solicited that information and fully expected providers to respond. Carlin did say in response to our *Second Notice* that "[a]ny access and identification code procedure would economically and administratively impracticable where the viability of the system relies on the ability to simultaneously service multiple callers."[42] This assertion does not constitute an adequate factual basis upon which we can conclude that an access and identification code scheme would be more costly than any other alternative. Interestingly, in its June 14, 1984 petition to stay the effective date of the regulations initially issued by the Commission pursuant to section 223(b), Carlin stated that 74.3% of the calls to its "adult-entertainment" services occurred between 8:00 a.m. and 9:00 p.m. Thus, an access code requirement would permit the operation of such services during the most active hours and would provide opportunities to recoup implementation costs.

27. *Blocking implemented at customer premises (Terminal Equipment).* In our *Report and Order*, we concluded that "no existing commercial device has a screening capability that could be deployed within the subscriber's terminal equipment."[43] Subsequently, we expressed the expectation that entrepreneurs in the competitive marketplace may produce such devices in response to the concerns of parents who wish to monitor their children's use of residential telephones to access "dial-a-porn" messages.[44] Commenting parties indicate that such devices have been developed and are becoming available at moderate prices.[45] Other parties state that although such devices are available, the Commission's regulation of "dial-a-porn" should not impose the cost for such devices upon parents.[46] Even with current or imminent availability of these devices, we believe that placing the burden on subscribers independently to bear the costs to prevent access of minors to "dial-a-porn" services, is not the least restrictive alternative available. *See* discussion at paras. 23–26, above. This does not mean, however, that terminal screening devices are not viable in certain situations. For the benefit of parents who wish to participate in screening calls made from their residences, we note that there are currently or soon will be available devices developed by TTC, NYNEX and Pacific Bell.[47] TCC's device operates without the need for equipment modifications either in telephone company facilities, information provider premises, or residences. By programming the device, customers may block one or several telephone numbers from being dialed from residential telephones. The blocking circuit described by NYNEX similarly is designed for installation at the demarcation point where the telephone company's access line enters the caller's premises. The device's circuit permits blocking of up to 128 telephone numbers.[48] Pacific Bell has announced that it is developing a nominally priced product which will enable customers to prevent calls to the 976 exchange. It plans to market the device as soon as it is developed.[49] These kinds of devices

[38] *Carlin* indicates that because parents have "substantial control of the disposition of mail once it enters their mailboxes" and will presumably intercept access codes distributed by mail, a system of age verification may be unnecessary when access codes are distributed by mail. *Carlin* at 123, quoting Bolger v. Youngs Drug Products Corps., 463 U.S. 60, 70–75 (1982). Our regulation requires "dial-a-porn" providers to reasonably ascertain the age of the applicant. To do so, "dial-a-porn" providers must use a written application procedure which seeks information such as the date of birth and credit card number or driver's license number of the applicant. To further ensure that minors are prevented from obtaining access codes from "dial-a-porn" providers, we will require that the codes be distributed by mail.

[39] Ancillary tone devices which simulate tones made by multi-frequency telephones are commercially available for several dollars and are widely used to access OCC services. Adults wishing to access "dial-a-porn" messages from rotary telephones may purchase and easily install such devices.

[40] NYNEX comments at 41.

[41] *Report and Order*, 49 FR at 25000.

[42] Carlin comments at 11.

[43] *Report and Order*, 49 FR at 24999.

[44] *Second Notice*, 50 FR at 10512.

[45] *See generally* comments of Carlin, AT&T, NYNEX, and Pacific Bell, and letter dated May 14, 1985 from William L. Cocoran, President, TTC.

[46] Comments of Morality in Media and United States Catholic Conference.

[47] Letter from William L. Corcoran, President, TTC dated May 14, 1985, and comments submitted by Pacific Bell and NYNEX.

[48] The device may alternately be installed to block a specific telephone (*i.e.*, by installing it at that telephone rather than at the demarcation point.) It is reprogrammable and may be used regardless of type of central office or telephone equipment involved. NYNEX estimates its costs at $50 per circuit.

[49] Pacific's public announcement describing the product was made on NBC's Today Show on July 2, 1985. The price of the device will be less than $10. We make no decision here concerning compliance with Commission policies limiting telephone company provision of terminal equipment. These policies are set forth elsewhere. *See, e.g.*, Second Computer Inquiry, 77 FCC 2d 384 (Final Decision), *aff'd on reconsideration*, 84 FCC 2d 50 (1980), 88 FCC 2d 512 (1981), *aff'd sub nom.* CCIA v. FCC, 693

Continued

quite apart from our regulation will assist parents in effectively supervising their minor children and limiting access to "dial-a-porn" or other message services or telephone numbers. None, however constitutes the least restrictive means of accomplishing the intent of Congress.[50] Requiring telephone subscribers to purchase these devices misallocates the burden of implementing a restriction on access to "dial-a-porn" services by minors. As our discussion above reveals, a less restrictive means is available. For these reasons, we will not promulgate a regulation based on availabililty of terminal devices capable of providing a blocking function.[51]

28. Under the guidelines set forth in *Carlin* and in view of the absence of data suggesting financial impracticability, we find that an access code requirement is generally less burdensome to "dial-a-porn" purveyors and less restrictive of adult's access to the messages than network blocking alternatives, time channeling or scrambling. Such a regulation requires adults to apply to "dial-a-porn" service providers for authorization or identification codes; however, an access code requirement permits service providers to transmit messages on an uninterrupted basis. Adults who wish to hear the messages are not unduly or unreasonably impaired by the requirement that they obtain identification codes. Message scrambling unreasonably restricts adult's access to the messages because, while it permits service providers to transmit messages on an uninterrupted basis, it requires installation of additional equipment in the homes of adults who wish to hear the services and thus misplaces the burden of costs to achieve a restriction to "dial-a-porn" services by minors. Network blocking is currently not universally available and is prohibitively costly. Time channeling is flawed in that it inadequately restricts access by minors to the services. A requirement that imposes the costs of blocking CPE upon parents misallocates the burdens of restricting minor's access to "dial-a-porn" messages. In short, the technical, economic and constitutional burdens associated with these alternatives outweigh the burdens which arise from the implementation of the access code requirement.

29. Several commenting parties argue that constitutional rights to privacy and to unimpaired access to expression limit our ability to restrict access to "dial-a-porn" messages in any manner.[52] Nonetheless, the first amendment does not guarantee unfettered access to obscenity, and the Supreme Court has recognized the right to regulate obscene material and indecent material that is easily accessible to minors.[53] Moreover, Congress has made it clear that interstate transmission of "dial-a-porn" services to minors is unacceptable, and that those who engage in such transmissions are at substantial risk. We conclude, therefore, that an access or identification code requirement complies with the Congressional mandate by effectively restricting access by minors to "dial-a-porn" messages in the least restrictive manner available.[54]

Credit Card Restriction

30. In our *Report and Order* we concluded that requiring prepayment by credit card effectively restricts minors' access to live "dial-a-porn" transmissions. We reasoned that because credit cards are not routinely issued to minors, services which require credit card payment are usually limited to adults. We assumed minors who are issued credit cards in their own names are supervised by adults as to the use of the cards. Therefore, we allowed "dial-a-porn" services that require credit card payment before the message begins to operate on a 24-hour basis.[55] Because the court did not overrule the Commission's regulation with respect to requiring credit card payment in advance of live messages,[56] and not finding any reason to reach a contrary conclusion in the augmented record, we find that this credit card provision is a suitable adjunct to the regulation we adopt today in connection with recorded messages. Therefore, "dial-a-porn" providers that require payment by credit card prior to transmission of the messages may operate on a 24-hour per day basis.

Coin Operated Telephones

31. In our *Second Notice* we requested comments on methods to prevent access by minors to "dial-a-porn" messages from public coin telephones. We sought information regarding the percentage of calls to "dial-a-porn" services made from coin operated telephones and the feasibility of implementing a scheme that would restrict minors in the use of these phones to reach the message services. NYNEX points out that of the 8,358 calls placed to "adult entertainment" channels in a test area in its MANS network, only 144 (1.72%) originated from pay telephones.[57] Other responding industry commenters state that no technical method implemented at the network, short of exchange blocking, effectively limits minors in the use of coin operated telephones to obtain access to the messages. They state that while blocking devices may be installed for use with equipment-implemented coin telephones, no method can be specifically tailored to central office implemented coin telephones.[58] It appears that the

F.2d 198 (D.C. Cir. 1982), *cert. denied sub nom.* Louisiana P.S.C. v. United States, 461 U.S. 938 (1983). (*Computer II*). *See also* Third Computer Inquiry, FCC 85-397, CC Docket No. 85-229, (released August 16, 1985).

[50] Such devices, as noted above, do not offer a restriction on minors' access to "dial-a-porn" services from telephones not so equipped, *e.g.*, a neighbor, pay telephones, etc.

[51] Other methods proposed to restrict minors' access to "dial-a-porn" (*i.e.*, bill notification, preventive advertising campaigns, and disclaimer messages) are useful enhancements to our regulation and to parents' supervisory efforts. We do not believe, however, that individually these methods would satisfy Congress' mandate.

[52] *See generally* Comments of ACLU, HBO and ATC, and TRAC. These commenting parties point out the concerns of adults who may want to hear the messages but are reluctant to release personal information to the message providers. Comments submitted by the Attorney General of Minnesota discuss the issues presented as a result of the fact that adults must await the distribution of access codes. These comments suggest that "dial-a-porn" providers devise methods to quickly process access code applications and use advertisements or other means to educate their customers of the requirement.

[53] Miller v. California, 413 U.S. 15 (1973); FCC v. Pacifica Foundation, 438 U.S. 726 (1978).

[54] Carlin argues that minors resolved to obtain access to the messages will find a way to acquire and circulate authorized access or identification cards. *See also* Cincinnati Bell comments at 3, Dial Info comments at 7. Misuse of credit cards or access codes may constitute fraud under state or federal law. No method guarantees that some enterprising minors will never hear the messages. Our regulation, however, is the most effective method currently available to restrict access by minors without unduly impairing adults who want to hear the messages.

[55] *Report and Order*, 49 FR at 25001.

[56] *Carlin* at 118. In fact, since the court found the credit card restriction a satisfactory restriction to minor's access to the live services, most parties responding to the *Second Notice* offered no comment regarding the credit card requirement and no party submitting comments in this proceeding claims that the credit card restriction is ineffective to meet the mandate of Congress.

[57] NYNEX comments at 36 and "Coin-Op Study", Exhibit 6.

[58] Ameritech comments at 17, BellSouth comments at 9, Mountain States, Northwestern and Pacific Northwestern Bell comments at 12 and NYNEX comments at 37. Bell Atlantic states that five of its companies have filed tariffs which require that pay telephone calls to a 976 number be billed to a credit card or charged to a third number. Bell Atlantic comments at 3, Appendix A. Similar tariff restrictions are effective in Pacific Companies' service areas. Pacific Bell comments at 6.

technological difficulties associated with restricting minor's access to "dial-a-porn" messages from central office implemented telephones through screening and blocking schemes are no less significant, and perhaps more so, than other telephone locations. In view of our determination to rely generally on access code schemes, a regulation specific to coin operated appears unnecessary because access codes will be required to complete transmission of "dial-a-porn" messages in all instances unless credit card payment is made before transmission of the messages begins.

Conclusion

32. The regulation we are adopting herein is specifically drawn to achieve the government's compelling interest to protect minors from exposure to messages Congress has found to be obscene or indecent. Compliance with our regulation by "dial-a-porn" message service providers constitutes a defense to prosecution under section 223(b). Our regulation represents the most effective available means to limit minors' access to the messages but, at the same time, offers the least restriction on adults' access.[59] While it may incidentally restrict adults' convenience in accessing "dial-a-porn" messages, we believe our regulation reaches just far enough to achieve Congress' mandate and to meet the court's constitutionality guidelines. Further, among all available alternatives, our regulation adversely affects "dial-a-porn" providers' and adults' rights to the least degree possible.

Regulatory Flexibility Analysis

33. Pursuant to relevant provisions of the Regulatory Flexibility Act, 5 U.S.C 601 *et seq.*, we have reviewed this section to determine if there will be a significant impact on a substantial number of small businesses. We believe that our regulation will have some impact on those small business entities that Congress had in mind when it amended section 223 of the Communications Act. We find that any impact of these entities is outweighed by the fulfillment of our statutory mandate to restrict access by minors to the "dial-a-porn" services.

[59] Since the Court reviewed the former regulation under the exacting standard applied to content-based speech restrictions, *Carlin* at 121, we have analyzed the alternatives under that standard. We would also note that the regulation meets the less restrictive standards applied to "time, place, and manner" regulations. *See generally*, Cox v. New Hampshire, 312 U.S. 569 (1941).

34. Accordingly, it is ordered, that Part 64 of the Commission's Rules and Regulations is amended to provide for revised Subpart B as set forth in the Appendix attached hereto, effective November 25, 1985.

35. It is further ordered, that the Secretary shall cause a copy of this *Second Report and Order* to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605. The Secretary shall also cause this *Second Report and Order* to be printed in the **Federal Register.**

36. Authority for this action is contained in section 8(c) of the Federal Communications Commission Authorization Act of 1983, Pub. Law No. 98-214, December 8, 1983.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 64—[AMENDED]

Part 64, of Chapter I of Title 47 of the Code of Federal Regulations is amended to provide for a revised Subpart B, consisting of § 64.201, as follows:

Subpart B

§ 64.201 Restrictions on obscene or indecent telephone message services.

It is a defense to prosecution under section 223(b) of the Communications Act of 1934, as amended, 47 U.S.C. 223(b) (1983), that the defendant has taken either of the following steps to restrict access to the communications prohibited thereunder:

(a) Requires an authorized access or identification code before transmission of the subject message begins, where the defendant

(1) Has issued the code by mailing it to the applicant after reasonably ascertaining through receipt of a written application that the applicant is not under eighteen years of age; and

(2) Has established a procedure to cancel immediately the code of any person upon written, telephonic or other notice to the defendant's business office that such code has been lost, stolen, or used by a person or persons under the age of eighteen, or that such code is no longer desired; or

(b) Requires payment by credit card before transmission of the message.

[FR Doc. 85-25101 Filed 10-21-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 69

[FCC 85-537]

Common Carrier Services; Access Charges; Clarification

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order (MO&O).

SUMMARY: This MO&O affirms a previous decision on interpreting the exemption from the private line surcharge provided in § 69.115(e)(6) of the Commission's Rules, which exempts from the private line surcharge any private line that a subscriber certifies is "not connected to a PBX or other device capable of interconnecting a local exchange subscriber line with the private line." The MO&O denies a petition for reconsideration filed by Pacific Bell seeking reversal of our initial order, as well as petitions submitted by Aeronautical Radio, Inc. and Ad Hoc Telecommunications Users Committee asking for reconsideration of footnote 51 of the order, which they claimed would lead to an unwarranted and unsupported case-by-case reevaluation of the surcharge amount. While rejecting these petitions, the MO&O granted, in part, a petition for clarification filed by the Central Committee on Telecommunications of the American Petroleum Institute, concluding that refunds for surcharge amounts paid on private lines that fall within the exemption in question are appropriate for those subscribers who had certified that they qualified for the § 69.115(e)(6) exemption prior to the initial order. This action is taken to ensure that the application of § 69.115(e)(6) of the Commission's Rules is consistent with the policy underlying the private line surcharge.

FOR FURTHER INFORMATION CONTACT: Sandra Eskin (202) 632-9342.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access charges, Communications common carriers, Telephone.

Memorandum Opinion and Order

In the matter of clarification of §§ 69.5 and 69.115 of the rules of the Federal Communications Commission.

Adopted: October 3, 1985.

Released: October 16, 1985.

By the Commission.

I. Introduction

1. On February 25, 1985, we released an order granting a "Petition for

Clarification and Expedited Relief" filed by Aeronautical Radio, Inc. ("ARINC"), concerning the proper interpretation of § 69.115(e)(6) of our rules.[1] This section provides an exemption from the $25 per month private line surcharge authorized in §§ 69.5 and 69.115 of our rules [2] for "[a]ny termination of a line that the customer certifies to the exchange carrier is not connected to a PBX or other device capable of interconnecting a local exchange subscriber line with the private line." [3] In its petition, ARINC contended that exchange carriers were incorrectly implementing this exemption by applying the surcharge to private lines that terminated in PBXs or similar equipment that had been rendered incapable of interconnection with the local exchange through software partitioning or other means. In granting ARINC's petition, we stated that we intended to apply the surcharge only where there was a present leakage capability:

> If a user's equipment is prevented from interconnecting private lines with the local exchange lines due to "actual operating practicalities or limitations"—resulting from either hardware or software restrictions—then it is not capable of leakage. No use of the exchange can be made, and no surcharge should therefore be assessed.[4]

2. In granting the ARINC petition, we recognized that, in light of our clarification of § 69.115(e)(6), it may be appropriate for exchange carriers to increase the amount of the surcharge from $25, and we provided for such an increase as follows:

> When we affirmed this surcharge amount in the *Second Reconsideration Order*, we did not consider that users could partition or otherwise modify their PBXs so as to block leakage and thereby qualify for an exemption from the surcharge under our rules. As a result, fewer lines than we anticipated in the *Second Reconsideration Order* are subject to the surcharge, but the total amount of leakage over private lines has probably remained about the same (because it is likely that the lines that qualify for an exemption under the clarification we adopt today have engaged in little, if any, leakage). An upward adjustment in the amount of the interim surcharge may, therefore, be necessary to recover the same level of contribution for the same amount of leakage from a smaller number of lines. Accordingly, we would consider, with appropriate justification but without the usage measurements or estimations required in §§ 69.115 (a) and (b) of our rules, a revised interim surcharge filed by an exchange carrier that, when applied to this smaller number of lines, would produce the same total revenue as the application of the $25.00 to all lines attached to PBXs or similar devices.[5]

3. We have received three petitions for reconsideration of our decision in the *ARINC Clarification Order;* one, filed by Pacific Bell, seeks a complete reversal of the Order, while two others, submitted by ARINC and the Ad Hoc Telecommunications Users Committee ("Ad Hoc"), request only that we set aside footnote 51 of the Order, in which we suggested that an increase in the amount of the private line surcharge might be appropriate. Additionally, the Central Committee on Telecommunications of the American Petroleum Institute ("API") has filed a "Petition for Further Clarification and Expedited Relief," requesting that, in light of the interpretation of § 69.115(e)(6) adopted in the *ARINC Clarification Order*, we clarify that any subscriber who has paid surcharges on software or hardware-restricted private lines is entitled to a retroactive refund, with interest, upon appropriate documentation that such surcharges have been paid. For the reasons discussed below, we deny the reconsideration petitions, and partially grant the API Petition.[6]

II. Petitions for Reconsideration

A. Pacific Bell

4. In its Petition, Pacific Bell seeks reversal of the *ARINC Clarification Order*, contending that the issue raised in ARINC's Petition would be better addressed in our pending reevaluation of the entire private line surcharge concept.[7] It further argues that our interpretation of § 69.115(e)(6) will exacerbate leakage because carriers cannot reasonably ascertain whether customers filing exemptions for private lines attached to PBX or similar devices have indeed rendered those lines incapable of "leakage," and will further reduce surcharge revenues by increasing the exemption rate, which is already much higher than anticipated.

5. In response to Pacific Bell's arguments, Ad Hoc, API, and AAR note that in the *ARINC Clarification Order* the Commission explicitly declined to consolidate the original ARINC petition with the private line surcharge reevaluation. Ad Hoc asserts that self-certification, which has worked before, should continue to be effective under § 69.115(e)(6), and that the Commission can use penalty provisions under the Communications Act to police leaking. API further argues that Pacific Bell's assertion that the number of exemptions is greater than anticipated is not substantiated, while AAR contends that, in clarifying § 69.115(e)(6), the Commission clearly intended to increase the number of private lines eligible for exemption.

6. We agree with those opposing the Pacific Bell petition that all the issues it raises now were raised and fully considered in the *ARINC Clarification Order*. Pacific Bell has presented no new facts or arguments that would cause us to reverse our resolution of those issues in that Order, and, accordingly, its petition for reconsideration is denied.

B. ARINC and Ad Hoc

1. *Pleadings.*—7. While both ARINC and Ad Hoc generally support the *ARINC Clarification Order*, they ask us to reconsider footnote 51 in that Order, which they claim will lead to an unwarranted and unsupported case-by-case reevaluation of the surcharge amount. Ad Hoc faults the rationale posited in that footnote in support of an increase in the surcharge,[8] while ARINC asserts that the existence of any shortfall in exchange carrier revenues has not been demonstrated. ARINC also contends that the present $25 figure is evidently too high since no carrier has yet developed its own surcharge amount, as they are permitted to do in our rules,[9] and as they presumably would do if they could justify a higher amount. In its view, an increase in the surcharge amount will drive some users out of the market. Both petitioners also assert that the Commission should defer any recalculation of the $25 amount to the more comprehensive reevaluation of

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[1] In the Matter of Clarification of §§ 69.5 and 69.115 of the Rules of the Federal Communications Commission, Memorandum Opinion and Order, 50 FR 12254 (1985) [hereinafter *ARINC Clarification Order*].

[2] 47 CFR 69.5(c), 69.115 (1984).

[3] *Id.* § 69.115(e)(6).

[4] *ARINC Clarification Order* at para. 18.

[5] *ARINC Clarification Order* at para. 19 n. 51.

[6] See Appendix A for a list of parties who commented on the various petitions.

[7] *See* MTS/WATS Market Structure, Notice of Proposed Rulemaking, 49 FR 50413, 54 Rad. Reg. 2d (P & F) 47 (1984) [hereinafter *Notice*].

[8] Ad Hoc views the calculation of the surcharge amount as a two-step process, involving (1) determination of the number of lines that leak, and (2) estimation of the amount of leakage per line for the lines that leak. Therefore, Ad Hoc argues, just because one step—our initial determination of the number of lines that leak—may be incorrect, this does not mean that the second step—our independent estimate of the amount of leakage per line—is also erroneous. Ad Hoc Petition at 5. Ad Hoc further argues that following the methodology we used in originally developing the $25 amount, the surcharge should actually be reduced as a result of the interpretation of § 69.115(e)(6) adopted in the *ARINC Clarification Order*. It claims that because the Commission assumes in footnotes 51 that fewer lines than we originally anticipated actually leak into the local exchange, the total amount of leakage should also be less than we originally assumed. This, it argues, would require a reduction, not an increase, in the surcharge amount.

[9] See *First Reconsideration Order* at para. 88; 47 CFR 69.115(a)-(b).

the surcharge presently underway, maintaining that the requirement in the footnote that exchange carriers support any change in the $25 surcharge amount with "appropriate justification" provides no real standard for review.

8. ADAPSO supports ARINC and Ad Hoc's arguments that footnote 51 lacks support,[10] and that any recalculation of the surcharge amount should only be undertaken in the private line surcharge reevaluation proceeding. HP, claims that in light of the fact that the initial calculation of the $25 figure was "predicated on less than rigorous analysis," the invitation in footnote 51 to recalculate the surcharge level on an ad-hoc basis is inconsistent with fundamental ratemaking principles.

9. NECA opposes the ARINC and Ad Hoc petitions, arguing that to deny carriers the opportunity to file revised tariffs would be contrary to the public interest and the statutory scheme of carrier-initiated tariffs. NECA contends further, along with BellSouth, that footnote 51 simply allows exchange carriers the opportunity to recover their costs and recognizes the interrelationships between the surcharge and carrier common line revenue requirement. NYNEX rejects the petitioners' arguments that the recalculation provided for in footnote 51 is not subject to any meaningful review, contending that the "just and reasonable" standard of the Communications Act would apply. Further, NYNEX argues that it would not be appropriate to defer any recalculation of the amount of the surcharge to the comprehensive private line surcharge reevaluation, because any order resulting from that reevaluation would not apply retroactively.

2. *Discussion.*—10. While ARINC and Ad Hoc characterize footnote 51 as inviting reevaluation of the private line surcharge on a case-by-case basis, we view it merely as providing exchange carriers with the opportunity to make one, relatively simple adjustment in the amount of the surcharge to reflect the interpretation of § 69.115(e)(6) of our rules that ARINC petitioned for and Ad Hoc supported. As we stated in the *ARINC Clarification Order*, when we upheld $25 as an appropriate amount in the *Second Reconsideration Order*, we did not consider that users could partition or otherwise modify their PBXs so as to block leakage. In granting ARINC's petition, we held that exempting lines terminating in such PBXs from the surcharge was consistent with our intent in promulgating the "not-capable-of-leakage" exemption in § 69.115(e)(6). Nevertheless, we also recognized that, as a result of adopting ARINC's interpretation of that exemption, it was possible that fewer lines than we anticipated in the *Second Reconsideration Order* would be subject to the surcharge, although total leakage would probably not decrease. The adjustment provided for in footnote 51 would simply permit exchange carriers to take this interpretation into account in setting the surcharge level.[11]

11. Furthermore, we do not believe it is appropriate to await the outcome of the pending comprehensive reevaluation of the private line surcharge before allowing for an increase in the surcharge amount along the lines indicated in footnote 51. As NYNEX points out, any change in the surcharge amount or the overall surcharge approach that we adopt in that rulemaking proceeding will not be retroactive; and it was our intent in footnote 51 to provide for the possibility of adjustments in the surcharge amount in the current period. Accordingly, the ARINC and Ad Hoc petitions for reconsideration are denied.

III. API Petition for Further Clarification

A. Pleadings

12. In its petition, API contends that any private line subscriber that has paid surcharges on its hardware- or software-restricted lines is entitled to a retroactive refund, with interest, upon "appropriate documentation" that such surcharges have been paid. In support of its petition, it submits sample affidavits from users who state that they have made such payments. Alternatively, API requests that the Commission require that credits be granted against current amounts due for amounts already collected. API maintains that refunds or credits are mandated by the Commission's interpretation of § 69.115(e)(6) in the *ARINC Clarification Order*, which it claims makes clear that an exemption for restricted private lines has been in effect since that section was adopted. It notes that the Commission is authorized to order refunds under section 204 of the Communications Act[12] and contends that failure to do so in this case would constitute unjust enrichment of the exchange carriers.

13. ARINC agrees with API that the requirement for refunds is implicit in the reasoning underlying the *ARINC Clarification Order*. HP, in support of API's alternative request that credits be extended for improper payment of surcharge amounts, asserts that it has contacted the interexchange carriers to whom it has paid the "improper" charges and notified them that it will begin deducting "appropriate" amounts from its private line bills until the improper surcharge payments have been recovered. HP states that it has so far received no objection to this approach.

14. A number of exchange carriers opposing API's Petition note that in its comments supporting ARINC's initial petition, API had requested that the Commission order refunds and that, by not granting that request in the *ARINC Clarification Order*, we implicitly rejected compulsory refunding. API, together with ARINC and Ad Hoc, responds to this contention by arguing that had the Commission intended to allow retention of surcharge amounts previously collected from subscribers with "blocked" private lines, it would have had to resolve the tax issue raised in ARINC's initial petition, but not addressed in the *ARINC Clarification Order*,—i.e., whether assessment of the surcharge on such private lines constitutes imposition of an unlawful tax.

15. GTE, BellSouth, and Ameritech[13] contend that the affidavits submitted by

[10] ADAPSO contends that our estimate of leakage has consistently been inflated and, therefore, our initial estimate of the average amount of leakage per private line subject to the surcharge (and thus, the amount of the surcharge itself) should remain unaffected by recognition that a smaller number of private lines than originally anticipated actually leak. Moreover, it contends that if we were to adjust downward our estimate of the total amount of leakage to reflect our determination that certain private lines are incapable of leakage, the total amount of revenue generated by the surcharge should also decrease. ADAPSO Comments at 3–4.

[11] Ad Hoc and ADAPSO, in contending that the surcharge level should be unchanged or perhaps even reduced as a result of the interpretation adopted in the *ARINC Clarification Order (see supra* notes 8 and 10), have misconstrued footnote 51. Contrary to these parties' assertions, we did not say that fewer lines than originally anticipated *actually look into the local exchange*, but rather, that fewer lines than originally anticipated *are subject to the surcharge*. Since we concluded that the total amount of leakage over private lines has probably remained about the same (based on our assumption, which we again find reasonable, that those lines that qualify for the exemption from the surcharge have engaged in minimal leakage), an increase in the surcharge amount would be justified in order to recover the same total contribution from the smaller number of lines subject to the surcharge. Ad Hoc's further argument that the surcharge should be reduced because the nonpremium monthly access charge is no less than the $400–500 figure that was used in the *First Reconsideration Order* to calculate the $25 amount was fully addressed in the *Second Reconsideration Order* at para. 124.

[12] 47 U.S.C. 204 (1982).

[13] Ameritech's comments were filed one day late. It accompanied its comments with a motion to accept a late-filed pleading, identifying mechanical difficulties and messenger failure as the reasons for the delay in filing. The comments were served on the appropriate parties in a timely manner, and no party has opposed Ameritech's motion. Because no prejudice will result to any party, we are granting the motion.

API do not provide a sufficient basis for refunds and that only those subscribers who submitted exemption certifications, as required by § 69.115(e)(6) of our rules, should be eligible for any refund. These carriers, along with Pacific Bell, express the concern that granting API's petition would be an open invitation to misrepresentation on the part of subscribers, who could be expected to claim that their PBXs were blocked, whether in fact they were or not. These exchange carriers note that they would have no means of verifying such claims. API argues in response that carriers have failed to document any instances of customer misrepresentation since the self-certification program took effect and that most private line subscribers have valid business reasons for restricting leakage and no reason to cheat. It further notes that its members did not attempt to submit certifications before the *ARINC Clarification Order* was issued because they wanted to comply with Commission rules, and the carriers represented that the lines in question did not qualify for the exemption and demanded payment of the surcharge. In API's view, its members and other private line subscribers acted "prudently" in relying on these carrier representations in deciding not to seek exemptions for their private lines attached to hardware-or software-restricted PBSx.

16. The exchange carriers also dispute API's contention that § 69.115(e)(6) has effectively exempted restricted private lines from August 25, 1984, the date the surcharge became effective, arguing that in the *ARINC Clarification Order*, the Commission clearly changed the assumptions underlying § 69.115(e)(6). While agreeing that the Commission has authority to order a refund, BellSouth argues that a finding of unlawfulness, not made in the *ARINC Clarification Order*, is a condition precedent to granting a refund. Ameritech maintains that tariff provisions, as well as statutory and case law, preclude the granting of refunds under the circumstances of this case.[14]

17. In response to API's argument that their retention of surcharge amounts already paid on restricted private lines would constitute unjust enrichment, GTE, BellSouth, and NYNEX state that there is no evidence that exchange carriers acted unreasonably and for this reason, the exchange carriers should not be penalized. GTE contends that there is no unjust enrichment, but rather a potential shortfall resulting from the Commission's interpretation of § 69.115(e)(6). A number of exchange carriers contend that if refunds were granted, a retroactive increase in the common carrier line charge or in the surcharges applied to non-exempt private lines would be necessary to prevent an inequitable revenue loss. They assert, however, that such a course would be replete with administrative problems. API argues in response that the "delicate balance" between the carrier common line requirement and the private line surcharge is insufficient justification for denying its petition. It maintains that (i) carriers have failed to establish the interrelationship of these two charges; (ii) the amount of revenue from the private line surcharge, even before refunds are considered, is drastically lower than anticipated; and (iii) the Commission may order refunds even if the effect would be to reduce a carrier's prescribed rate of return.

B. Discussion

18. We are aware of the fact that, prior to the *ARINC Clarification Order*, a number of users may have been paying the $25 surcharge on private lines that terminated in a PBX blocked, by software restrictions or otherwise, from leaking calls into the local exchange. However, we also believe that many exchange carriers assessed the surcharge against these users believing in good faith that our rules, and their tariffs implementing our rules, so required. Accordingly, we find unconvincing the arguments of API and supporting user groups that the challenged exchange carrier practice represent a blatant disregard of our rules that has resulted in customer abuse and unjust enrichment. As we stated in the *ARINC Clarification Order*, in adopting the § 69.115(e)(6) exemption to the private line surcharge, we did not focus on the possibility that PBXs and other similar device could be rendered incapable of interconnecting private lines to the local exchange; and hence, the text of the rule itself and the relevant discussion in the *Second Reconsideration Order* are somewhat ambiguous on the question whether the exemption applies to such blocked lines. While we answered this question in the affirmative in clarifying the rule, we did not, and do not, find that the exchange carriers, in adopting a contrary interpretation, could reasonably be charged with acting in bad faith.

19. On the other hand, we do not agree with those exchange carriers who argue that an absence of bad faith is determinative on the question of their liability to subscribers who properly sought exemptions from the surcharge for their blocked private lines in compliance with the rules. We conclude that the exchange carriers should have granted those exemptions and that those users are entitled to refunds for the surcharge amount they have paid on those lines. But an exemption from the surcharge did not automatically attach to private lines as a consequence of the subscriber instituting blocking arrangements in its PBX. Rather, under § 69.115(e)(6) it was necessary for the subscriber to certify to the exchange carrier that its private lines had been rendered incapable of leakage. This certification requirement, while a minimal burden on users, is an important component of the exemption process.

20. We agree with a number of exchange carriers who contend that the affidavits submitted by API with its petition are insufficient documentation to support a claim for refund. It is our view that only a user who complied with the requirements of § 69.115(e)(6) and submitted appropriate certification at the time it sought an exemption should be able to obtain a refund for the period commencing with the submission.[15] API contends that its members did not try to certify due to demands by exchange carriers for payment and a desire to comply with our rules. However, we believe that the more "prudent" course

[14] According to Ameritech, NECA's special access tariff, which went into effect on August 24, 1984, included a Commission-prescribed revision requiring a deferred collection plan to accommodate private line customers submitting an exemption certification provided for in § 69.115(e)(6) within 90 days of the effective day of the tariff. National Exchange Carrier Association—Tariff F.C.C. No. 1, Special Access Surcharge, Mimeo No. 5955, para. 9 (released August 10, 1984). This plan, according to Ameritech, indicates that the Commission did not contemplate any retroactive adjustment where a customer certified an eligible line after the 90-day period. Ameritech Comments at 9–10. Additionally, Ameritech contends that *Arizona Grocery Co.* v. *Atchison, T. & SF Ry Co.*, 284 U.S. 370 (1932), in which the Supreme Court ruled that an agency may not award retroactive refunds of rates that it has "approved or prescribed," precludes retroactive adjustment of surcharge payments. It maintains that the Commission prescribed not only the $25 surcharge, but also its application until an exemption certificate is filed. Ameritech Comments at 19–20. Finally, Ameritech contends that, even assuming that the $25 surcharge is "carrier-initiated" and not Commission-prescribed, refunds are not available. It argues that refunds are allowed pursuant to section 204(a) of the Communications Act, 47 U.S.C. 204(a), only when carrier-made rates that go into effect subject to an accounting order are subsequently determined to be unjustified. If no section 204 accounting order is involved, a customer's only recourse, according to Ameritech, is a complaint for damages. *Id.* at 14–15.

[15] Certifications submitted during the initial 90-day implementation period for the special access surcharge should, pursuant to the terms of the relevant NECA tariff, apply retroactively to the effective date of the tariff. *See supra* note 14.

of action would have been for these users to have submitted certifications and, after they were rejected, paid the surcharge amount under protest, the course apparently taken by ARINC, the original petitioner in this proceeding. Only under such circumstances do we believe that a refund is warranted.[16]

21. We find the approach to refunds adopted in this Order to be reasonable and equitable in light of the acknowledged previous ambiquity of § 69.115(e)(6) and the problems of verfication. All we are requiring of private line subscribers is compliance with our rules to qualify for an exemption.

22. Finally, we reject the contention of API, ARINC, and Ad Hoc that allowing telephone companies to apply the surcharge to lines that do not leak constitutes unlawful taxation. The fact that a rate for a particular telephone company service or facility does not reflect the costs of that service or facility, but a distribution of costs to promote the general purposes of the Communications Act, does not render that rate a tax.[17] Furthermore, the parties' tax argument proves too much: The surcharge still applies to subscribers who may not in fact leak if they do not have partitioned PBXs, or if they qualify for the § 69.115(e)(6) exemption but fail to submit an appropriate certification. In any event, the requirement in § 69.115(e)(6) of our rules that a subscriber submit a certification to receive an exemption from the surcharge is a reasonable one, and those subscribers who complied with it will be eligible for refunds.

IV. Ordering Clauses

23. Accordingly, it is hereby ordered, That pursuant to 47 U.S.C. 154(i) and (j), 201, 202, 203, 205, 218, and 403, the petitions for reconsideration and further clarification are granted to the extent set forth in this *Memorandum Opinion and Order*, and are otherwise denied.

24. It is further ordered That the Motion to Accept Late-Filed Pleading filed by Ameritech is granted.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

The following parties submitted oppositions to, or comments on the petitions for reconsideration:

Ad Hoc Telecommunications Users Committee (Ad Hoc)
Aeronautical Radio, Inc. (ARINC)
American Satellite Company (ASC)
Association of American Railroads (AAR)
Association of Data Processing Service Organizations, Inc. (ADAPSO)
BellSouth Corporation (BellSouth)
Central Committee on Telecommunications of the American Petroleum
Institute and the Utilities Telecommunications Council (API)
Hewlett-Packard Company (HP)
National Exchange Carriers Association, Inc. (NECA)
New York Telephone Company and New England Telephone and Telegraph
Company (NYNEX)

The following parties submitted replies to the petitions for reconsideration:

AAR
Ad Hoc
ARINC
Tele-Communications Association (TCA)

The following parties submitted oppositions to, or comments on, the API Petition for Further Clarification:

Ameritech Operating Companies (Ameritech)
American Telephone and Telegraph Company (AT&T)
ARINC
Bell Atlantic Telephone Companies (Bell Atlantic)
BellSouth
GTE Service Corporation (GTE)
HP
NECA
NYNEX
Pacific

The following parties submitted replies to the API Petition:

Ad Hoc
API
TCA

[FR Doc. 85-25100 Filed 10-21-85; 8:45 am]
BILLING CODE 6712-01-M

[16] The tariff provisions, cited by Ameritech *supra note* 14, do not restrict an award of refunds in the circumstances of this case. The deferred payment plan and accompanying refund provisions of the tariff were found to be the best alternative for solving the billing and collection problems attendant to the initial implementation of the private line surcharge. *See* NECA Tariff FCC No. 1, Memorandum Opinion and Order (Bureau Order), Transmittal No. 11, Mimeo No. 5595, paras. 9-10 (released August 10, 1984). Not only do the tariff provisions apply solely to the original implementation period, but they also address only entitlement to refunds due pursuant to billing and collection procedures and not entitlement upon misapplication of the surcharge. Moreover, contrary to Ameritech's contention, the *Arizona Grocery* case does not limit our ability to provide for refunds in this case. *Arizona Grocery* involved a change in a prescription, not a misapplication by the carrier of a prescribed charge—the situation that prevails here. We did not change our surcharge rules in the *ARINC Order*, but clarified that those rules provide an exemption for subscribers with blocked PBXs. The carriers' misinterpretation of our rules, though arguably made in good faith, was their own; and their denial of surcharge exemptions to customers who certified that they had implemented blocking arrangements in their PBXs was a carrier-initiated action and subject to refunds if unreasonable, as the *ARINC Clarification Order* found it to be. In any event, Ameritech appears to rely on the *Arizona Grocery* case only to argue that refunds should not be provided to subscribers who failed to certify their lines as exempt, which we have determined the exchange carriers are not required to do. For similar reasons, Ameritech's argument that section 204(a) limits our ability to provide for refunds in this case is misplaced. Section 204(a) sets out a mechanism for providing refunds when the Commission permits a new or revised tariff provision to go into effect subject to an investigation and subsequently determines that such provision is unlawful. As discussed above, the *ARINC Clarification Order* dealt only with a clarification of an exemption provided for in both the rules and the exchange carriers access tariffs that had been misapplied by certain carriers. Section 204(a) does not apply to that clarification nor restrict our ability to order the refunds provided for herein.

[17] As noted in the *Second Reconsideration Order*, the application of the surcharge, which is assessed by and paid to the local telephone company, to privately supplied private lines—that is, to facilities not supplied by the local telephone company—would raise certain taxation concerns. *See Second Reconsideration Order* at para. 133n. 58.

Proposed Rules

Federal Register
Vol. 50, No. 204
Tuesday, October 22, 1985

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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Administrative and Judicial Review in Immigration Proceedings

AGENCY: Administrative Conference of the United States; Committee on Judicial Review.

ACTION: Notice; Request for Comments.

SUMMARY: The Administrative Conference's Committee on Judicial Review is considering a tentative recommendation of the subject of adminstrative and judicial review of orders in immigration proceedings. The tentative recommendation proposes some changes in the jurisdiction of the agency units that hear administrative appeals in these cases as well as in the jurisdiction of the federal courts in immigration cases. It also suggests changes in the structure and organization of the Board of Immigration Appeals within the Department of Justice. The committee seeks views and information to assist it in the consideration of the tentative recommendation.

DATES: Comment Deadline: November 6, 1985. Comments received after the deadline will be considered to the extent feasible; however, the committee will meet to discuss the tentative recommendation November 12, 1985, and any comments received after that time cannot be considered at all.

ADDRESSES: Send comments to: Mary Candace Fowler, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. One copy is sufficient.

FOR FURTHER INFORMATION CONTACT: Mary Candace Fowler, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037; (202) 254-7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference's Committee on Judicial Review is considering a recommendation that would rationalize the allocation of various orders in administrative immigration proceedings to particular forums for administrative or judicial review. The tentative recommendation calls for the Justice Department to review its regulations governing the forum for administrative review of immigration orders, and to assign some orders now reviewed by the Administrative Appeals Unit in the office of the Associate Commissioner for Examinations within the Immigration and Naturalization Service (I.N.S.) to the Board of Immigration and Appeals within the Executive Office for Immigration Review. The tentative recommendation suggests that the Board of Immigration Appeals be given statutory recognition and that various measures be taken to increase the independence of the Board from the Attorney General. Finally, the recommendation suggests certain changes in federal court jurisdiction over immigration appeals, most significantly a provision for direct review of exclusion orders in the courts of appeals. The recommendation is based on a report prepared for the Administrative Conference by Professor Stephen H. Legomsky, copies of which are available on request.

The committee has not reached any firm conclusions with respect to the tentative recommendation and welcomes the submission of views and information related to any aspect of the recommendation. However, we particularly invite interested persons to comment on the following issues:

1. What would be the likely impact (in terms of workload, quality of decisionmaking, etc.) of consolidating all administrative appeals of denials of visa petitions in one reviewing body—either the Board of Immigration Appeals (B.I.A.) in the Executive Office of Immigration Review or the Administrative Appeals Unit (A.A.U.) under the Associate Commissioner for Examinations in the I.N.S.? How effective and efficient are these entities in handling their existing caseloads?

2. If the B.I.A. were to adopt a 3-member panel system, to what extent should *en banc* review of panel decisions be available? Should review of split panel decisions be automatic or available only in the Board's discretion (either on motion of a Board member or in response to a petition)? Should *en banc* review of unanimous panel decisions be available at the behest of the I.N.S. Commissioner or the Attorney General, in order to permit further consideration of legal or policy issues those officials deem especially important? Should it be available under any other circumstances? Would the answers to these questions change if the size of the B.IA. were increased from 5 to 7 or more members?

3. Should Board of Immigration Appeals members be appointed by the Attorney General or by the President with the advice and consent of the Senate? If they were presidentially appointed, would it be appropriate for the Attorney General to retain power to reverse the Board's decisions?

4. Assuming that the actual instance of Attorney General review of B.I.A. decisions were to remain infrequent, as it is now, what standards should guide the Attorney General in determining which cases are appropriate for review—the presence of foreign policy or national security-related issues, prevalence of discretionary considerations over technical legal issues more appropriate for B.I.A. *en banc* resolution, or other considerations? Should the recommendation identify such standards?

The committee will meet on November 12 to consider the tentative recommendation and any comments received. Further notice of the exact time and place of the meeting will be published in the Federal Register. All comments submitted to the committee will be placed in a file available for public inspection during regular business hours (9:00 AM to 5:30 PM Monday through Friday, excluding federal holidays) at the Office of the Chairman of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

Proposal On Which Comments Are Requested:

Draft Recommendation—Administrative and Judicial Review in Immigration Proceedings

The Immigration and Nationality Act of 1952, as amended, requires the Justice Department to make two major types of decisions affecting aliens—the exclusion of aliens seeking to enter the United States and deportation of those already in the country. The Act and the accompanying regulations also require a

host of collateral decisions concerning visa petitions, waivers of grounds for exclusion or deportation, adjustment of status from non-immigrant to permanent resident, and many other immigration-related matters. Responsibility for making these decisions resides in two very different types of officials. Immigration judges, who are part of the Justice Department's Executive Office for Immigration Review, conduct formal evidentiary hearings in deportation, exclusion, and certain other proceedings. District directors and their subordinates are part of the Immigration and Naturalization Service (I.N.S.). They decide numerous other matters in far less formal proceedings. While the immigration judges have only adjudicative responsibilities, the district directors are principally responsible for the administration and enforcement of the immigration laws within their local geographic districts.

Similarly, there are two channels of administrative appeal for the Justice Department's Immigration decisions. The Board of Immigration Appeals (B.I.A.), like the immigration judges, is located within the Executive Office of Immigration Review. The Board reviews almost all immigration judge decisions and some district director decisions. It is composed of five attorney members, all of whom normally participate in every case. It reviews cases *de novo* on the basis of the administrative record and publishes precedential opinions binding on the immigration judges and on the I.N.S.

Twenty-five other categories of district director decisions are appealable to the Associate Commissioner for Examinations, an I.N.S. policymaking official whose appellate jurisdiction has been subdelegated to the Administrative Appeals Unit (A.A.U.). In that unit, cases are decided *de novo* by individual non-attorney staff members and reviewed by the unit chief. The A.A.U. does not ordinarily publish its decisions.

Most of the administrative decisions made under the Immigration and Nationality Act are judicially reviewable under one of the several statutory review provisions. Final orders of deportation are reviewable exclusively in the federal courts of appeals, except that aliens held in custody under deportation orders may seek habeas corpus relief in district court. Final exclusion orders are reviewable only by habeas corpus in district court. The district courts also have jurisdiction in "all [other] causes. . . . arising under any of the provisions of this title."

The current regulations specify with a high degree of clarity which immigration decisions are administratively appealable and to which appellate body, but reasons for the various assignments are not always evident. In contrast, the existing statutory scheme of judicial review is generally sound. A few substantive changes would nonetheless be in order, and a few clarifications of ambiguous statutory language are recommended as well.

The factors that should influence the choices of forum for both administrative review and judicial review of administrative adjudication can be developed through a three-part methodology: (1) identify those attributes of the possible review forums that affect the accuracy, the efficiency, the acceptability, or the consistency of the administrative process; (2) identify the attributes cases might possess that would affect the importance to be attached to the various forum attributes; (3) determine the extent to which those case attributes tend to be present in the particular class of cases under consideration.

In Recommendation 75-3, the Administrative Conference set forth criteria to guide Congress in selecting the appropriate forum for judicial review of administrative agency action. Using the methodology described above, the present recommendation suggests some additional criteria and describes ways in which that expanded list of factors, with only slight modification, can be employed also to select a forum for administrative review. Applying those criteria, the recommendation then suggests forums for both administrative review and judicial review for various classes of immigration decisions.

Recommendation

A. Forum for Administrative Review

1. The Justice Department should undertake a comprehensive review of its regulations governing the assignment of forums for administrative review of immigration orders. In revising the regulations, it should make the following specific case assignments:

a. Appeals from orders of deportation and exclusion should continue to be heard by the Board of Immigration Appeals (B.I.A.).

b. Appeals from orders rescinding adjustment of status should continue to be heard by the B.I.A.

c. All appeals from district directors' denials of visa petitions should be heard by the B.I.A.; thus orphan, fiance(e), and occupational petitions should be transferred from the Administrative Appeals Unit (A.A.U.) to the B.I.A.

d. If administrative appeals from district directors' denials of waivers of the grounds of exclusion under section 212(c) of the Immigration and Nationality Act (applicable to aliens who are returning to a lawful unrelinquished domicile in the United States of seven years) are preserved,* they should continue to be heard by the B.I.A.

e. Appeals from district directors' denials of waivers under sections 212(h) and 212(i) of the Act (applicable to certain close relatives of American citizens and permanent residents) should be transferred from the A.A.U. to the B.I.A.

f. Appeals from district directors' denials of applications to waive the two-year foreign residence requirement for exchange visitors should be transferred from the A.A.U. to the B.I.A.

g. Appeals from denials of waivers under section 212(d)(3) of the Act (applicable to nonimmigrants) should be transferred from the B.I.A. to the A.A.U.

h. Appeals from district director's denials of applications for permission to reapply for administration after exclusion or deportation should continue to be heard by the A.A.U.

2. In reexamining the other categories of B.I.A. and A.A.U. jurisdiction, the Justice Department should consider the following factors to the extent applicable:

a. Factors favoring selection of the B.I.A. for a particular class of cases include (i) high likelihood of a substantial impact on the litigants; (ii) the prevalence of issues of law or discretion, particularly when the public impact of a decision will be widespread; (iii) the desirability of providing for judicial review of the class of cases in the courts of appeals.

b. Factors favoring selection of the A.A.A. for a particular class of cases include (i) a high volume of cases; (ii) the prevalence of questions of descriptive fact, rather than issues of law or discretion; (iii) high likelihood that the reviewing court will need to take additional evidence.

c. Once one class of cases is committed to a particular review forum, there is benefit in assigning to that same forum (i) other classes of cases tending to raise similar issues and (ii) other cases which, if sent elsewhere, would frequently result in the bifurcation of

*A pending Justice Department proposals would eliminate administrative appeals from these orders. The issue of whether these orders should be administratively appealed is beyond the scope of this recommendation.

proceedings affecting the same individual.

d. If, in a given class of cases, a high proportion of appeals consists of frivolous actions brought for the purpose of delay, then the speedier tribunal will be advantageous.

e. With all else equal, the status quo should be preserved.

B. Structure and Independence of the Board of Immigration Appeals

1. The B.I.A. should adopt a three-member panel system for deciding cases. En banc review of panel decisions should be available only in the following circumstances: (a) at the request of the I.N.S. Commissioner or the Attorney General; or (b) in the discretion of the B.I.A., when the alien petitions for review of a split panel decision.

2. If necessary to accommodate the case transfers recommended in part A above, the B.I.A.'s membership should be slightly increased.

3. Congress should enact legislation to give the B.I.A. statutory recognition. Under the legislation, the B.I.A. should remain within the Department of Justice. Its members should be appointed by the President and confirmed by the Senate for fixed terms of office, subject to removal for good cause. The statute should confer jurisdiction over deportation, exclusion and rescission orders, and should authorize the Attorney General to expand the Board's jurisdiction further.

4. The Attorney General should retain the power to review individual B.I.A. decisions. In accordance with current practice, this power should be exercised only in extraordinary circumstances.

C. Judicial Review

1. In general, those factors that favor administrative review in the B.I.A. will also favor placing judicial review of administrative action in the courts of appeals, and those factors that favor administrative review in the A.A.U. will favor placing judicial review in the district courts. Two additional factors influencing selection of a judicial forum are the availability of constitutionally-mandated habeas corpus review, which should be assigned to the district courts, and the likelihood of a high rate of appeals from district court decisions, which favors direct court of appeals review.

2. Congress should make the following specific changes:

a. District judicial review of exclusion orders (currently reviewable only by habeas corpus in district court) should lie in the U.S. courts of appeals, as does direct review of deportation orders. For both deportation and exclusion cases, however, the U.S. district courts should retain their existing jurisdiction over petitions for writs of habeas corpus.

b. The courts of appeals, rather than the district courts, should have exclusive jurisdiction to review orders rescinding adjustment of status.

c. Congress should authorize the courts of appeals, in their discretion, to assert pendent jurisdiction over other orders issued under the Immigration and Nationality Act affecting aliens who are seeking review of exclusion or deportation orders.

d. Section 279 of the Immigration and Nationality Act, which has generated unnecessary jurisdictional questions and is now superfluous, should be repealed or, at a minimum, amended to clarify that it is subject to the specific judicial review provisions of the Act.

List of Subjects in 1 CFR Part 305

Administrative practice and procedure; Immigration.

Richard K. Berg,

General Counsel.

October 18, 1985.

[FR Doc. 85-25274 Filed 10-21-85; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-103-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 Series Airplanes (Fuselage Numbers 1 Through 1087)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) 85-01-02 applicable to certain McDonnell Douglas Model DC-9 and Military C-9 series airplanes (Fuselage Number 1 through 1087) that requires inspections and repairs, if necessary, of certain aft pressure bulkheads. This proposal would require a modification of certain airplanes that is referenced in the existing AD as an optional terminating action. This proposed amendment is necessary to clarify the intent of AD 85-01-02, regarding those airplanes modified in accordance with McDonnell Douglas DC-9 Service Bulletins 53-139, 53-139 R1, or production equivalent.

DATES: Comments must be received no later than December 10, 1985.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-103-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2824.

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 communication 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 proposal contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-103-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The FAA issued Airworthiness Directive 85-01-02, Amendment 39-4978 (50 FR 2043; January 15, 1985), because of reports of cracks found in the ventral aft pressure bulkhead. Prior to the issuance of AD 85-01-02, McDonnell Douglas attempted to develop an inspection program for those aft pressure bulkheads modified to McDonnell Douglas DC-9 Service Bulletins (SB) 53-139, 53-139 R1, or production equivalent, for cracks similar to those which occurred during fatigue testing. Due to the various splice interfaces and materials used (in accordance with SB's 53-139, 53-139 R1, or production equivalent), it is extremely difficult to establish whether or not a viable repair was accomplished. The principal constraint is accessibility, which requires significant disassembly of the adjacent structure. Both eddy current and X-ray procedures are compromised by the installation of steel parts. Visual inspections are blocked by the straps in the upper corners.

McDonnell Douglas was unsuccessful in developing a viable inspection procedure for those modified bulkheads, and recommended that operators incorporate terminating action in accordance with McDonnell Douglas DC-9 Service Bulletin 53-165 prior to accumulating 15,000 cycles after January 31, 1983. The FAA also determined that, if the operators disassembled the bulkhead area to gain accessibility needed to perform the inspections, they would elect to complete the terminating action in accordance with SB 53-165. It was the intent of AD 85-01-02 to mandate modification of the affected airplanes in accordance with SB 53-165 prior to the accumulation of 15,000 cycles, due to the fact that no practical repetitive inspection alternative is available.

This proposed rule would amend AD 85-01-02 to clarify the intent of the inspection and repair requirements regarding those airplanes modified in accordance with McDonnell Douglas Service Bulletins 53-139, 53-139 R1, or production equivalent.

It is estimated that 221 airplanes of U.S. registry would be affected by this AD, that it would take approximately 245 manhours per airplane to accomplish the required action, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,165,800.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-9 and C-9 airplanes are operated by small entities. 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

PART 39—[AMENDED]

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

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

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

2. By amending AD 85-01-02, Amendment 39-4978 (50 FR 2043; January 15, 1985), as follows:

McDonnell Douglas: Applies to Model DC-9 and Military C-9 series airplanes (Fuselage Numbers 1 through 1087), certificated in any category. Compliance required as indicated, unless previously accomplished.

A. Revise paragraph A. to read as follows:

"A. Except for those airplanes that are subject to paragraph K., below, for airplanes with 15,000 or more landings. . . ."

B. Re-identify paragraphs K. through P. as L. through Q., respectively. Add a new paragraph K. to read as follows:

"K. For aircraft previously modified in accordance with DC-9 Service Bulletin 53-139 (basic), or Revision 1, or production equivalent, accomplish rework of the aft pressure bulkhead in accordance with Part 2 of the Accomplishment Instructions of SB 53-165 prior to the accumulation of 5,400 cycles after the effective date of this amendment."

C. Revise re-identified paragraph L. to read as follows:

"L. The following constitutes terminating action compliance for this AD: For airplanes not previously modified in accordance with DC-9 Service Bulletin 53-139 (basic and Revision 1), or production equivalent, modify in accordance with DC-9 Service Bulletin 53-166, R1, or later FAA approved revision."

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60)

These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on October 11, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-25060 Filed 10-21-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-ACE-12]

Proposed Designation of Transition Area; West Plains, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at West Plains, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the West Plains Municipal Airport, West Plains, Missouri, utilizing the West Plains, Missouri, Non-Directional Radio Beacon (NDB) as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATES: Comments must be received on or before November 25, 1985.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-540, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMS should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

Discussion

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at West Plains, Missouri. To enhance airport usage, a new instrument approach procedure is being developed for the West Plains, Missouri, Municipal Airport, utilizing the West Plains NDB as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at West Plains, Missouri, at and above 700 feet above ground level within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A, dated January 2, 1985.

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.

The Proposed Amendment

PART 71—[AMENDED]

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

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. By amending § 71.181 as follows:

West Plains, Missouri

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the West Plains Municipal Airport (latitude 36°52'43"N, longitude 91°54'08"W), within 3 miles each side of the West Plains NDB (UNO) (latitude 36°52'42"N, longitude 91°54'02"W) 185° bearing extending from the 7 mile radius to 8.5 miles south of the West Plains NDB.

Issued in Kansas City, Missouri on October 11, 1985.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 85-25061 Filed 10-21-85; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 33-6607; 34-22510; IC-14749; File No. S7-45-85]

Prohibition Against Trading by Persons Interested in a Distribution

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing for public comment amendments to Rule 10b-6 under the Securities Exchange Act of 1934 which proscribes certain conduct by persons who are participating in a distribution of securities. If adopted, the amendments would: permit underwriters and broker-dealers involved in a distribution of securities to engage in solicited brokerage transactions until two or nine business days before offers or sales of the securities being distributed; define the applicability of the rule to certain persons who are affiliated with underwriters, brokers, dealers, or others participating in a distribution; reduce the restrictions on the exercise of standardized call options by distribution participants; and provide a parallel formulation of the cooling-off periods within Exceptions (xi) and (xii) of the Rule. Additionally, the amendments would modify the Rule's preamble to more fully reflect the authority for the provisions of the Rule, and codify the Commission's position that a distribution participant may rely on the Rule's exceptions only if the contemplated transactions are not made for manipulative purposes.

DATE: Comments should be submitted on or before December 23, 1985.

ADDRESSES: Interested persons should submit six copies of their written data, views, and opinions to John Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 and should refer to File No. S7-45-85. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 1024, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Nancy J. Burke or Stephen M. Piper at 202-272-2848, Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background and Summary of Amendments

The Securities and Exchange Commission is publishing for public comment amendments to Rule 10b–6 ("Rule 10b–6" or "Rule")[1] under the Securities Exchange Act of 1934 ("Exchange Act").[2] The proposed amendments cover certain issues left open by the Commission during its comprehensive review and revision of Rule 10b–6 in 1983,[3] including solicited brokerage transactions; bids and purchases by affiliates of underwriters, brokers, dealers, and other persons participating in a distribution; and the exercise of exchange-traded call options. The proposed amendments also would codify the Commission's position that the Rule's exceptions may be relied upon only if the contemplated transaction does not have a manipulative purpose, and would conform the formulation of the cooling-off periods within paragraphs (a)(3)(xi) and (xii) of the Rule.[4]

Rule 10b–6 is an anti-manipulative rule that, subject to certain exceptions, prohibits persons who are engaged in a distribution of securities from bidding for or purchasing, or inducing other persons to bid for or purchase, such securities, any security of the same class and series as those securities, or any right to purchase any such security, until they have completed their participation in the distribution. The purpose of the Rule is to prevent participants in a distribution from artificially conditioning the market for the securities in order to facilitate the distribution. The Rule is designed to protect the integrity of the securities trading market as an independent pricing mechanism and thereby enhance investor confidence in the marketplace. The Rule contains thirteen exceptions to its general prohibitions which are designed to facilitate an orderly distribution of securities or limit disruption in the trading market for the securities being distributed.

Rule 10b–6 was adopted in 1955 [5] and in large measure codified principles established in prior administrative interpretations and proceedings concerning trading activity in connection with distributions of securities.[6] Since its adoption, Rule 10b–6 has been and continues to be an important means of ensuring that the marketplace is free from manipulative activities during a distribution of securities. In 1983 the Commission adopted comprehensive amendments ("1983 Amendments") [7] that were designed to accommodate the Rule, to the extent consistent with its anti-manipulative purposes, to the significant changes in the structure and operation of the securities markets, in offering techniques, and in business needs and practices that had occurred since the Rule's adoption. In this regard, the Commission revised the Rule to permit underwriters and dealers to continue solicited principal purchases until specified periods before the commencement of offers or sales in the distribution [8] and adopted a corresponding exception for such purchases by issuers, selling shareholders, and their "affiliated purchasers." [9] A new exception to the Rules was created for transactions in investment grade nonconvertible debt or preferred securities.[10] Also, the 1983 Amendments defined the term "distribution" for purposes of Rule 10b–6 [11] and made revisions to several of the Rule's exceptions. Many of these amendments codified staff interpretations and Commission decisions, and significantly reduced the necessity for persons subject to the Rule to seek interpretative advice or exemptive relief.

Although the Commission's examination of the Rules at that time was wide-ranging and the resulting amendments comprehensive, there were several areas in which the Commission indicated that further experience, comment, and study were warranted before additional amendments to the Rule should be considered. These areas included solicited brokerage transactions, the application of the Rule to affiliates of underwriters, brokers, and dealers, and the exercise of exchange-traded call options. Since the adoption of the 1983 Amendments, a number of persons have responded to the Commission's request for views and data on the operation of the Rule, and have suggested further modifications to the Rule.

The Commission has had the opportunity to further examine Rule 10b–6, gain experience with the operation and impact of the 1983 Amendments, and evaluate further developments in the securities markets. The Commission believe that certain additional amendments to the Rule are appropriate at this time. The amendments proposed today would:

—Relax the current restrictions on the ability of distribution participants to engage in solicited brokerage transactions;

—Define the applicability of the Rule to affiliates of distribution participants; and

—Expand the circumstances in which distribution participants could exercise call options overlying the securities that are the subject of the distribution.

In addition, the Commission is proposing two clarifying amendments to the Rule. These amendments would:

—Modify the Rule's preamble to more fully reflect the authority for the provisions of the Rule, and codify the Commission's position that the Rule's exceptions may be relied upon only if the contemplated activity is not for the purpose of creating actual, or apparent, active trading in or raising or maintaining the price of the security; and

—Revise the formulation of the cooling-off periods in Exceptions (xi) and (xii) with respect to securities not qualifying for the business day cooling-off period.

II. Discussion of Proposed Amendments

A. Solicited Brokerage

1. Background and Proposals. Rule 10b–6 prohibits a participant in a distribution from bidding for or purchasing, or inducing any other person to purchase, the security that is the subject of the distribution, or any

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[1] 17 CFR 240.10b–6.

[2] 15 U.S.C. 78a *et seq.*

[3] Securities Exchange Act Release No. 19565 (March 4, 1983), 27 SEC Docket 656 (March 22, 1983), 48 FR 10628 (March 14, 1983).

[4] 17 CFR 240.10b–6(a)(3)(xi) and (xii) ("Exception (xi)" and "Exception (xii)," respectively).

[5] Securities Exchange Act Release No. 5194 (July 5, 1955). *See also* Securities Exchange Act Release Nos. 5040 (May 18, 1954) (publishing proposals for comment) and 5159 (April 19, 1955) (publishing revised proposals for comment).

[6] *See, e.g.*, Securities Exchange Act Release Nos. 3505 and 3506 (November 16, 1943) (Opinions of the Director of the Commission's Trading and Exchange Division relating to the application of the anti-manipulative and antifraud provisions of the Exchange Act and the Securities Act of 1933, 15 U.S.C. 77a *et seq.* ("Securities Act"), to the purchasing activities of distribution participants during a distribution of securities).

[7] Securities Exchange Act Release No. 19565 (March 4, 1983), 27 SEC Docket 656 (March 22, 1983), 48 FR 10628 (March 14, 1983) ("1983 Adopting Release"). *See also* Securities Exchange Act Release No. 18528 (March 3, 1982), 24 SEC Docket 1420 (March 16, 1982), 47 FR 11482 (March 16, 1982) (publishing proposed amendments for comment) ("1982 Proposing Release").

[8] *See* Exception (xi).

[9] *See* Exception (xii). The amendments also added a definition of "affiliated purchaser" to specify those persons who would be subject to the Rule by virtue of their relationship with the issuer or other person on whose behalf the distribution was being made. 17 CFR 240.10b–6(c)(6).

[10] *See* 17 CFR 240.10b–6(a)(3)(xiii) ("Exception (xiii)").

[11] *See* 17 CFR 240.10b–6(c)(5).

related security (*i.e.*, any security of the same class and series, or any right to purchase any such security) from the time such person becomes a participant in the distribution until the distribution has been compeleted.[12] The Rule thus prohibits a participating broker-dealer from soliciting brokerage transactions throughout the distribution period. Such transactions are referred to as solicited brokerage.[13]

In the 1983 Adopting Release, the Commission stated that, while it declined at that time to follow the suggestions of some commentators on this issue, the Commission would consider whether there were any circumstances under which broker-dealers should be permitted under Rule 10b–6 to effect solicited brokerage transactions before commencement of offers and sales in a distribution.[14]

Various persons subsequently have urged the Commission to regulate solicited brokerage in the same manner as principal transactions.[15] Such persons maintain that, in that normal course of business, solicited brokerage transactions generally do not present any significantly greater potential for manipulative abuse than solicited principal transactions.[16] The Commission's differentiation between principal and solicited brokerage transactions has been based primarily on two factors. First, principal transactions generally involve the assumption of some market risk by the broker-dealer which may place limits on the degree to which the broker-dealer can engage in such activity. Second, many principal transactions of broker-dealers reflect market making and block positioning activity which provides substantial benefits in the form of market liquidity. Commentators have argued, however, that, although brokerage transactions do not involve use of the broker-dealer's capital or inventory, the solicited customer must make an independent, affirmative decision to buy the recommended security. It has been asserted that if a customer responds favorably to a broker's solicitation, the securities transaction generally will occur immediately following or shortly after the solicitation. Therefore, the cooling-off periods that apply to principal transactions also would be appropriate to discourage manipulative activity and dissipate the effects of market activity by distribution participants in the context of solicited brokerage.

In light of these considerations, the Commission believes that the premises underlying the adoption of the two and nine[17] business day cooling-off periods for principal purchases in Exception (xi)(A) be compatible with permitting solicited brokerage with the same cooling-off periods, since the market impact of solicited brokerage transactions should dissipate within the cooling-off periods prescribed in Exception (xi).[18] The Commission therefore is proposing to relax the restrictions on solicited brokerage by amending Exception (v) to permit a broker-dealer participating in the distribution to engage in solicited brokerage (1) in the case of securities qualified under paragraph (a)(3)(xi)(A) of the Rule, prior to the later of two business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, and (2) in the case of other securities, prior to the later of nine business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution.[19]

2. *Continuing Agreements.* In the 1983 Adopting Release, the Commission reiterated its view that a broker-dealer with a continuing agreement[20] with an issuer to sell, from time to time, securities that are registered on the shelf pursuant to Rule 415 under the Securities Act would be required to be out of the market during the entire cooling-off period before any offers or sales of the security being distributed.[21]

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[12] Pursuant to 17 CFR 240.10b–6(a)(3)(vi), the distribution participant can induce persons to purchase the securities that are actually being distributed.

[13] In contrast, 17 CFR 240.10b–6(a)(3)(v) ("Exception (v)"), presently permits a broker-dealer to engage in unsolicited brokerage activities, *i.e.*, where a customer initiates a securities transaction in the absence of any inducement by the broker-dealer, throughout the distribution period. It should be noted that where either side of a brokerage transaction is unsolicited, a broker may solicit the other side and still rely on Exception (v). For example, where a seller approaches a broker with an unsolicited order to sell securities, the broker may solicit a customer to purchase such securities under Exception (v). Similarly the solicitation of a sell order is permitted if the broker first receives an unsolicited order to purchase securities. *See* 1983 Adopting Release, 48 FR at 10637 n.52.

[14] 1983 Adopting Release, 48 FR at 10637.

[15] *See, e.g.*, Letter to Richard G. Ketchum, Director, Division of Market Regulation, Securities and Exchange Commission, from William R. Harmon, Chairman, Federal Regulation Committee, Securities Industry Association (December 17, 1984), which is publicly available in File No. S7–45–85.

Exception (xi) to Rule 10b–6 allows an underwriter, prospective underwriter, or dealer participating in a distribution to, among other things: (1) Effect solicited principal transactions prior to a specified cooling-off period before the commencement of offers or sales in the distribution; and (2) effect unsolicited principal purchases prior to the commencement of offers and sales in the distribution. The exception reflects the desirability of maintaining depth and liquidity in the market for the issuer's securities to the maximum extent possible consistent with the anti-manipulative objectives of the Rule.

[16] The Commission notes, however, that solicited brokerage activities prior to the commencement of offers and sales in a distribution may raise questions under section 5 of the Securities Act, 15 U.S.C. 77e. *See* 1983 Adopting Release, 48 FR at 10637.

[17] Although this cooling-off period currently is formulated in terms of ten business days, the Commission is proposing to modify the formulation in recognition of the fact that the cooling-off period actually is nine business days. *See* Section II.E. *infra*. In this release, therefore, the cooling-off period will be referred to as the "nine business day" period.

[18] Once a customer is solicited, any subsequent order he enters to purchase the particular security is considered a solicited brokerage transaction for purposes of the Rule. Thus, under the proposal announced herein, a broker-dealer participating in a distribution could not solicit a transaction or execute an order based on a prior solicitation during the applicable proposed cooling-off period.

[19] The issuance of certain research reports may constitute inducements to purchase. The Commission, however, has recently clarified that, in most circumstances, research reports that conform to Rule 139 under the Securities Act of 1933, 17 CFR 230.139, will not constitute prohibited inducements to purchase for purposes of Rule 10b–6 ("permissible research reports"). *See* Securities Act Release No. 6550 (September 19, 1984), 49 FR 37569, 37572 & n.25 (September 24, 1984), 31 SEC Docket 559, 562 & n.25 (October 2, 1985) ("Rule 139 Release"). The Commission does not intend these proposed amendments to alter the research report interpretation.

The Rule 139 Release indicated that dissemination of permissible research reports might involve a solicited brokerage transaction, *e.g.*, if such research is directed to particular customers by the broker-dealer's sales personnel, and thus be outside the scope of Exception (v). Under the proposed amendment to Exception (v), such customer-directed permissible research reports could be disseminated up until the specified cooling-off period, although customer orders resulting from such research dissemination could not be executed during the cooling-off period. *See* n.18 *supra*.

As is made clear by the proposed amendment to paragraph (a)(3) of the Rule, *see* Section II.D. *infra*, the proposed exception for solicited brokerage is not available for transactions that are engaged in for manipulative purposes. Moreover, under Rule 15cl–6 under the Exchange Act, 17 CFR 240.15cl–6, the broker-dealer must notify the customer in writing of its interest in the distribution of the security that it is recommending that the customer buy in the open market. If the proposed relaxation of the restrictions on solicited brokerage were adopted, that rule would provide another safeguard on the potential for manipulative abuse of solicited brokerage prior to a cooling-off before the commencement of actual offers and sales in the distribution.

[20] Generally, a broker-dealer that agrees with the issuer to participate in all offerings, or in all of a particular type of offering, of shelf registered securities, *see* Rule 415, 17 CFR 230.415, under the Securities Act is considered to have a "continuing agreement" with the issuer and to be a participant in all offerings of the type for which it has such an agreement with the issuer. 1983 Adopting Release, 48 FR at 10636.

[21] 1983 Adopting Release, 48 FR at 10635–36.

The Commission observed that, because of the close and continuing relationship between the issuer and the broker-dealer regarding various aspects of the offering, and the certainty of its participation in the offering, a broker-dealer with a continuing agreement may have an incentive to condition the market to facilitate the distribution. Broker-dealers with continuing agreements were deemed to be distribution participants throughout the period of the shelf, and thus would be subject to the Rule's prohibitions on solicited brokerage throughout the term of the shelf. Because this position potentially created some hardship for broker-dealers with continuing agreements, the Commission announced that the staff would not recommend that the Commission take enforcement action if broker-dealers with continuing agreements engage in solicited brokerage transactions ten or more business days before commencement of offers or sales of shelf-registered securities in the case of any offers or sales made subsequent to an initial offering pursuant to an effective shelf registration.[22]

At this time, the staff does not propose to modify this no-action position. However, if the proposed amendment to Exception (v) were adopted, the cooling-off periods applicable to solicited brokerage also would apply in the context of offers and sales off of a shelf.[23] The Commission invites commentators to address the impact of the present and proposed formulations of the Rule on underwriters with continuing agreements and, in particular, the extent to which such underwriters are prevented in practice from engaging in solicited brokerage transactions.

B. Affiliates of Distribution Participants

1. *Background and Discussion.* Rule 10b–6 applies to the issuer or other person on whose behalf a distribution is being made, the underwriter, any prospective underwriter, and any broker, dealer, or other person who is participating or has agreed to participate in such a distribution. Before the adoption of the 1983 Amendments, Rule 10b–6 applied as well to all affiliates of the foregoing persons.[24]

The 1983 Amendments narrowed the Rule's coverage from the perspective of the issuer and selling shareholder by adding the "affiliated purchaser" concept to paragraph (a)(2) and defining that term in paragraph (c)(6) of the Rule.[25] Exception (xii) also was added to Rule 10b–6 and allows purchasers of covered securities as principal by the issuer, selling shareholder, or the affiliated purchasers of such issuer or selling shareholder, prior to a specified cooling-off period before the commencement of actual offers or sales in the distribution.[26] In proposing these revisions, the Commission noted that the definition of affiliated purchaser "reflects the view that purchases by affiliates who are acting in concert with the issuer or who control the issuer's purchasing determinations may present more potential for manipulative activity than purchases by other affiliates."[27]

When the 1983 Amendments were adopted, however, the Commission declined to narrow the affiliate concept as it applied to underwriters, prospective underwriters, brokers, and dealers participating in the distribution of securities.[28] Moreover, the Commission has not addressed the extent to which affiliates of a "person who has agreed to participate or who is participating"[29] in a distribution should remain subject to the Rule.[30] As a result, all affiliates of those persons (collectively, "participants") remain subject to the restrictions of the Rule.

Within the past several years, complex corporate structures have resulted from the concentration of the financial services industry, and the industry continues to develop in ways that are often unpredictable. Moreover, a growing number of firms offer diversified financial and other services, often through separate but affiliated entities. For example, brokerage firms may have affiliates engaged in such unrelated businesses as merchandizing and real estate. Many of these affiliates may have little or no ability or incentive to condition the market to facilitate a distribution by the broker-dealer, and, in some instances, may have interests contrary to those of the broker-dealer affiliate.

In the 1983 Adopting Release, the Commission invited comments and suggestions with respect to revising the Rule to define more precisely its application to affiliates of participants.[31] Two correspondents have addressed this issue. One correspondent suggested that the Commission adopt the concept of "affiliated purchaser" used in Rule 10b–(c)(6) whereby an affiliate of a participant would be subject to the Rule if the affiliate (i) acted in concert with the participant, or (ii) the participant or the affiliate controlled the other's purchases or their purchasing activity was under common control.[32] The other correspondent recommended that only those affiliates acting in concert with a participant should be subject to the Rule and also indicated support for the affiliated purchaser approach under the Exchange Act.[33]

The Commission, however, does not believe that the present "affiliated purchaser" definition in Rule 10b–6(c)(6) is sufficiently comprehensive in the participant context, because it may not capture all those persons with the means and incentive to facilitate a distribution of securities. Of primary concern to the Commission are entities that have a special ability to facilitate a

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[22] 1983 Adopting Release, 48 FR at 10638.

[23] Since a broker-dealer with a continuing agreement remains a participant in the distribution throughout the shelf period, it would be prohibited from engaging in solicited brokerage during the entire cooling-off period. This restriction is consistent with the Commission's position with respect to the application of Exception (xi) cooling-off periods to broker-dealers with continuing agreements. *See* 1983 Adopting Release, 48 FR at 10637–38.

[24] 1983 Adopting Release, 48 FR at 10632.

[25] 17 CFR 240.10b–6(c)(6) defines "affiliated purchaser" as:

(i) A person acting in concert with the issuer or other person on whose behalf the distribution is being made in connection with the acquisition or distribution of the issuer's securities, or

(ii) An affiliate who, directly or indirectly, controls the purchases by the issuer or other person of the issuer's securities, whose purchases are controlled by the issuer or such other person, or whose purchases are under common control with those of the issuer or such other person.

[26] Prior to the adoption of Exception (xii), issuers, selling shareholders, and their affiliates were prohibited throughout the distribution from purchasing the securities being distributed or any related security.

[27] 1982 Proposing Release, 47 FR at 11488.

[28] 1983 Adopting Release, 48 FR at 10633.

[29] 17 CFR 240.10b–6(a)(3).

[30] To determine whether certain persons were covered by Rule 10b–6 owing to their relationship as an affiliate of an underwriter, prospective underwriter, broker, dealer, or other person who agrees to participate or does participate in a distribution ("participants"), the staff has looked to whether a person was acting in concert with, or controlled, was controlled by, or was under common control with, a participant. In addition, the prohibitions of the Rule have been considered applicable to any other person sharing a special relationship with a participant, or who has a material financial interest in the success of the distribution, which would provide that person with an incentive to condition the market to facilitate the distribution of the offered security. *See* 1983 Adopting Release, 48 FR at 10632 n.23.

[31] 1983 Adopting Release, 48 FR at 10633.

[32] Letter of John S.R. Shad, Chairman, Securities and Exchange Commission, from Saul S. Cohen, Chairman, Federal Regulation Committee, Securities Industry Association (August 31, 1983), which is publicly available in File No. S7–921.

[33] Letter to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, from Edmund H. Kerr, Chairman, Committee on Securities Regulation, The Association of the Bar of the City of New York (July 8, 1983), which is publicly available in File No. S7–921.

distribution in which an affiliate is participating because the entity is itself engaged in the securities business. Entities such as brokers, dealers, investment advisers, and investment companies could facilitate an affiliate's distribution by purchasing the securities for their own accounts or for their customers' accounts, or by recommending that their customers purchase the securities. Such an entity may have an incentive to facilitate the affiliate's distribution even if such entity is not acting in concert with the affiliate, and even if such entity's purchases are not controlling, controlled by, or under common control with, those of the affiliate engaged in the distribution.

For example, the purchasing activities of an asset management affiliate of a participant might not be under common control with those of the participant, and the affiliate might not be acting in concert with the distribution participant, but the affiliate might nevertheless have an incentive to facilitate the offering if many of its accounts are obtained by referral from the participant. Similarly, if an investment advisory affiliate indirectly shares in the economic success of an affiliated participant, through, for example, a profit sharing plan, the investment company may have the incentive to facilitate the distribution by the participant by purchasing the subject securities on the basis of a purportedly independent investment decision.[34]

The Commission believes that the same analysis applies with equal force to issuers and selling shareholders. Issuer and selling shareholder affiliates that are engaged in the securities business have the same immediate and efficient access to the securities markets as participant affiliates do. These issuer and selling shareholder affiliates may have an incentive to facilitate a distribution by the issuer or selling shareholder even though the affiliate is not acting in concert nor are the affiliate's purchases controlling, controlled by, or under common control with those of the issuer or selling shareholder. For example, if a merchandise retailer were engaged in a distribution of its securities, a number of its affiliates might have an incentive to facilitate the distribution. Those affiliates, such as broker-dealers and insurance companies, that, as a regular part of their business, engage in securities transactions, may employ their securities market access and resources in a manipulative manner. Therefore, the current affiliated purchaser definition (which applies only to issuers and selling shareholders) would be modified and incorporated into the proposed definition of affiliated purchased applicable to all distribution participants.

2. Proposed Amendment. The Commission therefore proposes to adopt an amendment to Rule 10b–6 that would limit the strictures of the Rule as it applies to a distribution participant [35] who is an underwriter, prospective underwriter, dealer, broker, or other person who has agreed to participate or is participating in the distribution, and would make the Rule applicable in a parallel manner to affiliates of the issuer or other person on whose behalf the distribution is being made. The Rule as proposed to be amended would apply to any person who (a) directly or indirectly acts in concert with a distribution participant, (b) is an affiliate that, directly or indirectly, controls the purchases by a distribution participant, whose purchases are controlled by a distribution participant, or whose purchases are under common control with those of a distribution participant, (c) is an affiliated broker, dealer, investment company, or investment adviser, or (d) is an affiliate that otherwise regularly purchases securities, through a broker-dealer or otherwise, for its own account or for the account of others, or recommends or exercises investment discretion with respect to the purchase or sale of securities.[36]

The Rule as proposed to be amended would be applicable to a substantially reduced class of distribution participant affiliates. Assuming that they were not acting in concert with a distribution participant, affiliates that are involved in leasing, realty sales and management, sale of consumer durables, or other businesses that do not regularly involve participation in securities transactions, would not be subject to the Rule's restrictions. Although such affiliates may have some incentive to facilitate a distribution, they do not have the immediate and effective means to do so because they are not involved in the securities business.

The proposed amendment, however, would include within the Rule's coverage distribution participant affiliates that are registered with the Commission as broker-dealers, investment companies, or investment advisers. Other affiliates that regularly engage in securities transactions, but, for certain reasons, are not registered with the Commission, also would be included within the proposed definition of affiliated purchaser, since such affiliates have the means and may have the incentive to faciliate a distribution involving the distribution participant. This category of affiliated purchasers would include, for example, insurance companies, banks, and hedge funds.

In summary, the proposed definition of affiliated purchaser would subject to the Rule: (1) Any person that acts in concert with a distribution participant in connection with the acquisition or distribution of the security which is the subject of the distribution (or any related security); (2) any affiliate whose purchases of such securities are controlling, controlled by, or under common control with the purchases of a distribution participant; and (3) with certain exceptions, any affiliate that regularly purchases securities for its own account or for the account of others, or recommends or exercises investment discretion with respect to the purchase or sale of securities.

In some instances, an affiliate that falls within the coverage of the Rule may be able to show that, for certain reasons, it nevertheless should be free

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[34] The Commission also notes that the New York Stock Exchange ("NYSE") and the American Stock Exchange ("Amex") have proposed rule changes to permit broker-dealers to become affiliated with specialists on those exchanges. Securities Exchange Act Release No. 22396 (September 11, 1985), 50 FR 37925, 33 SEC Docket 1635; Securities Exchange Act Release No. 22183 (June 28, 1985), 50 FR 27875 (July 8, 1985), 33 SEC Docket 909 (July 16, 1985) (File No. SR–NYSE–85–25); Securities Exchange Act Release No. 21916 (April 2, 1985), 50 FR 14058 (April 9, 1985), 32 SEC Docket 1439 (April 16, 1985) (File No. SR–Amex–85–1). The exchanges have proposed that, in order to address conflict of interest concerns, a "Chinese Wall" would be established between the broker-dealer and the specialist affiliate. If the broker-dealer were participating in an underwriting of securities for which the affiliate acts as specialist, however, the specialist would be required to "hand off the book" to a substitute specialist from the beginning of the Rule 10b–6 cooling-off period until the completion of the distribution. While the Commission is expressing no opinion as to the merits of the proposed rule changes, the suggested approach appears to be a recognition by the securities industry of the staff's position that certain affiliations are inherently problematic with respect to compliance with Rule 10b–6, even where the affiliate's bidding or purchasing activity is not performed in concert with, or under the control of, the broker-dealer.

[35] A definition of "distribution participant" would be added to the Rule that would encompass (a) the issuer or other person on whose behalf the distribution is being made, and (b) an underwriter, prospective underwriter, dealer, broker, and any other person who has agreed to participate or is participating in the distribution.

[36] The proposed amendment, however, would exclude any affiliate in categories (c) and (d) above whose business consists of solely effecting transactions in "exempted securities" as defined in section 3(a)(12) of the Exchange Act.

to operate without regard to the Rule during periods when an affiliated entity is participating in a distribution. For example, an affiliate may able to show that its corporate structure results in its having no economic stake in the success or failure of the distribution participant, and that competing forces, such as fiduciary or other statutory obligations, effectively preclude it from facilitating the distribution. In these instances, the Commission would consider requests for exemptive relief on a case-by-case basis.[37]

C. Exercise of Call Options

1. Background. In the 1983 Amendments, the Commission incorporated into Exceptions (xi) and (xii) a five business day cooling-off period for the exercise of exchange-traded call options on securities qualifying for the two business day cooling-off period under Exception (xi)(A) or (xii)(A) ("qualified securities"). The imposition of a cooling-off period for the exercise of exchange-traded call options generally was criticized by commentators who claimed that the exercise of exchange-traded call options has a *de minimis* impact on the market for the underlying security. Moreover, they asserted that exercising call options would be an inefficient method of manipulating the market for the underlying security since it is not certain that a person who receives an exercise notice, even if he had an uncovered position, would purchase the securities in the market to deliver upon the exercise.[38] The Commission nevertheless expressed its "continuing concern that some potential exists for manipulation" in that context.[39] The Commission's analysis focussed on the fact that some percentage of option writers are uncovered and when presented with an exercise notice will purchase securities in the market to cover the exercise. The exercise of call options by a distribution participant, therefore, could cause others to purchase in the market securities of the same class and series as those being distributed. As a result, such exercises would have the effect of inducing the option writer to purchase the securities being distributed. The inducement of such purchases in expressly prohibited by Rule 10b–6. As a result, the Commission determined that a five business day cooling-off period would minimize the probability that purchases resulting from options exercises will occur during the two business day cooling-off period for qualified securities. However, the Commission stated that it would "continue to consider whether exercise limits and general antifraud and anti-manipulative provisions make possible a further reduction of the cooling-off period or its eventual elimination."[40]

Following the adoption of the 1983 Amendments, the Commission received suggestions that the Commission reconsider its decision to impose the five-day cooling-off period.[41] Proponents of shortening or eliminating the cooling-off period continue to maintain that the exercise of call options on a security has an uncertain and a *de minimis* impact on the market for the security, principally because most call options contracts are covered, that is, they are written against securities already owned, so that exercise notices do not create any need to purchase securities. Furthermore, it is claimed that uncovered writers frequently deliver borrowed securities when they are assigned exercise notices, thereby making the possibility of significant market impact even more remote. Others suggest that regulations such as position and exercise limits,[42] coupled with the general antifraud rules under the Exchange Act, further reduce the manipulative potential of call option exercises, and provide an ample basis for enforcement action if manipulation is attempted.

The Commission continues to believe that the exercise of call options results in some market impact where option exercises are assigned to call options written on an uncovered basis, and where covered option writers purchase stock in the open market when they receive exercise notices. The Commission is continuing to consider the proper balancing of the possible manipulative potential inherent in the exercise of call options during a distribution against the burden imposed on underwriters and broker-dealers by limits on their ability to exercise proprietary options positions while participating in a distribution. As a result, the Commission is proposing two alternative approaches that would provide greater flexibility to distribution participants to exercise call options overlying qualified securities that are the subject of the distribution.

2. Proposed Alternative Amendments With Respect to Call Option Exercises. Under the first alternative, the current five business day cooling-off period in Exceptions (xi) and (xii) would be eliminated, and the prohibition on the exercise of call options [43] for qualified securities would begin upon the commencement of offers or sales in the distribution. The second alternative would permit distribution participants to exercise call options throughout the distribution period where such call option positions were established prior to the time that the person became a distribution participant.[44] With respect to call option positions established after the time that the person became a distribution participant, the present five business day cooling-off period would be retained.[45]

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[37] Shortly after the adoption of the 1983 Amendments to Rule 10b–6, the Commission received a request for exemptive relief from an investment adviser registered under the Investment Advisers Act of 1940 to allow it to make for its discretionary managed accounts purchases of securities being distributed by an affiliated broker-dealer, and to recommend the purchase of the securities being distributed by the affiliated broker-dealer. In order to gain experience with purchases by affiliates of a broker-dealer participating in a distribution, the Division of Market Regulation, pursuant to delegated authority, granted an exemption in the very limited circumstances presented by that case. This is the only instance when it has been determined that, in light of the relationship between the distribution participant and the affiliate, the purchases and inducements to purchase did not appear to present any of the abuses that Rule 10b–6 was designed to prevent. *Letter concerning Alliance Capital Management Corporation* (June 24, 1983).

[38] For example, delivery could be accomplished with borrowed securities.

[39] 1982 Adopting Release, 48 FR at 10637.

[40] *Id.* (footnote omitted).

[41] *See* the letters cited in nn.32 & 33 *supra*.

[42] Position limits impose a ceiling on the number of options contracts of each class on the same side of the market that can be held or written by an investor or group of investors acting in concert. Exercise limits prohibit the exercise by an investor or group of investors acting in concert of more than a specified number of puts or calls in a particular underlying security within five consecutive business days. Such limits are intended to prevent the establishment or exercise of large options positions that can be used to manipulate or disrupt the market in the underlying securities.

[43] As discussed below, the Commission also is proposing to substitute the term "standardized" for "exchange-traded" call options in the Rule.

[44] This alternative also would require a companion amendment to Exception (vii) of the Rule. 17 CFR 240.10b–6(a)(3)(vii).

As discussed in the 1982 Proposing Release, 47 FR at 11485,

A distribution commences at the point when the incentive to engage in manipulative conduct is first present. Accordingly, with respect to the issuer, a distribution generally is deemed to commence at the time that a determination to go forward with the public offering is made. An underwriter is deemed to be a participant in a distribution from the time it reaches an agreement with the issuer with respect to a future public offering.

[45] Of course, as reflected in the amendment discussed in Section II.D *infra*, neither the present exception nor the alternative proposed exceptions would be available where the options are exercised for manipulative purposes.

In addressing these alternative proposals, the Commission requests that commentators focus on the nature and extent of the market impact of the exercise of call options, supplying quantifiable data whenever possible.[46] Commentators are also encouraged to supply details of any instance in which the current restriction on the exercise of call options resulted in economic detriment to a distribution participant.[47] Finally, commentators should specifically consider whether recent increases in exercise and position limits [48] affect the manipulative potential of the ability of distribution participants to exercise call options during a distribution, either under the present Rule or under the alternative proposed revisions.[49]

3. *Standardized Call Options.* The Commission is proposing to change the term "exchange-traded call options" where that term presently is used throughout Rule 10b–6 to "standardized call options" to accommodate the advent of standardized over-the-counter ("OTC") options trading.[50] This change will make clear that the provisions of Exceptions (xi) and (xii) will apply to options on qualified securities traded in the OTC market as well as to exchange-traded options on qualified securities.

D. Clarification of the Authority for Rule 10b–6 and the Availability of Rule 10b–6 Exceptions

The provisions of the Rule have been adopted pursuant to the authority provided by Sections 2, 3, 9(a)(6), 10(b), 13(e), 15(c), and 23(a) of the Exchange Act.[51] The adoption of the Rule under these various provisions is a reflection of the Rule's broad purpose to protect the integrity of the securities trading market as a pricing mechanism free from the influence of the activities of distribution participants.[52] The current preamble to the Rule [53] refers only to Section 10(b) of the Exchange Act. In order to reflect more fully the authority for the Rule's provisions and the broad prophylactic scope of the Rule, the Commission proposes to modify the formulation of the preamble to provide that "it shall be unlawful" for persons covered by the Rule to engage in activities prohibited by the Rule.[54]

The present exceptions to the Rule were adopted because the Commission believed that the manipulative potential of the activity permitted by the exceptions was small,[55] and was generally outweighed by the beneficial effects to the securities markets of permitting the activity. That is not to say, however, that the manipulative potential is nonexistent. Persons who seek to manipulate the market for the securities in distribution, and thereby facilitate the distribution, may attempt to do so by engaging in activities included within the exceptions. The exceptions included within the Rule, however, do not provide "safe harbors" from charges of manipulation with respect to the transactions covered by the exceptions. Accordingly, if persons covered by the Rule engage in otherwise excepted transactions for the purpose of creating actual, or apparent, active trading in or raising or maintaining the price of the security in distribution, the exceptions to the Rule are not available.

At the present time, only Exceptions (xi) and (xii) of the Rule explicitly provide that the transactions permitted by the Exceptions are expected from the Rule "if none of such [transactions] is for the purpose of creating actual, or apparent, active trading in or raising the price of the security." As stated above with respect to the proposed amendments to permit solicited brokerage and the exercise of standardized call options under certain conditions, the proposed exceptions would not be available if the otherwise permitted activity were engaged in for manipulative purposes.

The Commission believes that it would be beneficial to clarify within the Rule the circumstances under which the exceptions from the Rule are available. The proposed amendment to add the phrase "if not for the purpose of creating actual, or apparent, active trading in or raising or maintaining the price of any such security" to the introductory portion of paragraph (a)(3) of the Rule would achieve that result.[56]

E. Reformulation of the Cooling-Off Periods of Exceptions (xi) and (xii)

Exceptions (xi) and (xii) contain different formulations of the cooling-off periods for bids or purchases by distribution participants of (1) stock with a minimum price of five dollars per share and a minimum public float of 400,000 shares ("qualified securities") and (2) other securities. With respect to qualified securities, Exception (xi)(A) permits bids and purchases "prior to the later of two business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution." Exception (xii)(A) permits bids and purchases "prior to two business days before the commencement of offers or sales of the securities to be distributed." [57] With respect to other securities, Exception (xi)(C) permits bids and purchases "by the later of ten or more business days prior to the commencement of offers and sales of the securities to be distributed or the time that such person becomes a participant in the distribution." Exception (xii)(C) similarly permits bids and purchases "by ten or more business days before the commencement of offers

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[46] At present, the Commission has insufficient data to determine the percentage of call option contracts that are covered, the percentage of covered writers who deliver securities already owned, and the percentage of covered writers who purchase or borrow securities to deliver upon receiving an option exercise notice. The Commission encourages commentators to address these issues and to supply quantifiable data to the extent that is is feasible to do so.

[47] The Commission notes that underwritings tend not to be scheduled near the expiration date of related options, which is the period when exercise is most economically viable.

[48] *See* Securities Exchange Act Release No. 21907 (March 29, 1985), 50 FR 13440 (April 4, 1985), 32 SEC Docket 1422 (April 16, 1985).

[49] Inasmuch as a broker-dealer has full discretion over its managed accounts, the restrictions imposed under either alternative would be deemed to apply to such accounts as well. Commentators may wish to review Securities Exchange Act Release No. 17609 (March 6, 1981), 46 FR 16670 (March 13, 1981), 22 SEC Docket 394 (March 24, 1981), concerning these matters. *See also* 1983 Adopting Release, 48 FR at 10637 n.50.

[50] *See, e.g.*, Securities Exchange Act Release No. 22028 (May 8, 1985), 50 FR 20310 (May 15, 1985), 33 SEC Docket 15 (May 21, 1985).

[51] 15 U.S.C. 78b, 78c, 78i(a)(6), 78j(b), 78m(e), 78o(c), and 78w(a). *See, e.g.*, 1983 Adopting Release, 48 FR at 10630; Securities Exchange Act Release No. 5194 (July 5, 1955).

[52] See 1982 Proposing Release, 47 FR at 11483; *see also* Piper v. Chris-Craft Indus., Inc., 430 U.S. 1, 43 (1977), *rehearing denied*, 430 U.S. 976 (1977); Fitzgerald, De Arman & Roberts, Inc., Securities Exchange Act Release No. 21137 (July 12, 1984), 30 SEC Docket 1378, 1384 (July 24, 1984).

[53] 17 CFR 240. 10b–6(a).

[54] The proposed revision also will reflect the Commission's intention to use its full authority under Sections 2, 3, 9(a)(6), 10(b), 13(e), 15(c), and 23(a) of the Exchange Act, including the Commission's authority thereunder to adopt rules that are "reasonably designed to prevent" fraudulent, deceptive, and manipulative acts and practices. *See* Sections 13(e)(1) and 15(c)(2), 15 U.S.C. 78m(e)(1) and 78o(c)(2).

[55] *See, e.g.*, 1983 Adopting Release, 48 FR at 10631 (Exception (xiii) proposal "reflected the Commission's belief that the fungibility of certain investment grade debt securities makes manipulation of their price very difficult.")

[56] The language to the same effect currently in Exceptions (xi) and (xii) would be deleted.

The proposed language will make it clear that transactions by distribution participants or their affiliated purchasers that are for the purpose of maintaining or stabilizing the price of the security in distribution are prohibited unless the stabilizing transactions comply with Rule 10b–7, 17 CFR 240.10b–7. *See* section 9(a)(6) of the Exchange Act, 15 U.S.C. 78i(a)(6); SEC v. Scott Taylor & Co., 183 F. Supp. 904, 908 (S.D.N.Y. 1959); 17 CFR 240.10b–6(a)(3)(viii). *Cf.* Securities Exchange Act Release No. 3505 (November 16, 1943).

[57] Exceptions (xi)(B) and (xii)(B), which provide a cooling-off period with respect to the exercise of exchange-traded call options, are similarly worded.

or sales of the securities to be distributed."

As the Commission has noted previously, the formulation with respect to other securities in essence requires a cooling-off period of nine business days.[58] The Commission believes that the current formulation of the cooling-off period in Exceptions (xi)(C) and (xii)(C) is archaic, inconsistent with the formulation of the other cooling-off periods in the Exceptions, and may be confusing to persons affected by the Rule.[59]

Accordingly, the Commission proposes to reformulate Exceptions (xi)(C) and (xii)(C) to conform them to the clearer language used in the other cooling-off periods in Exceptions (xi) and (xii).

III. Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis has been prepared in accordance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 603), and concerns the effect of proposed amendments to Rule 10b–6 on small entities. At this time the Commission is unable to determine the costs to small entities of complying with the proposed amendments to Rule 10b–6. However, the Commission believes that, if there is a "significant economic impact on a substantial number of small entities," this impact will not be adverse, since the primary thrust of the proposed amendments is to clarify the application of Rule 10b–6, codify existing Commission positions, and lessen the restrictions of Rule 10b–6 in a number of circumstances. Nevertheless, this analysis was prepared because of the uncertainty concerning the effects of the proposed amendments on small entities.

A. Reasons for Proposed Action

Rule 10b–6 is an anti-manipulative rule that, subject to certain exceptions, prohibits persons who are engaged in a distribution of securities from, directly or indirectly, bidding for or puchasing, or inducing other persons to purchase, such securities, any security of the same class and series as those securities, or any right to purchase any such security, until they have completed their participation in the distribution. The purpose of the Rule is to prevent participants in a distribution from artificially conditioning the market for the securities in order to facilitate the distribution. The Rule is designed to protect the integrity of the securities trading market as an independent pricing mechanism and thereby enhance investor confidence in the marketplace.

Rule 10b–6 was adopted in 1955 and in large measure codified principles established in prior administrative interpretations and proceedings concerning trading activity in connection with distribution securities. Since its adoption, Rule 10b–6 has been and continues to be an important means of ensuring that the marketplace is free from manipulative activities during a distribution of securities. In 1983 the Commission adopted comprehensive amendments that were designed to accommodate the Rule, to the extent consistent with its anti-manipulative purposes, to the significant changes in the structure and operation of the securities markets, in offering techniques, and in business needs and practices that had occurred since the Rule's adoption.

The Commission has had the opportunity to further examine Rule 10b–6, gain experience with the operation and impact of the 1983 Amendments, and evaluate further developments in the securities markets. The Commission believes that certain additional amendments to the Rule are appropriate at this time.

B. Objectives

If adopted, these amendments would: permit underwriters and broker-dealers involved in a distribution of securities to engage in solicited brokerage transactions until two or nine business days before offers or sales of the securities being distributed; define the applicability of the Rule to certain persons who are affiliated with issuers, underwriters, brokers, dealers, and others participating in a distribution; reduce the restrictions on the exercise of standardized call options by distribution participants; and provide a parallel formulation of the cooling-off periods within Exceptions (xi) and (xii) of the Rule. Additionally, the amendments would expand the Rule's preamble to more fully reflect the authority for the provisions of the Rule, and codify the Commission's position that a distribution participant may rely on the Rule's exceptions only if the contemplated transactions are not made for manipulative purposes.

C. Legal Basis

The proposed amendment would be promulgated pursuant to Sections 2, 3, 9(a)(6), 10(b), (13(e), 15(c) and 23(a) of the Exchange Act (15 U.S.C. 78b, 78c, 78i(a)(6), 78j(b), 78m(e), 78o, and 78w(a)).

D. Small Entities Subject to the Rule

The proposed amendments have the potential to affect all small businesses that anticipate a public offering, all small broker-dealers that participate in the distribution of securities, and some small organizations affiliated with these entities. Rule 157 under the Securities Act defines the terms "small business" and "small organization" as any issuer, other than an investment company, whose total assets on the last day of its most recent fiscal year were $3 million or less and that is engaged in small business financing, *i.e.*, any issuer that engages in or proposes to engage in the offer and sale of its securities that does not exceed the dollar limitations (currently $5 million) prescribed in section 3(b) of the Securities Act. Rule 0–10(c) under the Exchange Act defines the term "small business" or "small organization" as a broker-dealer with total capital (net worth plus subordinated liabilities) of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a–5(d) or, if not required to file such statements, a broker or dealer that had total capital (net worth plus subordinated liabilities) of less than $500,000 on the last business day of the preceding fiscal year (or in the time that it has been in business, if shorter), and is not affiliated with any person (other than a natural person) that is not a small business or small organization.

During 1984, about 600 small businesses engaged in public offerings of less than $5 million. During the same period, about 600 small broker-dealers participated in underwritings. The Commission is unable to determine the number of small entities which were affiliated with these small issuers and borker-dealers and which would have been affected by the proposed amendments had they been in place. At this time the Commission is unable to determine the costs to small entities of complying with the proposed amendments to Rule 10b–6. However, the Commission believes that, if there is a "significant economic impact on a substantial number of small entities," any adverse impact is outweighed by the primary thrust of the proposed amendments, which is to clarify the application of Rule 10b–6, codify existing commission positions, and lessen the restrictions of Rule 10b–6 in a number of circumstances.

[58] 1983 Adopting Release, 48 FR at 10634 n.29.

[59] The Commission understands that many securities practitioners refer to the cooling-off period in Exceptions (xi)(C) and (xii)(C) as the "nine business day period."

E. Reporting, Recordkeeping, and Other Compliance Requirements

The proposed amendments would not impose any additional reporting, recordkeeping, or other compliance requirements.

F. Overlapping or Conflicting Federal Rules

Rule 10b–6 supplements more general antifraud and antimanipulation provisions such as section 9(a)(2) and section 10(b) of the Exchange Act and Rule 10b–5 thereunder. There are no conflicting federal rules.

G. Significant Alternatives

The Regulatory Flexibility Act directs the Commission to consider significant alternatives to the proposal that would accomplish the stated objectives while minimizing any significant adverse economic impact on small entities. The Commission does not believe that the proposed amendments will have an adverse impact on small entities, since the primary thrust of the proposed amendments is as described above. The Commission considered alternative proposals, including those discussed below, but does not believe that such alternative approaches would be consistent with the Commission's statutory mandate of investor protection.

The Commission considered whether the fiduciary obligations of certain affiliates of distribution participants are sufficient protection against manipulative activity and that, therefore, these affiliates should be excepted from the operation of Rule 10b–6. The Commission determined, however, that such an approach would not afford adequate protection for the very significant interests of investors in the integrity of the securities trading market. With respect to call options, the Commission considered and rejected a formulation of the cooling-off period for standardized options parallel to those provided within Exceptions (xi) and (xii). It is the Commission's belief that a two-day cooling-off period would be counter-productive since purchases of securities in response to such options exercises would be likely to occur contemporaneously with the commencement of offers and sales in the distribution of the underlying security. Instead, the Commission has proposed two alternatives in an effort to derive the formulation least burdensome to distribution participants consistent with the overriding considerations of investor protection.

H. Conclusion

The Commission encourages the submission of comments with respect to any aspect of this Initial Regulatory Flexibility Analysis. Based upon these preliminary evaluations of the possible compliance costs and effects upon competition and after receipt of any comments from interested persons, it may be appropriate to conclude that the proposal does not have a significant economic impact on a substantial number of small entities. Comments received will be considered in the preparation, if required, of a Final Regulatory Flexibility Analysis, if the proposed rule amendments are adopted.

IV. Solicitation of Comments

All interested persons are invited to submit written data, views, and arguments concerning the foregoing, including the Initial Regulatory Flexibility Analysis. Persons desiring to make submissions should submit three copies thereof to John Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, not later than December 23, 1985. Reference should be made to File No. S7–45–85. All submissions, including any on the Initial Regulatory Flexibility Analysis, will be placed in File No. S7–45–85 and will be made available for public inspection at the Commission's Public Reference Section, Room 1024, 450 Fifth Street, N.W., Washington, D.C. 20549.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities, Issuers, Broker-dealers, Fraud.

V. Statutory Basis and Text of Proposed Amendments

Pursuant to sections 2, 3, 9(a)(6), 10(b), 13(e), 15(c) and 23(a) of the Exchange Act, 15 U.S.C. 78b, 78c, 78i(a), 78j(b), 78m(e), 78o(c), 78w(a), the Commission proposes to amend §240.10b–6 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

Note.—Arrows indicate text proposed to be added. Brackets indicate text proposed to be removed.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 is amended by adding the following citation, and the authority citation following section 240.10b–6 in Part 240 is removed.

Authority: Sec. 23, 48 Stat. 901, as amended, 15 U.S.C. 78w, * * * § 240.10b–6 also issued under secs. 2, 3, 9(a)(6), 10(b), 13(e), 15(c); 15 U.S.C. 78b, 78c, 78i(a), 78j(b), 78m(e), 78o(c) * * *

2. By revising paragraphs (a) introductory text, (a)(1), (a)(3), introductory text, (a)(3)(v), (a)(3)(vii), (a)(3)(xi), (a)(3)(xii), and (c)(6) of § 240.10b–6 to read as follows:

§ 240.10b–6 Prohibition against trading by persons interested in a distribution.

(a) It shall [constitute a "manipulative or deceptive device or contrivance" as used in section 10(b) of the Act] ►be unlawful◄ for any person,

(1) Who is an underwriter or prospective underwriter in a particular distribution of securities, ►or who is an affiliated purchaser, as that term is defined in paragraph (c)(6) of this section,◄ or

* * * * *

(3) Who is a broker, dealer, or other person who has agreed to participate or is participating in such a distribution, ►or who is an affiliated purchaser of such broker, dealer, or other person, as that term is defined in paragraph (c)(6) of this section,◄ directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, either alone or with one or more other persons, to bid for or purchase for any account in which he has a beneficial interest, any security which is the subject of such distribution, or any security of the same class and series, or any right to purchase any such security, or to attempt to induce any person to purchase any such security or right until after he has completed his participation in such distribution: *Provided, however,* That ►, if not engaged in for the purpose of creating actual, or apparent, active trading in or raising or maintaining the price of any such security,◄ this section shall not prohibit:

* * * * *

(v) Brokerage transactions►:

(A) not involving solicitations of the customer's order, or

(B) involving solicitation of the customer's order (*1*) in the case of securities qualified under paragraph (a)(3)(xi)(A) of this section, prior to the later of two business days before the commencement of offers or sales of the securities to be distributed or the time the broker-dealer becomes a participant in the distribution, or (*2*) in the case of other securites, prior to the later of nine business days before the commencement of offers or sales of the securities to be distributed or the time

the broker-dealer becomes a participant in the distribution;◄ or

* * * * *

Alternative A for Exceptions (xi) and (xii), paragraph (a)(3)(xi) and (xii):

(xi) Bids or purchases by an underwriter, prospective underwriter, or dealer, ►or by an affiliated purchaser (as that term is defined in paragraph (c)(6) of this section),◄ [if none of such bids or purchases is for the purpose of creating actual, or apparent, active trading in or raising the price of the security, and] if all such bids or purchases are made:

(A) In the case of stock with a minimun price of five dollars per share and a minimum public float of 400,000 shares, or any security of the same class and series as such stock, or any right to purchase any such security, except for the exercise of [exchange-traded] ►standardized◄ call options, prior to the later of two business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or

(B) [In the case of the exercise of exchange-traded call options of securities qualified under paragraph (a)(3)(xi)(A) of this section, prior to the later of five business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or (C)] in the case of other securities, [by the later of ten or more business days] ►prior to the later of nine business days before◄ the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or

([D]►C◄) In the case of unsolicited purchases, ►or the exercise of standardized call options of securities qualified under paragraph (a)(3)(xi)(A) of this section,◄ prior to the later of the date of commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution; or

(xii) Bids or purchases by an issuer or other person on whose behalf a distribution is being made or by an affiliated purchaser (as defined in paragraph (c)(6) of this section), [if none of such bids or purchases is made for the purpose of creating actual, or apparent, active trading in or raising the price of the security, and] if all such bids or purchases are made:

(A) In the case of stock with a minimum price of five dollars per share and minimum public float of 400,000 shares, or any security of the same class and series as such stock, or any right to purchase any such security, except for the exercise of [exchange-traded] ►standardized◄ call options, prior to two business days before commencement of offers or sales of the securities to be distributed, or

(B) [In the case of the exercise of exchange-traded call options of securities qualified under paragraph (a)(3)(xii)(A) of this section, prior to five business days before the commencement of offers or sales of the securities to be distributed, or (C)] In the case of olther securities, [by ten or more business days] ►prior to nine business days before◄ the commencement of offers or sales of the securities to be distributed,

([D]►C◄) In the case of unsolicited purchases, ►or the exercise of standardized call options of securities qualified under paragraph (a)(3)(xii)(A) of this section,◄ prior to the date of commencement of offers or sales of the securities to be distributed, or

* * * * *

Alternative B for Exceptions (xi) and (xii), (paragraphs (a)(3)(xi) and (xii)), with companion proposed amendment to Exception (vii), (paragraph (a)(3)(vii)):

(vii) The exercise of any right or conversion privilege, set forth in the instrument governing a security, to acquire any security directly from the issuer►, or the exercise of standardized call options that were acquired prior to the time a person became a participant in the distribution◄; or

* * * * *

(xi) Bids or purchases by an underwriter, prospective underwriter, or dealer, ►or by an affiliated purchaser (as that term is defined in paragraph (c)(6) of this section,◄ [if none of such bids or purchases is made for the purpose of creating actual, or apparent, active trading in or raising the price of the security, and] if all such bids or purchases are made:

(A) In the case of stock with a minimum price of five dollars per share and a minimum public float of 400,000 shares, or any security of the same class and series as such stock, or any right to purchase any such security, except for the exercise of [exchange-traded] ►standardized◄ call options, prior to the later of two business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or

(B) in the case of the exercise of [exchange-traded] ►standardized◄ call options of securities qualified under paragraph (a)(3)(xi)(A) of this section, ►which call options were acquired after the time such person became a participant in the distribution,◄ prior to [the later of] five business days before the commencement of offers or sales of the securities to be distributed [or the time such person becomes a participant in the distribution], or

(C) In the case of other securities, [by the later of ten or more business days] ►prior to the later of nine business days before◄ the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or

(D) In the case of unsolicited purchases, prior to the later of the date of commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution; or

(xii) Bids or purchases by an issuer or other person on whose behalf a distribution is being made or by an affiliated purchaser (as defined in paragraph (c)(6) of this section), [if none of such bids or purchases is made for the purpose of creating actual, or apparent, active trading in or raising the price of the security, and] if all such bids or purchases are made:

(A) in the case of stock with a minimum price of five dollars per share and minimum public float of 400,000 shares, or any security of the same class and series as such stock, or any right to purchase any such security, except for the exercise of [exchange-traded] ►standardized◄ call options, prior to two business days before commencement of offers or sales of the securities to be distributed, or

(B) in the case of the exercise of [exchange-traded] ►standardized◄ call options of securities qualified under paragraph (a)(3)(xii)(A) of this section, ►which call options were acquired after the time that such person became a distribution participant,◄ prior to five business days before the commencement of offers or sales of the securities to be distributed, or

(C) in the case of other securities, [by ten or more business days] ►prior to nine business days before◄ the commencement of offers or sales of the securities to be distributed, or

(D) in the case of unsolicited purchases, prior to the date of commencement of offers or sales of the securities to be distributed; or

* * * * *

(c) * * *

(6)►(i)◄ The term "affiliated purchaser" means:

►(A)◄ a person ►, directly or indirectly,◄ acting in concert with [the issuer or other person on whose behalf the distribution is being made] ►a distribution participant◄ in connection

with the acquisition or distribution of [the issuer's] ►any security which is the subject of such distribution, or any security of the same class and series, or any right to purchase any such security,◄ or

►(B)◄ an affiliate who, directly or indirectly, controls the purchases [by the issuer or other person] of [the issuer's] ►such◄ securities ►by a distribution participant◄, whose purchases are controlled by [the issuer or such other person] ►a distribution participant◄, or whose purchases are under common control with those of [the issuer or such other person] ►a distribution participant, or◄

►(C) an affiliate that is a broker, dealer, investment company, investment adviser, or otherwise regularly purchases securities, through a broker-dealer or otherwise, for its own account or for the account of others, or recommends or exercises investment discretion with respect to the purchase or sale of securities: *Provided, however,* That this subparagraph (C) shall not include an affiliate whose business consists of effecting transactions in "exempted securities" as defined in Section 3(a)(12) of the Act.◄

►(ii) For purposes of this paragraph only, the term "distribution participant" means

(A) the issuer or other person on whose behalf the distribution is being made, and

(B) an underwriter, prospective underwriter, dealer, broker, or other person who has agreed to participate or is participating in the distribution.◄

* * * * *

By the Commission.

Dated: October 10, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25706 Filed 10-21-85; 8:45 am]

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VETERANS ADMINISTRATION

38 CFR Part 21

Temporary Program for Trial Work Periods and Vocational Rehabilitation for Certain Veterans With Total Disability Ratings

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: Title I, section 111 of the Veterans Benefits Improvement Act of 1984 (Pub. L. 98-543) establishes a 4-year pilot program under chapter 11, section 363 of title 38 United States Code to require vocational rehabilitation for certain veterans with total disability ratings due to individual unemployability and to allow these participants to have a trial work period without reduction of the individual unemployability rating. The pilot program is in effect from February 1, 1985, through January 31, 1989.

DATES: Comment must be received on or before December 23, 1985. It is proposed to make these regulations retroactively effective on the same date as the provision of law which they implement, February 1, 1985.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until January 7, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Boies, (202) 389-2886.

SUPPLEMENTARY INFORMATION: This pilot program is intended to assist qualified service-disabled veterans with VA total disability ratings because of individual unemployability to become employed, either through a program of vocational rehabilitation authorized under 38 U.S.C. chapter 31 or, if the individual is ineligible for that program, through counseling, placement and post-placement services. Veterans for whom vocational rehabilitation is found feasible who already have individual unemployability ratings on February 1, 1985, may participate voluntarily, but those who acquire such ratings during the trial period are required to participate, subject to certain sanctions if they fail to do so. Two major features of 38 U.S.C. 363 are:

(1) No individual unemployability rating may be reduced during the four-year program period solely for the reason that the veteran is employed unless the veteran completes twelve consecutive months of substantially gainful employment; and

(2) All veterans receiving total disability compensation awards for individual unemployability *on and after February 1, 1985,* are required to undergo an evaluation if evaluation of rehabilitation potential or achievement of a vocational goal is reasonably feasible. If evaluation of rehabiliation potential is reasonably feasible and such a veteran fails to undergo the rquired evaluation, for reasons other than those beyond his or her control, his or her individual unemployability rating will be reduced to the disability rating otherwise applicable. If vocational rehabilitation is reasonably feasible and other conditions of eligibility for and entitlement to vocational rehabilitation under 38 U.S.C. chapter 31 are met, a vocational rehabilitation program is developed. Failure to pursue that vocational rehabilitation program will result in a reevaluation of the veteran's continued entitlement to a total disability compensation rating by virtue of his or her individual unemployability. If employment is found to be feasible, but the individual is not eligible or entitled to vocational rehabilitation under chapter 31, he or she will nonetheless be provided employment assistance under 38 U.S.C. 1504(a)(5), counseling as provided in 38 U.S.C. 1504(a)(2), and assistance in securing rehabilitation services under other programs. Veterans who acquired the individual unemployability rating *prior to February 1, 1985,* may elect to receive both the evaluation and the counseling and employment assistance, but are not subject to rating reductions for failure to do so. These regulations implement the second major feature of 38 U.S.C. 363, the temporary program of vocational rehabilitation.

A report on the results of the program must be submitted to Congress by April 15, 1988.

These proposed regulations do not meet the criteria for major rules as contained in Executive Order 12291, Federal Regulation. The proposal will not have a $100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

The VA has made these regulations retroactively effective February 1, 1985, because they either are interpretive rules, which construe the meaning of 38 U.S.C. 363, or are general statements of policy.

Moreover, the VA finds that good cause exists for making these regulations, like the sections of law they implement, retroactively effective on February 1, 1985. To achieve the maximum benefit of this legislation for the affected individuals it is necessary to implement these provisions of law as soon as possible. A delayed effective date would be contrary to statutory design; would complicate administration of these provisions of law; and might result in denial of a benefit to a veteran who is entitled by law to it.

The Administrator certifies that these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory

Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the proposed regulations concern the rights and responsibilities of individual VA beneficiaries and essentially restate 38 U.S.C. 363. Thus, no regulatory burdens are imposed on small entities by these regulations.

The Catalog of Federal Domestic Assistance Number is 64.116.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: July 23, 1985.

Harry N. Walters,

Administrator.

38 CFR Part 21, *Vocational Rehabilitation and Education*, is amended by adding new Subparts H and I. Subpart H is reserved at this time. Sections 216501 to 21.6525 (Subpart I) are set forth below:

PART 21—[AMENDED]

Subpart I—Temporary Programs of Vocational Trainings and Rehabilitation

Sec.

Authority: Pub. L. 98–543, sec. 111; 38 U.S.C. 363.

Subpart I—Temporary Programs of Vocational Training and Rehabilitation

§ 21.6501 Overview.

(a) *Purpose.* The temporary program for trial work periods and vocational rehabilitation is intended to test the extent to which a veteran, who has been awarded a VA compensation rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of service-connected disability, may benefit from vocational rehabilitation services which may be authorized under 38 U.S.C. ch. 31, and 38 U.S.C. 363. See §§ 3.340 and 3.341 of this title. (38 U.S.C. 363)

(b) *Chapter 31 evaluations required.* All veterans participating in this temporary program are to be evaluated to determine whether:

(1) They are eligible for and entitled to receive assistance under ch. 31; and

(2) Achievement of a vocational goal is reasonably feasible. (38 U.S.C. 363)

(c) *Applicability of ch. 31 provisions.* The provisions of §§ 21.1 through 21.430, generally applicable to veterans eligible for benefits under ch. 31, apply except as added to or modified by the provisions of the following sections. Participants not found eligible for ch. 31 benefits may nevertheless receive counseling services under 38 U.S.C. 1504(a)(2) and placement and post-placement services under 38 U.S.C. 1504(a)(5). (38 U.S.C. 363)

§ 21.6503 Definitions.

(a) *Program period.* The term "program period" means the period beginning on February 1, 1985, and ending January 31, 1989. (38 U.S.C. 363(a)(2)(B))

(b) *Qualified veteran.* The term "qualified veteran" means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total, but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities. Such a rating is referred to as an IU (individual unemployability) rating. See §§ 3.340, 3.341, and 4.16 of this title. (38 U.S.C. 363(a)(2)(A))

(c) *Receives an IU rating.* The phrase "receives an IU rating" refers to the date on which an award of total disability compensation based upon individual unemployability is authorized. (38 U.S.C. 363(a)(2)(A))

§ 21.6505 Participation in the temporary program.

(a) *General.* Participation in this temporary program of trial work periods and vocational rehabilitation is limited to qualified veterans. (38 U.S.C. 363(a)(2)(A))

(b) *Qualified veterans for whom an evaluation and pursuit of a* vocational rehabilitation program is required.

(1) Each qualified veteran who receives an IU rating during the program period, shall be provided an evaluation of rehabilitation potential to determine whether achievement of a vocational goal under ch. 31 is reasonably feasible.

(i) The VR&C (Vocational Counseling and Rehabilitation) Division will schedule the veteran for an evaluation, unless it is determined that his or her participation in an evaluation is not reasonably feasible;

(ii) A veteran for whom an evaluation is scheduled must appear for and cooperate in the evaluation unless unable to do so for reasons beyond his or her control.

(2) If, following the evaluation, achievement or a vocational goal is found to be reasonably feasible and the veteran is eligible for ch. 31 benefits, the veteran is required to pursue a vocational rehabilitation program. If the veteran fails to pursue or continue to pursue a vocational rehabilitation program, he or she is subject to the provisions of § 21.6517. (38 U.S.C. 363(c))

(c) *Qualified veterans for whom evaluation and pursuit of a vocational rehabilitation program is optional.* A qualified veteran who had an IU rating as of January 31, 1985, may, whether or not already participating in the ch. 31 program, elect to participate in this test program, if otherwise eligible, but is not required to do so. (38 U.S.C. 363 note)

(d) *IU rating awarded while a ch. 31 participant.* A veteran already participating in a ch. 31 program who receives an IU rating during the program period shall be subject to all provisions for required participation in this program, as provided in paragraph (b) of this section. (38 U.S.C. 363 note)

§ 21.6507 Special benefits for qualified veterans under test program.

(a) *Protection of IU rating under 38 CFR 3.343(c)(2).* The total disability rating of any qualified veteran who begins to engage in a substantially gainful occupation during the program period is protected from reduction by the VA on the basis of the veteran's having secured and followed a substantially gainful occupation under the provisions of § 3.343(c)(2) of this title. (38 U.S.C. 363(a))

(b) *Counseling and employment services for qualified veterans.* During the program period, the VA will make the counseling services described in 38 U.S.C. 1504(a0(2), and the placement and postplacement services described in 38 U.S.C. 1504(a)(5), available to each qualified veteran for whom achievement of a vocational goal is reasonably feasible. These services will be made available regardless of the veteran's entitlement to or desire to participate in a vocational rehabilitation program

under ch. 31. See § 21.6519. (38 U.S.C. 363(b))

§ 21.6509 Notice to qualified veterans.

(a) *Notice to qualified veterans awarded an IU rating during the program period.* At the time notice is provided to a qualified veteran of an award of an IU rating, the VA shall provide the veteran with an additional statement. A similarly worded statement shall also be sent to veterans awarded an IU rating during the program period who are already participating in a program under ch. 31. These statements shall contain the following information:

(1) Notice of the provisions of 38 U.S.C. 363;

(2) Information explaining the purposes and availability of, as well as eligibility requirements and procedures for pursuing, a vocational rehabilitation program under ch. 31; and

(3) A summary description of the scope of services and assistance available under that chapter. (38 U.S.C. 363(c)(1)(A))

(b) *Notice sent to qualified veterans awarded an IU rating on or before January 31, 1985.* By April 1, 1985, the VA shall provide the information contained in 38 U.S.C. 363(b), and described in paragraphs (a)(2) and (3) of this section to veterans awarded an IU rating on or before January 31, 1985. However, such notice need not be provided to a veteran who has an IU rating which is protected under § 3.952 of this title. (38 U.S.C. 363 note)

§ 21.6511 Scheduling an evaluation for a qualified veteran.

(a) *Evaluation.* The term "evaluation" hereinafter shall be understood to mean the same evaluation accorded in an "initial evaluation" and an "extended evaluation" as those terms are described in § 21.50 and § 21.57. (38 U.S.C. 363(c))

(b) *Timely scheduling and notice of evaluation.* (1) An evaluation will be arranged as promptly as practicable for each qualified veteran required to participate and for any other qualified veteran who elects to participate; and

(2) The veteran shall be provided reasonable notice of the date and time for which the evaluation is initially scheduled. (38 U.S.C. 363(c))

(c) *Evaluations for ch. 31 participants.* A veteran who is a ch. 31 participant at the time he or she becomes a participant in the test program shall be provided a reevaluation limited to:

(1) Affirming the continuing suitability of his or her ch. 31 rehabilitation program; and

(2) Identifying the assistance which may be furnished under § 21.6507. (38 U.S.C. 363(b), (c))

(d) *Responsible staff member.* The evaluation or reevaluation will be provided by a counseling psychologist in the VR&C (Vocational Rehabilitation and Counseling) Division. (38 U.S.C. 363(c)(1)(B))

§ 21.6513 Qualified veteran fails to participate in an evaluation or reevaluation.

(a) *Qualified veterans affected by this section.* The provisions of this section are only applicable to qualified veterans awarded an IU rating during the program period. Each of these veterans is required to participate in an evaluation (or reevaluation, if already in a ch. 31 program) and must cooperate to the extent necessary for the counseling psychologist to accomplish the evaluation, unless the veteran is unable to do so for reasons beyond his or her control. The veteran's responsibility for satisfactory conduct and cooperation in the evaluation shall be considered in the same manner as for ch. 31 applicants. See § 21.50(e) and § 21.362. (38 U.S.C. 363(c)(2))

(b) *Special considerations.* The counseling psychologist shall make every reasonable effort to avoid or minimize nonparticipation or noncooperation in the evaluation. (38 U.S.C. 363(c), (2) and (3))

(c) *Nonparticipation and noncooperation.* (1) If a qualified veteran who is required to participate in this test program fails to participate or cooperate in the evaluation, the VA shall initially take the actions specified for ch. 31 participants under § 21.184, § 21.188, and § 21.364, including discontinuance of the veteran's case, if necessary. (38 U.S.C. 363(a)(2))

(2) The VR&C Division shall inform the Adjudication Division of the discontinuance of the evaluation for a veteran required to participate, if the failure of the qualified veteran to participate or cooperate in carrying out the evaluation is for reasons within his or her control. Upon receipt of such information, the Adjudication Division will take the action required under § 3.341(c) of this title to reduce the IU award to the statutory rate. (38 U.S.C. 363(c)(2))

(d) *Followup for veterans unable to participate in an initial evaluation or vocational rehabilitation program.* For each qualified veteran described in paragraph (a) of this section, who does not participate in an evaluation or pursue the vocational rehabilitation program for reasons beyond his or her control, the case shall be reviewed for follow-up action by the VR&C staff as provided in §§ 21.197(c)(4) and 21.198(d). (38 U.S.C. 363(c)(2))

§ 21.6515 Formulation of rehabilitation plan.

(a) *Formulation of plan.* Following an evaluation, the counseling psychologist will formulate an IWRP (individualized written rehabilitation plan) or an IEAP (individualized employment assistance plan) for each participating qualified veteran for whom achievement of a vocational goal is reasonably feasible. These plans shall be prepared in accordance with § 21.84 (IWRP) or § 21.88 (IEAP). (38 U.S.C. 363(c))

(b) *Existing plan.* If the veteran already has undertaken a rehabilitation program under ch. 31, a new plan shall not be required unless circumstances indicate that the existing plan should be modified or replaced. (38 U.S.C. 363(c))

§ 21.6517 Failure to pursue rehabilitation plan.

(a) *Failure to pursue required program.* If the case manager determines that a qualified veteran required to participate has failed, for reasons other than those beyond the veteran's control, to pursue or continue to pursue the plan developed under § 21.6515, the VA shall provide the veteran with a notice of the consequences of his or her action. The notice shall inform the veteran, that if he or she fails to initiate or resume pursuit within 60 days (or a period of up to 120 days if circumstances warrant) after the VA provides the notice, the results of the evaluation will be considered by the VA in reviewing the veterans' continued eligibility for a rating of total disability based on inability to secure or follow a substantially gainful occupation. (38 U.S.C. 363(c)(3)(B))

(b) *Referral to Adjudication Division—pursuit required.* If the veteran fails to initiate or resume pursuit of the planned rehabilitation program within the time period specified by the notice described in paragraph (a) of this section, the VR&C Division will forward copies of the notice and the results of the evaluation to the Adjudication Division for appropriate rating consideration. (38 U.S.C. 363(c)(3)(B))

(c) *Pursuit not required.* If the qualified veteran is not required to participate in the test program, failure to pursue or continue to pursue the plan shall result only in action by the VA under ch. 31 procedures provided for such situations. See §§ 21.190, 21.194, 21.362, 21.364. (38 U.S.C. 363(b)(3))

§ 21.6519 Eligibility of qualified veterans for employment and counseling services.

(a) *General.* A qualified veteran for whom vocational rehabilitation and

achievement of a vocational goal are reasonably feasible may be provided the employment and counseling services to which he or she may be entitled under ch. 31. If the qualified veteran is not eligible for such assistance under ch. 31, he or she may be provided, nevertheless, the counseling, placement and postplacement services provided under 38 U.S.C. 1504(a) (2) and (5). The specific services which may be authorized are discussed in §§ 21.100, 21. 252 and 21.254(a). (38 U.S.C. 363(b))

(b) *Services under other VA and non-VA programs.* Veterans being provided counseling, placement and postplacement services under §§ 21.100, 21.252, and 21.254(a) will also be aided in identifying services of other VA and non-VA programs which may be of assistance in securing employment. All elements of a program of these services shall be incorporated in the IEAP. (38 U.S.C. 363(b))

(b) *Veteran elects counseling, placement and postplacement services.* If a qualified veteran elects not to undertake the IWRP, whether or not required to do so, and is otherwise eligible for counseling, placement and postplacement services under 38 U.S.C. 1504(a) (2) and (5), he or she may be provided those services as a part of the test program even though action has been taken under either paragraph (b) or (c) § 21.6517. (38 U.S.C. 363(b))

(d) *Duration of services under 38 U.S.C. 1504(a) (2) and (5).* The services provided under 38 U.S.C. 1504(a) (2) and (5), are limited to an 18-month period of employment assistance as described in § 21.73. (38 U.S.C. 363(b))

§ 21.6521 Employment of qualified veterans.

(a) *Provisions of the IEAP (Individualized Employment Assistance Plan).* Each IEAP of a qualified veteran shall require that the:

(1) Case manager maintain close contact with qualified veterans who become employed to help assure adjustment to employment;

(2) Veteran discuss any plan to leave employment during the trial work period with the case manager. (38 U.S.C. 363(c))

(b) *Coordination with the Adjudication Division.* The VR&C Division will inform the Adjudication Division in writing upon employment of the participating qualified veteran during a program of either vocational rehabilitation services or counseling and employment services and when such employment has continued for 12 consecutive months. See § 3.343(c)(2) of this title. (38 U.S.C. 363(a))

§ 21.6523 Entry and reentry into a program of counseling and employment service under 38 U.S.C. 1504(a) (2) and (5).

(a) *Dates of entry.* A qualified veteran, not eligible to receive ch. 3 benefits, may not enter or pursue a program of counseling and employment services under 38 U.S.C. 1504(a) (2) and (5), before February 1, 1985, or later than January 31, 1989. (38 U.S.C. 363)

(b) *Reentry.* The provisions of paragraph (a) of this section are also applicable to veterans being provided additional counseling and employment services following redetermination of eligibility and entitlement to such services. (38 U.S.C. 363)

§ 21.6525 Election of benefits by a qualified veteran who receives an IU rating during the program period.

(a) *General.* A qualified veteran required to participate in the test program must participate in a rehabilitation program under ch. 31, if eligible, regardless of eligibility and entitlement to education benefits under other VA programs, or risk adverse consequences under §§ 21.6513(c) and 21.6517 (a) and (b). (38 U.S.C. 363 (c))

(b) *Chapter 34 eligibility.* A qualified veteran required to participate, who is also eligible for assistance under ch. 34, may elect, as part of his or her ch. 31 vocational rehabilitation program, to receive subsistence payment at the ch. 34 rate under § 21.264. The counseling psychologist and the veteran will review the assistance and services available under these options so the veteran can make an informed decision. (38 U.S.C. 363 (c))

(c) *Other VA programs.* The counseling psychologist shall inform a qualified veteran required to participate in the test program of any adverse consequences which may result under §§ 21.6513 (c) and 21.6517 (a) and (b), if he or she instead elects benefits under another VA program. (38 U.S.C. 363 (c))

[FR Doc. 85-25090 Filed 10-21-85; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Parts 310 and 320

Restrictions on Private Carriage of Letters; Proposed Clarification and Modification of Definition and of Regulations on Extremely Urgent Letters; Change of Phone Number

AGENCY: Postal Service.

ACTION: Correction of Proposed Rule.

SUMMARY: On October 10, 1985, the Postal Service published in the **Federal Register** (50 FR 41462) a proposed modification and clarification of the regulations on the Private Express Statutes. On October 15, 1985, the telephone numbers at Postal Service Headquarters were changed. This document provides the new number for telephone contact concerning the above proposed rule.

DATE: Comments must be received on or before November 12, 1985.

ADDRESS: Written comments should be addressed to the General Counsel, Law Department, United States Postal Service, Washington, D.C. 20260-1113. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 5128, 955 L'Enfant Plaza, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Charles D. Hawley (202) 268-2970.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82-25065 Filed 10-21-85; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 76

[Gen. Docket No. 85-301; FCC 85-544]

Terminal Devices Connected to Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend part 15 and Part 76 of its rules to eliminate the dual standards currently applied to terminal devices connected to cable television systems. The rules presently require compliance with Part 76 radiation limits if the device is system-owned and with Part 15 limits if it is customer-owned. In an effort to achieve uniformity in the treatment of identical devices, this action proposes to require all cable system terminal devices to comply only with Part 15 limits.

DATES: Comments must be filed on or before November 26, 1985, and reply comments on or before December 9, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Sharon Briley, Policy Analysis Branch, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 15

Radio frequency devices.

47 CFR Part 76

Cable television service.

Proposed Rule Making

In the matter of amendment of parts 15 and 76 relating to terminal devices connected to cable television systems; Gen. Docket No. 85-301.

Adopted: October 9, 1985.
Released: October 16, 1985.

By the Commission.

Introduction

1. By this action, the Commission proposed to amend its radiation limits and other technical rules applicable to terminal devices that are connected to cable television systems (i.e. converters decoders, two-way boxes and other customer premise equipment). This proposal seeks to resolve the existing discrepancy in the rules between technical standards for such devices that are owned or supplied by a cable company and those owned or supplied by a cable consumer or subscriber.

Background

2. The Commission's rules currently provide more stringent radiation limits for cable system-owned terminal devices than for those that are customer-owned. This difference in permissible radiation levels exists even though the devices used by both the cable system and the cable customer serve the same function and may, in fact, be identical.[1] This situation arises because of the way the current rules in Part 76 define a "subscriber terminal" and prescribe radiation measurement requirements for cable systems.

In contrast, the rules in Part 15 generally treat customer-owned cable terminal equipment as "TV interface devices."[2]

3. Section 76.5(ee) of the Rules defines the term "subscriber terminal" as "the cable television system terminal to which a subscriber's equipment is connected. . . ." [3] Section 15.4(u) of the rules defines the term "TV interface device" as "(a) restricted radiation device . . . which feeds the modulated radio frequency energy by conduction to the antenna terminals of a conventional television receiver."[4] However, the definition of TV interface device specifically excludes ". . . a device that is primarily intended to be part of a cable television system, as defined in Part 76 . . . *and* is owned by the cable system operator." Thus, under our current rules, a terminal device that is owned or supplied by a cable subscriber is in most cases a TV interface device subject to Part 15 radiation limits, while a device that is owned by the cable system operator is considered part of the cable system and subject to Part 76 requirements. There is no apparent reason for such a discrepancy.

4. Traditionally, cable system converters and decoders have been supplied by the cable operator and have been considered part of a cable system. Customer interest in owning terminal equipment, however, appears to be increasing, and some cable companies and retailers are offering customers the opportunity to purchase terminal devices.[5]

Discussion

5. The intent of the Commission's signal leakage and radiation limits is to prevent harmful interference among users of radio frequencies and, in this regard, the rules for both cable systems and Part 15 devices require any harmful interference to be eliminated. However, in cases where there is no actual harmful interference, the current rules subject the same type and use of equipment to two substantially different signal leakage and radiation standards contingent upon whether such equipment is owned by the cable operator or by the cable subscriber. Under Part 76, the radiation from a cable television system is limited to 15 microvolts/meter at 100 feet for frequencies to 54 MHz and over 216 MHz; and, 20 microvolts/meter at 10 feet for frequencies between 54 to 216 MHz.[6] Part 15 radiation limits for TV interface devices are significantly less burdensome: 100 microvolts/meter at 3 meters for frequencies between 30 and 88 MHz; 150 microvolts/meter at 3 meters for frequencies between 88 and 216 MHz; and 200 microvolts/meter at 3 meters for frequencies between 216 and 1000 MHz.[7] Part 15 also requires certain other technical and equipment authorization requirements. For example, for TV interface devices, Part 15 contains technical requirements on output signal level, output terminal conducted interference, among others.

6. We believe that no regulatory intent is served by retaining the distinction described above and that the same type of equipment should be subject to uniform standards. We also believe that converters and other terminal devices that might be used by a cable subscriber are similar to devices such as television receivers and videocassette recorders in their potential for causing interference. The less stringent emission limits for Part 15 devices, therefore, would appear to be sufficient to mitigate potential harmful interference from such "in-home" equipment.

7. Thus, we are proposing to relax the rules to require that any cable system terminal device, whether owned or supplied by the cable subscriber or cable operator, comply with the technical requirements of Part 15, as follows: If the cable terminal device is a part of the television receiver, the provisions of Part 15, Subpart C would apply. If the device falls under the definition of a TV interference device, as defined in Section 15.4(u), it would be subject to the technical requirements in Part 15, Subpart H. A device that is neither a TV interface device nor part of a television broadcast receiver would be subject to the technical requirements of Part 15, Subpart J.

8. Since the cable operator would continue to be responsible for the technical operation of the cable system under Part 76 of the rules, we believe that it is unnecessary at this time to

[1] The Commission recently received letters from William S. Reyner of the law firm of Hogan & Hartson, representing Scientific-Atlanta, Inc., a manufacturer of cable TV set-top converters, and from Myron Pattison, Vice President of Cardinal Communications, Inc., a cable operator, seeking clarification of the rules as applied to cable terminal equipment.

[2] *See* 47 CFR Part 76 Subpart K and 47 CFR Part 15 Subparts C, H and J. In a separate proceeding the Commission has proposed to reduce the Part 76 limits. *Notice of Proposed Rule Making* in MM Docket No. 85-38, FCC-85-60, 50 FR 7801 (Feb. 6, 1985). The proposed limits, however, continue to remain more stringent than those in Part 15.

[3] The Commission further clarified and described this term as "the point at which the facilities supplied by the cable system connect to the equipment supplied by the subscriber." *See Memorandum Opinion and Order on Reconsideration of the Cable Television Report and Order*, 36 FCC 2d 326, 360 (1972).

[4] Part 15 of the Commission's rules provides technical standards for radio frequency devices. The purpose of this rule part is to permit the nonlicensed use of radio frequency devices, without harmful interference to other authorized services or users. Part 15 devices include, for example, TV receivers videocassette recorders, home computers, and video games.

[5] A recent study of the industry predicts "competition from homeowner-provided devices and hookups. . . . " *See* Arthur D. Little, Inc. "Prosperity for Cable TV: Outlook 1985-1990," May 1985, at A2-4. In addition, the growing market for "cable-ready" receivers and videocassette recorders appears to indicate significant consumer interest in equipment to interconnect with cable systems.

[6] *See* 47 CFR 76.605.

[7] *See* 47 CFR 15.610. These limits are the same as those for computing devices in Subpart J of Part 15 of the rules. *See* 47 CFR 15.630.

require equipment authorization (i.e., certification or notification) under Part 15 for terminal devices owned and operated by the cable system. Accordingly, equipment owned and provided by the cable system operator would be subject only to the technical limits under Part 15 and would not be subject to any FCC filing requirements for equipment authorization.[8] Equipment owned and operated by a cable subscriber would be subject to all Part 15 requirements including equipment authorizations.[9]

9. We also propose to treat cable terminal devices in the same manner as radio and television receivers for the purposes of interference responsibility. Under the current rules, the operator of the receiver has the responsibility for the elimination of interference.[10] However, the rules also require the cable operator to suppress any receiver-generated interference that is being radiated by the cable system.[11] We believe that these same guidelines should apply for customer-owned terminal equipment and propose to amend our rules to treat cable terminal devices in the same manner as radio and television receivers. In addition, we propose certain changes to clarify the intent of this rule. In this regard, our primary concern is the elimination of harmful interference that may be caused by RF energy introduced into the cable system by the receiver or terminal device. If a customer-owned terminal device has been found to cause such harmful interference and the interference can be eliminated by disconnecting cable service to the device, then we would expect the cable operator to take that step until the device is repaired by its owner. This procedure would assure the elimination of interference in the most expeditious manner.

10. Comments are requested on these proposals and any other alternative approaches. For example, one such alternate approach being considered is to make all cable system terminal devices subject to all requirements of Part 15 including any certification, verification, or other equipment authorization provisions even if such devices are owned by the cable systems. While such an approach would likely add some additional filing burden on manufacturers of these devices, it also might encourage an expanded consumer market for terminal devices while easing the concerns of manufacturers, cable operators and this Commission that non-certified equipment may be sold to consumers.

Conclusion

11. We believe that the limits currently contained in Part 15 are sufficient to regulate potential interference from terminal devices interconnected to cable systems. Accordingly we propose to revise the rules in Parts 15 and 76 as indicated in the attached Appendix A.

Regulatory Flexibility Act—Initial Analysis

12. *Reason for Action.* The Commission's rules inconsistently apply different standards to home terminal units connected to cable television systems, differentiated solely on the basis of ownership of the equipment.

13. *The Objective.* The rules proposed herein are intended to eliminate the present discrepancy in the standards applicable to home terminal units and other terminal devices connected to cable systems.

14. *Legal Basis.* The action as proposed in this rule making is in furtherance of sections 1, 302, 303 and 624 of the Communications Act of 1934, as amended (47 U.S.C. 151 *et seq.*).

15. *Description, potential impact on and number of small businesses affected.* The rule amendments proposed herein consider all terminal equipment to be subject to radiation standards contained in Part 15 of the Commission's rules. Terminal devices, for example, may be considered as radio receivers, TV interface devices, or computing devices, depending upon their technical configurations. A rule is revised in Part 76 to place responsibility for interference on the operator of the device and on the cable operator, as appropriate.

16. The proposals should assist equipment manufacturers, cable operators, cable subscribers, and franchising authorities by establishing uniformity in the treatment of terminal devices and allocating responsibility in cases of interference resulting from subscriber supplied devices.

17. *Federal rules which overlap, duplicate, or conflict with this rule:* None.

18. *Any significant alternative minimizing the impact on small entities and consistent with the stated objective:* None.

Procedural Matters

19. The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose no new or modified requirements or burden upon the public.

20. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general an *ex parte* presentation is any written or oral communications (other than formal written comments/pleadings and normal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state docket number by the proceeding to which it relates. *See* generally § 1.1231 of the Commission's rules, 47 CFR 1.1231.

21. Pursuant to applicable procedures set forth in § 1.415 of the Commisson's Rules, interested parties may file comments on or before November 22, 1985, and reply comments on or before December 9, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may consider information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's

[8] We intend that the word "owned" as used in this context includes leasing and any other types of arrangements in which the cable system maintains some form of control and that ownership of the device would never convey to a cable customer.

[9] Devices such as converters and cable-ready TV receivers will be subject to verification. Program descramblers and similar equipment employing TV interface devices will be subject to certification. Devices which do not fall into either of these categories and use digital circuitry will continue to be subject to the applicable equipment authorization in Subpart J of Part 15.

[10] *See,* for example, 47 CFR 15.82.

[11] *See* 47 CFR 76.617.

reliance on such information is noted in the Report and Order.

22. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in the rule making proceeding may do so by submitting one copy of the comments, without regard to form, provided only that the Docket Number is specified in the heading. Responses will be available for public inspection during regular business hours in the Commission's Dockets Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, Northwest).

23. As required by section 603 of the Regulatory Flexibility Act the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth above. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis.

24. The Secretary shall cause a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.*).

25. This Notice of Proposed Rule Making is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

26. For further information concerning this proceeding, contact Sharon A. Briley, Policy Analysis Branch, Mass Media Bureau, (202) 632-6302.

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 15—[AMENDED]

Appendix A

Part 15 of Title 47 of the Code of Federal Regulations is proposed to be amended to read as follows:

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

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

2. Section 15.4 is proposed to be amended by adding a new paragraph (m) to read as follows:

§ 15.4 General definitions.

* * * * *

(m) *Cable system terminal device.* A radio frequency device that interconnects a cable television system to a television receiver or other subscriber premise equipment.

Note.—A terminal device located within a television receiver shall be subject to the same requirements as a television receiver under Part 15, Subpart C. If a device is a TV interface device, as defined in Section 15.4(u) of this subpart, it shall comply with the requirements of Subpart H of this part. If the device is neither a TV interface device, nor a part thereof, nor a part of a television broadcast receiver, it shall comply with the requirements of Subpart J of this part. Equipment authorization requirements shall not apply to a device that is owned by the cable system operator.

3. Section 15.4 (u) is proposed to be amended by revising the appended note to read as follows:

§ 15.4 General definitions.

* * * * *

(u) * * *

Note.—A TV interface device may be a stand alone RF modulator, or a composite device consisting of an RF modulator, video source and other components.

PART 76—[AMENDED]

Part 76 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 76 continues to read as follows:

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

2. Section 76.5(ee) is proposed to be revised by adding a note to read as follows:

§ 76.5 Definitions.

* * * * *

(ee) *Subscriber terminal.* The cable television system terminal to which a subscriber's equipment is connected. Separate terminals may be provided for delivery of signals of various classes.

Note.—Terminal devices interconnected to a cable system shall comply with the appropriate requirements of Part 15 [*See* § 15.4(m)].

3. Section 76.617 is proposed to be revised to read as follows:

§ 76.617 Responsibility for receiver-generated or cable system terminal device-generated interference.

Interference generated by a radio or television receiver or a cable system terminal device shall be the responsibility of the operator of the receiver or the operator of the terminal device in accordance with the provisions of Part 15, Subparts C, H or J of Part 76 of this chapter, as appropriate: *Provided however,* That the operator of a cable system to which the receiver or terminal device is connected shall be responsible for the suppression of receiver-generated or terminal device-generated interference that is caused by RF energy that is introduced into the system at the receiver or the terminal device.

[FR Doc. 85-25102 Filed 10-21-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket 85-302; FCC 85-548]

Amendment of Rules Governing the Application Filing Procedures for the 800 MHz Land Mobile Band

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Commission has adopted a *Notice of Proposed Rule Making* proposing the amendment of its rules governing the application filing procedures for the 800 MHz Land Mobile Band, in order to reduce paperwork burdens on licensees.

DATES: Comments must be filed on or before November 25, 1985 and reply comments on or before December 10, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: W. Riley Hollingsworth, Private Radio Bureau, Land Mobile, and Microwave Division, Compliance Branch, (202) 632-7125.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Private Land Mobile Radio Service.

Proposed Rulemaking

In the matter of amendment of Part 90 of the Commission's Rules Governing the application filing procedures for SMRS operators and end-users in the 800 MHz Private Land Mobile Band; PR Docket; No. 85-302.

Adopted: October 9, 1985.
Released: October 17, 1985.
By the Commission.

Introduction

1. The Commission is considering streamlining its licensing procedures in order to decrease the burdens placed on Specialized Mobile Radio System operators and end-users (customers). Specialized Mobile Radio Systems, known as "SMRS's", were established in 1974 in Docket 18262 as a new class of stations to be licensed in the Business Radio Service. These systems operate in a fashion similar to so-called community repeaters, which have been and continue to be employed in the private dispatch service, except that under the trunked SMRS concept (1) the base station equipment supplier is the licensee of a transmitter which is used to provide a private carrier communications service to eligibles, and (2) the SMRS end-users have access to a number of channels instead of just one. Channel access is controlled by a computer which gives a user the first available channel or places the user in a waiting line to be served in turn. This technique allows the user a higher grade of service than is possible in comparably loaded non-trunked systems by reducing both the amount of waiting time for a channel and the probability that the user's call will be blocked. SMRS users are licensed for the frequencies assigned to the SMRS operator. Another significant departure from the traditional private regulatory approach in Docket No. 18262 was the awarding of exclusive channel assignments to trunked system operators. Channels are assigned on an exclusive basis in a geographic area.[1]

2. We have identified three possible areas where the paperwork burdens upon these licensees as well as the Commission staff could be greatly eased. First, we proposed to simplify the licensing procedures necessitated by increases or decreases in the number of channels assigned to an SMRS operator. Second, we propose to simplify the licensing procedures required of end-users in cases of assignments. Finally, we propose to simplify the licensing procedures for an SMRS end-user who desires to obtain communications service from more than one SMRS operator.

Background

3. Rules 90.135 (a)(1), (a)(6) and (a)(7) [47 CFR 90.135 (a)(1), (a)(6), (a)(7)] require an application for modification by both base station and end-user licensees whenever there is a change in authorized frequency, area of mobile operation, or ownership, control or corporate structure.

4. An SMRS operator is eligible to apply for additional frequencies when its existing system becomes 80% loaded with mobile and control units. Pursuant to the above rules, whenever an SMRS operator is granted additional frequencies as a result of being fully loaded on its existing system, end-users must file modification applications so that their mobile licenses will reflect the change. The same procedure is required when an SMRS loses channels as a result of the Commission's channel recovery program.[2] This can require the filing of dozens of modification applications for each based station modification. This results in very significant burdens on the SMRS operator, the end-users and the Commission staff.

5. Similarly, when an end user seeks service on more than one system, it must file an application for modification of its license so that the license reflects the frequencies of each SMR system it operates on. This is often done in cases where the end-user has mobiles travelling over a wide area.

6. When an SMRS is assigned to a new buyer, a similar burden is created. For example, if a 5 channel SMRS serving 500 mobiles bought another 5 channel system, even if each end user had 10 mobiles, 50 applications would have to be filed by end-users to give them authority to operate over the new ten channel system. With approximately 2500 SMR systems servicing over 44,000 end-users, the potential paperwork burden resulting from these requirements is significant.

Proposal

7. We propose to amend our application filing procedures in three instances:

1. The need to modify end-user licenses when SMRS base station licenses are assigned.

2. The need to modify end-user licenses whenever there is an increase or decrease in channels assigned to an SMRS operator.

3. The need to modify end-user licenses every time the licensee wishes to operate on additional SMR systems.

8. We propose that SMRS end-users be authorized to operate on any frequency licensed to the SMRS operators from whom they obtain service. SMRS end-users will not be required to modify their authorizations to add or delete frequencies every time there is a change in frequencies authorized to their SMRS operator.

9. In cases where SMRS end-users obtain service from more than one SMRS operator, we propose to eliminate the need for the end user to modify its license. Instead a letter notification would be required. The end user would be counted for loading purposes only on the original SMRS system it operates on.

10. In cases of assignments of system, we propose to allow the assignee to furnish a list of end-users from which the Licensing staff can make necessary notations to license records indicating the end-users' host SMRS. Actual submission of end-user licenses for modification would not be required. An assignment application for the SMRS base station will, of course, still be required.

11. In each of the situations described above, if an end-user desires to alter the total number of mobiles and controls authorized or make technical changes, a modification of the license would still be required. This would be done by filing a form 574 application, the standard procedure under our present rules.

Regulatory Flexibility Analysis

12. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

I. Reason for Action

This proposal would simplify application procedures for private land mobile SMRS systems in the 800 MHz band.

II. Objective

This proposal would reduce the number of modification applications required to be filed by SMRS operators and end-users in three instances: assignments of systems; gains or losses in channels due to loading; and instances of service provided by more than one SMRS operator.

III. Legal Basis

The proposed action is authorized under sections 4(i), 303(f), 303(g), 303(r), and 331(a) of the Communications Act of 1934, as amended, which authorize the Commission to make such rules and

[1] With limited exceptions, the same channels can be reassigned every 70 miles throughout the country. See Rule 90.362(c).

[2] The Commission has established mandatory construction and mobile loading standards for this service. Channels which are not constructed or loaded as required under the rules are reassigned to other licensees for their use. To date 1,765 channels have been recovered from under-utilized or unconstructed stations and made available to waiting list applicants in major cities.

regulations as may be necessary to improve the efficiency of spectrum use.

IV. Description, Potential Impact and Number of Small Entities Affected

The proposed action would lessen paperwork burdens on all users of Specialized Mobile Radio services as well as entrepreneurs providing the services.

V. Reporting, Recordkeeping and other Compliance Requirements

No new requirements will be imposed upon Private Land Mobile Radio Service licensees.

VI. Federal Rules which Overlap, Duplicate or Conflict with this Rule

None.

VII. Significant Alternatives

There are no significant alternatives which would accomplish our stated objective of simplifying the paperwork burden on Private Radio Service licensees. Additionally, retaining the *status quo* represents a continuing burden on those licensees.

13. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR § 1.1231.

14. This action is taken pursuant to section 4(i), 303(c), 303(f), 303(g), 303(r), and 331 of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 303(f), 303(g), 303(r) and 332. Interested persons may file comments on this proposal on or before November 25, 1985, and reply comments on or before December 10, 1985. All relevant and timely comments filed in accordance with Rules 1.415 and 1.419 (47 CFR 1.415 and 1.419) will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the Commission's reliance on such information is noted in its final decision.

15. In accordance with the provisions of Rule 1.419 (47 CFR 1.419), formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy of their comments without regard to form (as long as the docket number is clearly stated in the heading). All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

16. For further information concerning this rule making contact W. Riley Hollingsworth, Chief of the Compliance Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7125.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for 47 CFR Part 90 continues to read:

Authority: Secs. 4, 303,48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

2. Section 90.135 is amended as set forth below by adding a new paragraph (c) (1). Existing paragraphs (c)(1) and (c)(2) are redesignated paragraphs (c)(2) and (c)(3) respectively.

§ 90.135 Modification of license.

* * * * *

(c)(1) Where the change noted in paragraph (a)(1), (a)(6) or (a)(7) is due to assignment of SMR base station, increase or reduction in frequencies assigned to SMR base station, or the users' acquiring service from additional SMR base stations, notification by letter to the Private Radio Bureau Licensing Division rather than an application for modification of license is required for end-user licensees.

* * * * *

[FR Doc. 85-25105 Filed 10-21-85; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 83-426]

47 CFR Part 94

Amendment of the Commission's Rules To Authorize Private Carrier Systems in the Private Operational Fixed Microwave Radio Service

AGENCY: Federal Communications Commission.

ACTION: Order Extending Time to File Comments and Reply Comments.

SUMMARY: The Commission has received a joint motion from the Central Committee on Telecommunications of the American Petroleum Institute and the Utilities Telecommunications Council seeking an extension of the time to comment on the Further Notice of Proposed Rule Making in this proceeding. By this action the Commission has granted the joint motion by extending the deadline for comments and reply comments to November 21, 1985 and December 23, 1985 respectively.

DATES: Comments are now due on November 21, 1985; Reply comments are now due on December 23, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mary Beth Hess, Private Radio Bureau, Land Mobile and Microwave Division (202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 94

Private operational-fixed microwave radio service, Radio.

Order

In the matter of amendment of Part 94 of the Commission's Rules and Regulations to Authorize Private Carrier Systems in the Private Operational-Fixed Microwave Radio Service, PR Docket No. 83-426.

Adopted: October 11, 1985;
Released: October 16, 1985.

By the Chief, Private Radio Bureau:

1. On September 12, 1985, the Commission released a *Further Notice of Proposed Rule Making* [1] to permit licensees in the Private Operational-Fixed Microwave Radio Service (OFS) to lease capacity on their private microwave systems for the transmission of common carrier communications by non-dominant common carriers. Comments are due October 21, 1985 and reply comments November 5, 1985. The Central Committee on Telecommunications of the American Petroleum Institute (Central Committee) and the Utilities Telecommunications Council (UTC) have filed a joint motion for an extension of time in which to file comments in this proceeding. They request the comment period be extended until November 21, 1985 and the reply comment period until December 23, 1985.

2. In support of their joint motion, Central Committee and UTC state that the additional time is necessary to develop and submit meaningful comments and reply comments. They note that both entities are scheduled to conduct meetings within the next month and wish to discuss with thier members the issues addressed in the *Further Notice*. The extension will allow them to prepare comments based on the discussions and responses from their meetings.

3. We recognize the complexity of the issues involved in this proceeding. Therefore, an extension of time will be granted. Accordingly, IT IS ORDERED, pursuant to the authority set forth in Section 0.331 of the Commission's Rules, that interested parties are to file comments by November 21, 1985 and reply comments by December 23, 1985.

4. The point of contact in this matter is Mary Beth Hess of the Rules Branch, Land Mobile and Microwave Division, (202) 634-2443.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 85-25103 Filed 10-21-85; 8:45 am]

BILLING CODE 6712-01-M

[1] 50 FR 37878, September 18, 1985.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-15; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of request for comments.

SUMMARY: NHTSA is conducting a comprehensive review of the headlighting requirements of Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment*. The purpose of the review is to identify regulatory requirements that may be simplified or eliminated, while being consistent with motor vehicle safety. The agency has concentrated its efforts into five principal areas. The first is the feasibility of a standard directed toward on-board original equipment headlighting performance rather than toward performance of individual after-market headlamps in a laboratory environment. The second is the desirability of specifications for headlamp life. The third concerns the necessity of dimensional specifications for headlamp equipment. The fourth is the issue of headlamp aim. The fifth is the elimination of obsolete photometric requirements. The notice discusses each issue in detail, and solicits information in response to specific questions related to each area.

DATE: Comments are due January 21, 1986.

ADDRESS: Comments should refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Deborah L. Parker, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: On September 9, 1966, the National Traffic and Motor Vehicle Safety Act was enacted. It required the issuance of initial Federal motor vehicle safety standards based upon then-existing safety standards by the end of January 1967. Pursuant to this mandate, Federal requirements for motor vehicle lighting were promulgated: Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment*. This standard, *inter alia*, established headlighting requirements applicable to multipurpose passenger vehicles, trucks, and buses, whose overall width was 80 inches or more and which were manufactured on and after January 1, 1968. The standard became applicable to all other motor vehicles (except, of course, trailers) manufactured on and after January 1, 1969. Coverage was extended to replacement headlighting equipment manufactured on and after January 1, 1972.

Initially the requirements were solely those of the Society of Automotive Engineers, SAE Standard J579a *Sealed Beam Headlamp Units for Motor Vehicles*, August 1965, and SAE J580a *Sealed Beam Headlamp*, June 1966. The two SAE Standards defined performance characteristics for two types of sealed beam headlighting systems; these characteristics included upper and lower beam photometric maxima and minima as measured at discrete test points, capability for mechanical aim as represented by three pads on the face of the lens preaimed during manufacture to form an aiming plane, aiming adjustment tests, and retaining ring requirements. The SAE Standards, which were incorporated by reference, themselves referenced additional SAE requirements which have been considered to be incorporated into Standard No. 108 by subreference. These included vibration and corrosion tests specified by SAE Standard J575 *Tests for Motor Vehicle Lighting Devices and Components*, June 1966, SAE J571b *Dimensional Specifications for Sealed Beam Headlamp Units* April 1965, including the mounting ring and retaining ring, and electrical and life specifications of SAE Standard J573a *Lamp Bulbs and Sealed Units*, November 1964. These requirements and/or some subsequent SAE updates remain the basic regulatory requirements for all motor vehicle headlamps today.

In an effort to move toward a less design restrictive standard, NHTSA amended Standard No. 108 in 1983 to allow an alternative to sealed beam systems (the originally allowed two types of sealed beam systems have been expanded by Standard No. 108 over the years to the presently allowed six systems). Design restrictions previously imposed on the size and shape of headlamps were eliminated, provided that the headlamp incorporated a standardized replaceable light source whose mechanical design was

established by a comprehensive Figure 3 in Standard No. 108. The photometric performance and capability of mechanical aim remained unchanged.

The alternative headlamp incorporated a replaceable light source with an O-ring seal in its base that is intended to provide a barrier to moisture and contaminants, which is somewhat equivalent to the permanent seal of the sealed beam lamp. In exchange for providing a light source meeting the comprehensive design requirements of Figure 3 of the standard, manufacturers were afforded complete design freedom as to size and shape of the lamp incorporating the light source. This move to allow an alternative headlighting system was a first step toward eliminating some of the unnecessary design restrictions in the standard, but it has been criticized as being itself too design restrictive, since it specifies dimensions and performance characteristics of the light source. Thus, the agency has received an unprecedented number of petitions seeking amendments of headlighting requirements. Petitions have been received to modify dimensions orginally adopted for the light source, to allow multiple standardized replaceable light sources in headlighting systems, to allow alternative replaceable light sources other than that currently specified, to permit different photometrics, and to allow coordinated aiming of pairs of headlamps. In addition, a petition has been received to allow a new type of headlighting system consisting of eight miniature headlamps. Lighting systems are being developed in Europe with a beam aperture (lens) the size of an ordinary business card. In short, the 1980s have become a decade of new headlighting concepts and experiments. Their evaluation is to some extent restricted by headlighting regulations in effect in the industrialized countries of the world; their adoption most certainly is affected by these regulations.

Recognizing the technological validity of many of these concepts and the fact that they cannot be realized in an unduly burdensome regulatory climate, NHTSA has embarked upon a review of the headlighting requirements of Standard No. 108 with the goal of eliminating those that are determined to be no longer necessary for the safety of the motoring public. NHTSA has identified five principal areas of possible regulatory reform, and wishes to present these candidates for discussion, comments, and recommendations by interested persons. After the agency has more clearly defined and determined the implications for safety, it plans to issue a notice with specific proposals for a more performance-oriented headlighting standard.

I. Coverage of the Standard: The Systems Approach and/or the Equipment Approach

There are two basic types of Federal motor vehicle safety standards; those that establish minimum performance levels for motor vehicles, and those that establish levels for individual items of motor vehicle equipment used for both original and replacement equipment purposes. Illustrative of the former is Standard No. 105 *Hydraulic brake systems*. The vehicle is required to meet certain stopping distance requirements, but the design of the components of the system such as brake shoes or brake linings is left to the vehicle manufacturer. On the other hand, Standard No. 106 *Brake hoses* covers an equipment item; it requires all brake hoses to be manufactured to conform to its requirements, whether used as original or replacement equipment, and for new vehicles to be equipped with conforming brake hoses. Because of its extensive coverage of individual equipment items and specifications for tests conducted in laboratory environments, Standard No. 108 is more like an equipment standard than a vehicle standard. This basic approach to headlamp regulation is also in effect in other areas where headlamp manufacturers are located such as Japan, Canada, and Western Europe.

Standard No. 108 today meets the need for motor vehicle safety in a two-step process. First, headlamps must perform to a specified photometric level. Second, they must be placed within designated bounds on a motor vehicle, so that the vehicle can perform to a specified photometric level. Under a vehicle standard, the first step would be eliminated; by specifying an acceptable photometric level for the vehicle itself, there would be no further need, as NHTSA see it, to specify location, size, and number of headlamps.

There are some considerations to this approach. The first is the point at which light should be measured: Should it be at the seeing eye point of the driver, or at the points on the road where the light falls? NHTSA is not well versed in the overall quality and sensitivity of light-measuring equipment and its capability to be positioned and to function at the average driver's seeing eye point. Other factors such as reflectivity, field-of-view, and windshield light transmittance must also be considered. NHTSA would welcome comments on the feasibility of this approach. In the case of measuring light on the road, current photometric test points on the test screen could be translated into points on the road. Were this approach adopted, it presumably would require a test chamber long enough to measure light at the seeing distance point—now 220 feet—and wide enough to measure glare light as projected along the sight line of the oncoming driver. Construction of such chambers would entail an expense by industry that is not presently imposed. Another option possibly would be to use an existing section of road or a test track with limits on grade, ambient light and reflectivity. NHTSA seeks comments on whether this could be done in a way that would assure consistency of tests and test results.

A further alternative would be to translate the road test points into test points on the screen. The screen could be located perpendicular to the vehicle's foward direction of travel. The "V" (vertical) axis would be formed either by a plane that is extended from the left edge of the vehicle or by a simulated road centerline. The "H" (horizontal) axis would either be at, or some specified distance below, the sight line of an oncoming driver in a standard-sized automobile. The H axis could be located below the sight line to account for the lower eye position of drivers who are approaching on a grade or who are at a further distance than the position of the test screen can indicate. The distance from the screen to the vehicle would also be specified and would of course affect the final position of the sight line/H axis.

The approach of a vehicle standard also raises issues with respect to replacement lamps. Simply testing an aftermarket headlamp by current Standard No. 108 requirements may not be adequate. A lamp that performs properly as, for example, a right headlamp in a set of five may be inadequate for use as one in a set of three. This suggests that with an on-vehicle performance standard the photometric unit is the headlamp system rather than any individual lamp. Replacement headlamps would have to be tested within the context of the headlighting system in which they were intended to function. For sealed beam headlamps, the test system would consist of a setup with all headlamps in the same configuration as on the original vehicle. For replaceable bulb headlamps, the original equipment lens/reflector units would have to be part of the test system as well in order to test the bulb. The vehicle manufacturer

would have to specify the test configuration for each vehicle and the bulb manufacturer would have to indicate which vehicles and which headlamp positions each bulb was meant to fit. This approach appears feasible. But it would seen to require an alternative form of regulation: Such as a requirement that manufacturers label on the vehicle or lamp and on each bulb, as to which headlamp components fit with which others, and into which vehicle headlight systems and positions they fit.

There is some precedent for this in the interrelationship between the passenger car tire and rim standards, Standards Nos. 109 and 110. The vehicle is labeled to indicate the proper tire size. Each tire manufacturer has to insure that the tire and rim matching information (i.e., the design load at various inflation pressures) is available through one of several designated standards organizations or else make the information available itself. This standardizes the load limits for each tire size. When the tire is replaced, the placard indicates that any tire with that size disignation will handle the load requirements of the vehicle.

A similar system could be instituted for replacement headlamps and components in a system-oriented standard. Each vehicle and headlamp component could be cross-referenced by vehicle placards, labels embossed on the lamp, and listing of performance data, issued either by standards organizations or by NHTSA. In this way, replacements could be matched properly with original equipment systems, and be assured of complying with new-vehicle photometric requirements.

A vehicle-only standard would cover only slightly more than one-third of the headlighting market. It is estimated that slightly more than one-third of the headlamps sold yearly in the United States are for use as original equipment. It therefore would not seen consistent with motor vehicle safety to repeal all safety standards for the remaining two-thirds of the market. This percentage could be reduced by requiring that the new headlamps be designed to perform for the lifetime of the vehicle, since the two-thirds of the U.S. sales which comprise the aftermarket is composed of approximately 45% due to burnout and nearly 20% due to accident and stone damage. Under this concept, the aftermarket would decline to some lower percentage (i.e., close to 20 percent) than presently exists—those needed to replace damaged units and those to replace units which prematurely burned out. (The source for these data is Current Industrial Reports, Electric Lamps, Summary for the Years 1978–1982, Bureau of the Census, U.S. Department of Commerce.)

In summary, the options are, as NHTSA sees them: (a) Retain the present equipment-oriented standard with on-board location parameters, which covers 100% of the market; (b) substitute a vehicle-oriented systems standard, and regulate the vehicle for performance with original equipment, which would cover approximately one-third of the market; (c) regulate the vehicle for performance but require that headlamps be designed for the life of the vehicle, which would cover about 80% of the market (issues regarding headlamp life expectancy are discussed in section II below), and (d) regulate the vehicle for performance while requiring that manufacturers label the vehicle and lamp components to indicate how they fit with each other, which would cover 100% of the market. In consideration of the foregoing, NHTSA seeks comments on the following issues, with respect to each option. It would be helpful if responses indicated the section and question number in the sequence given in this notice, i.e., the first question below I–1.

I–1. The ramifications for safety of each alternative.

I–2. The costs and benefits of each alternative.

I–3. If the vehicle rather than equipment (or in addition to equipment, as in option (d) above) is regulated, the manner in which photometric testing should be conducted.

I–4. The effects upon the aftermarket.

I–5. The effects upon consumers' ability to replace headlamps/bulbs.

II. Life Expectancy of Headlamps

There are three principal components of equipment durability: its integrity (for example, there shall be no leakage of fluid after the brake tests conducted in accordance with Standard No. 105), environmental resistance (such as the ability of a replaceable bulb headlamp to pass the photometric test of Standard No. 108 after a corrosion test), and longevity (under Standard No. 104 the windshield washer must function for 800 cycles).

Currently, Standard No. 108 specifies longevity requirements for certain headlighting equipment but not for others. The large rectangular headlamp—Type 2B1 (paragraph S4.1.1), the new Type F, and the standardized replaceable light source (paragraph S4.1.1.38(b)(1)) require that at 14 volts the *average* life of the bulb shall be 320 hours for the lower beam and 150 hours for the upper. There are no requirements for Type A, C, D, or E sealed beam headlamps which comply with SAE J579c (Types A, C, and D can also comply with SAE J579a which does have a longevity requirement. However, SAE J579a is obsolete since no major manufacturer has built bulbs to these specifications for several years). NHTSA knows of no apparent safety basis for maintaining a lifetime requirement for some lamps but not others. The options, therefore, as NHTSA sees them are: (a) To delete all longevity requirements from Standard No. 108; (b) to delete all longevity requirements but require manufacturers to rate life expectancy on the lamp/bulb package (i.e., provide consumer information similar to that provided for household light bulbs); (c) to extend current longevity requirements to other types of headlighting systems; (d) to require that the headlamp last for the life of the vehicle; and (e) to retain the existing requirements.

The issues to be considered with each option, and for which NHTSA seeks specific comments are:

II–1. The ramifications for safety.

II–2. The costs and benefits to both consumers and manufacturers. The issues with regard to option (e), that the headlamp last for the life of the vehicle, are:

II–3. A definition of "lifetime" for passenger cars, trucks, buses, multipurpose passenger vehicles.

II–4. The technical feasibility of a lifetime headlamp meeting the photometrics of Standard No. 108.

II–5. Whether photometric requirements of a lifetime headlamp would need to differ from current Standard No. 108 test point values.

II–6. The effect of environmental factors (e.g. vibration, corrosion) upon the lifetime capability of the lamp on the road.

II–7. Whether a lifetime headlamp would affect the safety performance of the vehicle, either adversely or favorably.

II–8. The appropriate specifications to assure lifetime performance (i.e., hours of service, vibration, corrosion).

II–9. The cost for a lifetime headlamp with respect to:

a. The lamp or its components.

b. The secondary effects such as demand on electrical systems, and reduction of fuel economy.

II–10. The specific tradeoffs among photometrics, wattage, costs (primary and secondary) and other areas were a lifetime headlamp to be required.

II–11. Whether and how replacement equipment should be regulated.

NHTSA asks that responses indicate their applicability to sealed beam

headlamps, and the individual components of replaceable bulb headlamps such as reflector/lens assemblies and bulbs.

III. Elimination of Dimensional Specifications

The primary purpose for which Standard No. 108 specifies dimensions for sealed beam headlamps, light sources for replaceable bulb headlamps, and other headlighting components is to assure interchangeability, so that proper replacement equipment shall be readily available, shall fit only in the proper receptacle to assure a photometrically correct system, and shall perform with the equivalence of the original lighting equipment. The safety argument in favor of design restrictions was perhaps best expressed by Chief Judge Phillips of the Sixth Circuit Court of Appeals in his 1973 decision upholding NHTSA's specification for a rectangular headlamp of a single size: ". . . the overall safety and reliability of a headlamp system depends to a certain extent upon the wide availability of replacement lamps, which in turn depends upon standardization. Therefore, uniformity of headlamp size is an element of headlamp performance. Design freedom would inhibit safety . . . ." (*Chrysler Corp.* v. *DOT*, 515 F.2d 1053, at 1058).

With respect to sealed beam headlamps, dimensions relating to fit of the lamp into the housing are prescribed for the size and shape of the lamp, and for its retaining flange, seating plane lugs, electrical prongs, and headlamp mounting ring notches. With regard to photometrics, the number of headlamps and their location relative to each other are prescribed, as are mounting height and maximum wattage. Headlamp covers are prohibited.

For replaceable bulb headlamps, dimensions are prescribed for the bulb capsule, bulb black cap, base, reflector socket, O-ring seal, and for the location of the filaments relative to the lens/reflector assembly. With regard to photometrics, the number of headlamps and their location relative to each other are prescribed, as are mounting height and maximum wattage. Headlamps covers are permitted.

There are arguments to be made for either continuing or relieving these design restrictions. They were orginally imposed through a consensus of State motor vehicle administrators in the late 1930's that the situation then existing with complete design freedom was so chaotic that order had to be imposed. Accordingly, beginning with 1940 model cars, a standardized headlamp was introduced, a sealed beam unit of 7 inches diameter. Over the years, five additional types of sealed beam headlamps have been introduced gradually without a return to the problems that gave rise to standardization. An argument can be made that this is because the distribution and inventory systems are for more extensive and sophisticated today then they were 50 years ago.

Those who support dimensional specifications relating to the fit of the lamp into the housing might argue that without them, manufacturers of headlamps, headlamp components, and vehicles will no longer have a common understanding of dimensional requirements to assure proper fitting of manufactured parts. Those who oppose these dimensional requirements might reply that the market place will ensure an acceptable amount of commonality, and that dimensional specifications are properly the function of a standard setting organization (such as the SAE from whence the sealed beam specifications originated) rather than the Federal government.

Finally, without these dimensions, it could be argued, the consumer may choose parts that can be assembled into a photometrically incorrect headlamp, such as fitting the wrong bulb into a lens/reflector unit. Such a possibility, NHTSA believes, can be reduced through advisory labels and other related materials.

The agency stated previously that recently it has received an unprecedented number of petitions seeking amendments of headlighting requirements. The majority of these are concerned with dimensional requirements—from the size and shape of sealed beam headlamps to the location of filaments in replaceable bulb headlamps. Thus, significant agency resources are engaged in this area, an area in which uncertain, if any, safety benefits are involved and an area whose requirements clearly inhibit design innovation.

With regard to dimensions relating to photometrics (e.g. filament location) consideration of options relates back to consideration of a vehicle standard as discussed in section I.

Therefore, NHTSA seeks comments on the following issues:

III–1. The costs and benefits of eliminating dimensional specifications for fitting the headlamp into the housing:

a. Under current circumstances, where nearly two-thirds of headlamps are sold for replacement purposes.

b. Under the assumption that headlamps were regulated as original vehicle equipment and designed for vehicle life so that less than 20% of headlamps would be sold for replacement purposes.

III–2. Under the assumption that some dimensions are to be retained, discuss the dimensions that are critical to motor vehicle safety.

III–3. These same issues as applied to elimination of dimensional specifications for photometrics.

IV. Headlamp Aim

Intuitively, proper aiming of headlamps would appear necessary to asure that they provide the light required for the tasks of driving at night and under other considerations of reduced visibility, and that they not cause glare to oncoming drivers. However, it is difficult to come by research data or statistics indicating a direct or indirect causation of accidents attibutable to improper aim.

The general aiming specifications of Standard No. 108 are that headlamp aiming screws perform in a defined manner, that aim be capable of being held through 20 adjustments, that there be capability of aim of 4 degrees in both the horizontal and vertical directions, that there be an adjustable light beam axis, and that headlamps be capable of aiming with ordinary tools. The capability of mechanical aim is provided by the specification that the lamp have three pads on its lens which form an aiming plane.

There are three methods of headlamp aim in general use today: visual aim, optical aim, and mechanical aim. In visual aiming, an individual views the light beam on a vertical surface such as a wall or a screen 25 feet from the headlamp in relation to the H-V lines (horizontal-vertical) and aims the lamp so that its point of maximum intensity ("hot spot") falls in the appropriate location on the vertical surface. In optical aiming, a machine is placed in front of the headlamp, and its condensing lens collects light and measures certain beam points to judge the accuracy of the aim. In mechanical aiming, a machine is attached directly, to the headlamp by being fitted over the three pads on the lamp.

Visual aiming is better suited to lamps employing a beam pattern with a sharp cut-off, such as is found in the typical European lamp. When used with the softer, less defined U.S. beam pattern, an unavoidble element of subjectivity arises increasing the likelihood of improper aim. Optical aim also is more time consuming than mechanical aim and requires a subjective determination by the operator of the optical aiming device.

In accordance with SAE practice since the adoption of sealed beam headlamps, Standard No. 108 requires that all headlamps be capable of mechanical aim. To NHTSA, mechanical aiming has been the most objective, simplest way to determine accuracy of aim. It is the method most frequently used in those State motor vehicle inspections which check aim at all. (NHTSA estimates the number of States which inspect for headlamp aim to be 21 and of those, 13 use mechanical aiming devices). However, the requirements of having an aiming plane and aiming pads are somewhat of an inhibition to styling freedom, as only certain configurations of aiming pads are permitted, to insure fit with the aimer. As the number of types of headlamps has grown, mechanical headlamp aiming has become somewhat more cumbersome because of the necessity of providing adapters for the aimers so that they may be used with the new designs.

Headlamp aiming comprises two components, aim in the horizontal plane (left-right) and in a vertical plane (up-down). Horizontal aim presents a lesser potential for glare than vertical aim, and is therefore a less critical component. It may be practicable, therefore, to design headlamps which do not require horizontal aim and permit vertical aim by use of a level-type indicator mounted on the vehicle itself.

With respect to the general issue of headlamp aimability NHTSA seeks comments on the following issues:

IV–1. Whether an aiming requirement in the Federal standard is necessary for motor vehicle safety.

IV–2. Whether there is a relationship between aim and photometrics, i.e., whether a brighter headlamp could be used if aim adjustment were reduced.

IV–3. Whether there is a set of photometric specifications that is more amenable to simplified aiming procedures than the current requirements.

IV–4. The cost and desirability of determining proper vertical aim through use of a level-type indicator mounted on the vehicle itself.

IV–5. The dimensions, if any, that should be retained. With respect to mechanical aim:

IV–6. The effects of mechanical aim upon motor vehicle safety.

IV–7. The costs and benefits of eliminating mechanical aiming capability.

IV–8. Alternatives to the existing specifications for capability of mechanical aim.

V. Photometric Performance of Sealed Headlamps

There are three different photometric specifications allowed in Standard No. 108, each applicable to some but not all headlamps. These are specified in SAE J579a, SAE J579c, and Figure 15.

Until 1976, only SAE J579a photometric performance was permitted. The lower beam seeing distance point was located at ½ D–2R and had a range of from 6000 cd to 15,000 cd. The upper beam was aimed at ½ D–V and had a range of 20,000 cd to 37,500 cd.

With the amending of Standard No. 108 in 1976 to permit the Type B large rectangular lamp, and later in 1978 to permit "halogen technology" for all lamps, the standard was also amended to permit SAE J579c photometry. The lower beam was aimed more to the left and had a higher intensity. The lower beam seeing point distance was now located at ½ D–1½ R with a range of 8,000 to 20,000 cd. The upper beam was now aimed higher, at H–V, with a higher performance range of 25,000 cd to 75,000 cd.

The Type F photometry of Figure 15 of Standard No. 108, was adopted with the 92 x 150 mm, small rectangular four headlamp system in 1984. Intended to give more seeing light down the road on lower beam, the lamps use the same test points as SAE J579c but have higher minimum values at some of them and a higher maximum value at one lower beam test point.

Although headlamp Types A, C, and D (small rectangular, large round and small round, respectively) are still allowed to comply with SAE J579a to the best of NHTSA's knowledge, very few manufacturers appear to be currently producing SAE J579a headlamps.

The existence of three photometric requirements, one of which is for all practical purposes nearly obsolete, promotes unnecessary confusion and serves no apparent safety purposes.

Therefore, NHTSA seeks comments on the following issues:

V–1. The ramifications for safety of eliminating SAE J579a as an alternative headlamp performance level for Types A, C, and D headlamps.

V–2. The costs and benefits to manufacturers and consumers of eliminating SAE J579a.

V–3. The desirability of developing a single set of photometric requirements for all headlamps.

The program official and attorney primarily responsible for this notice are Deborah L. Parker and Z. Taylor Vinson respectively.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 16, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–25089 Filed 10–17–85; 1:41 pm]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 50, No. 204
Tuesday, October 22, 1985

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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding Management of Historic Water Transportation Ditches Affected by Undertakings on the Wallowa-Whitman National Forest, OR

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.6 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Forest Services, U.S. Department of Agriculture, and the Oregon State Historic Preservation Officer, providing for the management of historic water transportation ditches affected by undertakings on the Wallowa-Whitman National Forest in Oregon. The proposed Programmatic Memorandum of Agreement will establish a program for the identification, evaluation, mapping, partial protection, and management of these historic ditches in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

COMMENTS DUE: November 21, 1985.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, Room 450, 730 Simms Street, Golden, Colorado 80401.

FOR FURTHER INFORMATION CONTACT: Robert Fink, Chief, Western Division of Project Review, 730 Simms Street, Room 450, Golden, CO 80401.

Dated: October 17, 1985.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 85-25134 Filed 10-21-85; 8:45 am]

BILLING CODE 4310-10-M

COMMODITY CREDIT CORPORATION

Determination Regarding the 1985 Crop Loan Rates for Sugarcane and Sugar Beets

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination—1985—Crop Sugar Beets and Sugarcane Loan Rates.

SUMMARY: This notice sets forth the following determinations with respect to the 1985 crop of sugar beets and sugarcane: (1) The national average loan rate for raw cane sugar will be 18.00 cents per pound; (2) the national average loan rate for refined beet sugar will be 21.06 cents per pound; and (3) the loan rates for both sugarcane and sugar beets will be further adjusted to reflect the processing location of the sugar offered as collateral for a price support loan (i.e., location differentials). This notice also sets forth the minimum price support levels to be paid sugarcane and sugar beet producers. These determinations are made in accordance with Section 201(h) of the Agricultural Act of 1949 (hereinafter referred to as the "1949 Act"), as amended.

EFFECTIVE DATE: October 1, 1985.

FOR FURTHER INFORMATION CONTACT: Steve Gill, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Phone: (202) 447-8480. The Final Regulatory Impact Analysis describing the options considered in developing this Notice of Determination is available from Thomas W. Fink, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Phone: (202) 447-8701.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with the provisions of Departmental Regulation 1512-1 and Executive Order 12291 and has been classified as "major" since this action may have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

An Environmental Evaluation with respect to the price support loan program has been completed. It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, land use, and appearance. Accordingly, neither an Environmental assessment nor an Environmental Impact Statement is needed.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases, Number 10.051, as found in the Catalog of Federal Domestic Assistance.

This notice sets forth determinations with respect to the following issues which are briefly described:

1. *Loan Rate for Sugarcane.* Section 201(h) of the 1949 Act provides that the Secretary of Agriculture is required to support the price of the 1982 through 1985 crops of sugarcane and sugar beets through nonrecourse loans. Section 201(h) further provides that the price of the 1985 crop of sugarcane shall be supported at such level as the Secretary determines to be appropriate but not less than 18.00 cents per pound for raw cane sugar.

2. *Loan Rate for Sugar Beets.* Section 201(h) of the 1949 Act provides that the price of sugar beets shall be supported at such level as the Secretary determines to be fair and reasonable in relation to the level of loans for sugarcane.

3. *Location Differentials.* The application of location differentials to loan rates is common to most price support programs administered by CCC. The loan rates for sugar processed in specific regions will be based upon the transportation costs associated with moving sugar to the markets that are normal for those regions.

4. *Minimum Price Support Levels.* The minimum price support levels are the minimum amounts that must be paid to producers by a processor participating in the price support loan program. The minimum price support levels are set forth by regions. These support levels would be applicable for purposes of setting contracts between individual processors and producers for the crop of sugar beets and sugarcane harvested during the 1985 crop period.

Summary of Public Comments

A notice of proposed determination with respect to the 1985 crop of sugar beets and sugarcane loan rates was published in the **Federal Register** on August 22, 1985 (50 FR 33989) and provided for a 30-day comment period. A total of four comments were received. One respondent supported the notice of proposed determination in its entirety. Following is a summary of the comments received:

Loan rate for sugarcane. One respondent supported the minimum statutory loan level of 18 cents per pound as set forth in the notice of proposed determination.

Loan rate for sugar beets. Three comments were received with respect to calculating the 1985 crop of sugar beets loan rate. One respondent supported the methodology as set forth in the proposed Notice. Two respondents objected to the methodology as set forth in the proposed Notice. One respondent suggested the methodology be modified to provide that the loan rate for sugar beets be based on the actual cost of turning raw cane sugar into refined cane sugar. This suggestion was rejected.

Establishing a sugarbeet loan rate based on the cost of refining raw sugar at the refinery would be inconsistent with the provision of the 1949 Act which authorize the sugar price support program. The purpose of the program is to support prices paid to growers of sugar beets and sugarcane. The Secretary is directed to establish a sugar beet loan rate at such level as the Secretary determines to be fair and reasonable in relation to the support level for sugarcane. Adopting the respondent's suggestion would result in a differential between beet sugar and raw cane sugar loan rates in excess of the differential that has been traditionally determined by market forces. This would not be a fair and reasonable relationship as required by the 1949 Act. The second respondent suggested excluding the high and low years from the period 1975 through 1985 used in the methodology for calculating the loan rate for sugar beets. This suggestion was rejected. Use of the methodology in the proposed notice of previous price support programs has not produced disproportionate forfeitures of loan collateral to CCC as compared between raw cane sugar and refined beet sugar. Such disproportionate forfeiture would be expected to occur if the methodology utilized produced an incorrect relationship between the two prices.

Accordingly, this notice sets forth the price support loan rates with respect to the 1985 crop of sugar beets and sugarcane. The 1985 crop is defined as the sugar processed from domestically-produced sugar beets or sugarcane during the 1985 crop year, which is the period from July 1, 1985, through June 30, 1986. This notice also establishes the minimum price support levels to be paid sugar beet and sugarcane producers.

Determination

1. *Loan Rate for Sugarcane:* In accordance with section 201(h) of the 1949 Act, it has been determined that the national average loan rate for the 1985 crop of sugarcane is 18.00 cents per pound for cane sugar, raw value, which is the minimum statutory level.

2. *Loan Rate for Sugar Beets:* In accordance with section 201(h) of the 1949 Act, it has been determined that the national average loan rate for the 1985 crop of sugar beets is 21.06 cents per pound for refined beet sugar.

The refined beet sugar loan rate is calculated by multiplying the raw cane sugar loan rate times a determined factor and then adding the fixed marketing expense (which are incured by beet processors regardless of the disposition of the sugar). The factor referred to in the formula is determined by comparing the weighted average net returns for beet sugar (i.e., gross returns less all marketing expenses) to the weighted average New York spot price (#12 contract) for raw cane sugar for the years 1975 through 1983.

3. (a) *Location Differentials.* It has been determined that both raw cane sugar and refined beet sugar loan rates will be further adjusted to reflect the processing location of sugar offered as collateral for a price support loan. These adjustments (i.e., location differentials) which are calculated in the same manner as in the three previous crop years, result in the following 1985 regional loan rates:

Sugar Loan Rates

Refined Beet Sugar

Region and description	Cents per pound
1—Michigan and Ohio	21.97
2—Minnesota and eastern half of North Dakota	21.04
3—Northeastern quarter of Colorado; northwestern quarter of Kansas; Nebraska; and the southeastern quarter of Wyoming	20.35
4—Texas	21.40
5—Montana and the northwestern quarter of Wyoming and western half of North Dakota	20.35
6—That part of Idaho east of the eastern boundary of Owyhee County and of such boundary extended northward	20.44
7—That part of Idaho west of the western boundary of Owyhee county and of such boundary extended northward; Oregon	20.44
8—California	21.40
Cane sugar, raw value:	
Florida	17.97
Louisiana	18.35
Texas	17.95
Hawaii	17.87
Puerto Rico	17.52

For sugar processed in Hawaii or Puerto Rico but placed under loan on the mainland of the United States, the loan rate shall be 18.00 cents per pound.

(b) *Minimum Price Support Levels.* Based on these established regional loan rates, the minimum price support levels specified in 7 CFR 1435.114(b) for sugar beets and sugarcane of average quality are as follows:

1. Sugarbeets harvested between July 1, 1985, and June 30, 1986:

Region (same as in (a) above):	Support price per net ton
1	[1] $28.02
2	32.51
3	31.41
4	33.08
5	31.41
6	31.55
7	31.55
8	33.12

[1] A. The required minimum price support rate per ton of sugar beets may be adjusted in accordance with B if one of the following applies: (1) The sugar extracted by a processor from the 1985 crop yields, on the average, less than 222.25 pound per net ton of sugar beets delivered and accepted by the processor. (2) The processor's net return on byproducts per net ton of sugar beets delivered and accepted by the processor averages less than $5.94 per net ton.

B. Determine any adjusted rate under A as follows: (1) Multiply $.2107 (the loan rate per pound, minus $.0000 fixed marketing costs) times the average pounds and hundredths of pounds of sugar extracted per net ton. (2) Add to the result of subparagraph 1 of the net return to the processor on byproducts per net ton of sugar beets delivered and accepted. (3) Multiply the result of subparagraph 2 times 0.531.

2. For sugarcane harvested between July 1, 1985, and June 30, 1986, in Florida: $24.02 per net ton.

3. For sugarcane harvested between July 1, 1985, and June 30, 1986, in Louisiana: $22.70 per net ton. However, for sugarcane for which settlement is determined on the basis of a core sample, the minimum amount to be paid per gross ton of sugarcane shall be the

amount determined by multiplying the total amount of sugar recovered per gross ton (commercial recoverable sugar adjustment) of sugarcane delivered to the processor times 11.010 cents per pound, plus 43 cents per gross ton of sugarcane for molasses.

4. For sugarcane harvested between July 1, 1985, and June 30, 1986, in Texas: the amount determined by multiplying 10.770 cents times the average pounds of cane sugar, raw value, recovered per ton from the sugarcane delivered to the processor by all producers, as adjusted by the processor to reflect the quality of the juice (normal juice sucrose and normal juice purity) extracted from the individual producer's sugarcane.

5. For sugarcane harvested in Hawaii: the amount determined according to the standard marketing contract for the calendar year in which the sugarcane was harvested between growers and processors of sugarcane and the cooperatively-owned refiner of raw cane sugar that markets refined and raw cane sugar on behalf of its members and non-member patrons: *Provided, however,* that non-members of this cooperative shall be treated no less favorably than the members of the cooperative under the terms of the standard marketing contract.

6. For sugarcane harvested in Puerto Rico: that price determined according to the provisions of Puerto Rico Law No. 426, also known as the Puerto Rico Sugar Law, and the rules issued under the law by the Sugar Board of Puerto Rico for the calendar year in which the sugarcane was harvested.

7. The prices indicated above must be adjusted for sugar beets or sugarcane of nonaverage quality under the method agreed upon by the producer and processor according to the terms and conditions of their marketing contract.

Signed at Washington DC on October 17, 1985.

John R. Block,

Secretary.

[FR Doc. 85-25171 Filed 10-21-85; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee (CAC) of the American Economic Association (AEA), the CAC of the American Marketing Association (AMA), the CAC of the American Statistical Association (ASA), and the CAC on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), we are giving notice of a joint meeting followed by separate and jointly held (described below) meetings of the CAC of the AEA, CAC of the AMA, CAC of the ASA, and the CAC on Population Statistics. The joint meeting will convene on November 14, 1985, at the Westpark Hotel, 1990 North Fort Myer Drive, Arlington, Virginia 22209.

The CAC of the AEA is composed of 9 members appointed by the President of the AEA. It advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning economic surveys and censuses; reviews major aspects of the Bureau's programs; and advises on the role of analysis within the Bureau.

The CAC of the AMA is composed of 9 members appointed by the President of the AMA. It advises the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The CAC of the ASA is composed of 12 members appointed by the President of the ASA. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The CAC on Population Statistics is composed of 4 members appointed by the Secretary of Commerce and 5 members designated by the President of the Population Association of America from the membership of that Association. The CAC on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The agenda for the combined meeting that will begin at 8:45 a.m. and end at 10:45 a.m. is: (1) Introductory remarks by the Director, Bureau of the Census, including staff changes and Bureau organization, budget and program developments, an overview of the Bureau's Initial Strategic Plan, and other topics of current interest; and (2) public perceptions of privacy and confidentiality—a review of the conflicting concerns and misunderstandings of the general public and the business community about privacy/confidentiality of federally collected data, and a discussion of the research that the Census Bureau will conduct to address these issues in the future.

The agendas for the four committees in their separate and jointly held meetings that will begin at 10:45 a.m. on November 14 are as follows:

The CAC of the ASA: (1) Evaluation and research—1987 censuses (joint with CAC of the AEA), (2) Bureau response to previous Committee recommendations and Bureau activities of special interest to the CAC of the ASA, (3) public perceptions of privacy and confidentiality (joint with CAC of the AEA), (4) 1990 census adjustment research—progress and planning (joint with the CAC on Population Statistics), and (5) public cooperation with the 1990 Census of Population and Housing. Adjourn at 5 p.m.

The CAC on Population Statistics: (1) Public perceptions of privacy and confidentiality (joint with CAC of the AMA), (2) Bureau response to previous Committee recommendations and Bureau activities of special interest to the CAC on Population Statistics—part 1, (3) public cooperation with the 1990 Census of Population and Housing (joint with CAC of the AMA), (4) 1990 census adjustment research—progress and planning (joint with the CAC of the ASA), and (5) Bureau response to previous Committee recommendations and Bureau activities of special interest to the CAC on Population Statistics—part 2. Adjourn at 4:30 p.m.

The CAC of the AMA: (1) Public perceptions of privacy and confidentiality (joint with the CAC on Population Statistics), (2) Bureau response to previous Committee recommendations and Bureau activities of special interest to the CAC of the AMA, (3) public cooperation with the 1990 Census of Population and Housing (joint with CAC on Population Statistics), (4) 1987 Economic Censuses content issues (joint with the CAC of the AEA), and (5) proposed strategies for improving foreign trade statistics (joint with the CAC of the AEA). Adjourn at 5:15 p.m.

The CAC of the AEA: (1) Evaluation and research—1987 censuses (joint with CAC of the ASA, (2) Bureau response to previous Committee recommendations and Bureau activities of special interest to the CAC of the AEA, (3) public perceptions of privacy and confidentiality (joint with CAC of the ASA), (4) 1987 Economic Censuses content issues (joint with CAC of the AMA), and (5) proposed strategies for improving foreign trade statistics (joint with CAC of the AMA). Adjourn at 5:15 p.m.

The agenda for the November 15 meetings that will begin at 8:45 a.m. and adjourn at 3:00 p.m. are:

The CAC of the ASA: (1) Plans for testing race and ethnicity in the 1986 National Content Test (joint with CAC on Population Statistics); (2) proposed strategies for improving foreign trade statistics; (3) development and discussion of recommendations; and (4) closing session including (a) continued Committee and staff discussions, (b) comments by outside observers, and (c) plans and suggested agenda for the next meeting.

The CAC on Population Statistics: (1) Plans for testing race and ethnicity in the 1986 National Content Test (joint with CAC of the ASA); (2) 1986 census test program; (3) development and discussion of recommendations; and (4) closing session including (a) continued Committee and staff discussions, (b) comments by outside observers, and (c) plans and suggested agenda for the next meeting.

The CAC of the AMA: (1) More interesting data products (joint with the CAC of the AEA); (2) how can the Bureau make the Survey of Income and Program Participation more useful to the business and marketing communities; (3) development and discussion of recommendations; and (4) closing session including (a) continued Committee and staff discussions, (b) comments by outside observers, and (c) plans and suggested agenda for the next meeting.

The CAC of the AEA: (1) More interesting data products (joint with the CAC of the AMA); (2) Changes in the Construction Price Index; (3) development and discussion of recommendations; and (4) closing session including (a) continued Committee and staff discussions, (b) comments by outside observers, and (c) plans and suggested agenda for the next meeting.

All meetings are open to the public, and a brief period is set aside on November 15 for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Committee Liaison Officer at least 3 days before the meeting.

Persons wishing additional information concerning these meetings or who wish to submit written statements may contact the Committee Liaison Officer, Mr. Melvin Hendry, Bureau of the Census, Room 3061, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763–3856.

Dated: October 17, 1985.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 85–25092 Filed 10–21–85; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

[C–351–406]

Countervailing Duty Order; Certain Round-Shaped Agricultural Tillage Tools (Discs) from Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: In separate investigations, the United States Department of Commerce (the Department) and the United States International Trade Commission (ITC) have determined that certain round-shaped agricultural tillage tools (discs) with plain or notched edge, such as colters and furrow-opener blades, imported from Brazil are receiving benefits which constitute subsidies within the meaning of the countervailing duty law, and that sales of discs from Brazil are materially injuring a United States industry. In its determination, the Department also found that non-round-shaped agricultural tillage tools (rectangular, triangular and other odd shapes, such as points, chisels, sweeps, shovels, knives, furrowers, tines, drills, lister bottoms, rotary tiller blades, bedshaping tools, as well as plowshares, plowshines, moleboards, etc.) from Brazil are receiving benefits which constitute subsidies within the meaning of the countervailing duty law. However, the ITC determined that imports of non-round-shaped agricultural tillage tools are not materially injuring, threatening material injury to, or materially retarding the establishment of a United States industry. Additionally, although the Department found in its preliminary determination that "critical circumstances" exist with respect to agricultural tillage tools from Brazil, the Department's final determination of critical circumstance under section 705(a)(2) of the Act was dependent upon the ITC's finding of material injury and the independent affirmative determination by the ITC of critical circumstances under section 704(a)(4)(A) of the Act. The ITC found that "critical circumstances" do not exist in this case.

Therefore, based on these findings, all entries of round-shaped agricultural tillage tools (discs) from Brazil, which are entered or withdrawn from warehouse, for consumption on or after June 10, 1985, the date on which the Department published its notice of "Preliminary Affirmative Countervailing Duty Determination" in the **Federal Register**, will be liable for the assessment of countervailing duties. Accordingly, a cash deposit in the amount of the estimated net subsidy of 8.06 percent *ad valorem* must be made on all round-shaped agricultural tillage tools (discs) with plain or notched edge which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this countervailing duty order in the **Federal Register**. Furthermore, the suspension of liquidation will be discontinued for entries of non-round-shaped agricultural tillage tools. All estimated countervailing duties deposited on such entries shall be refunded, and the appropriate bonds or other security released, at time of luquidation.

Since the ITC made a negative finding regarding "critical circumstances" under section 705(b)(4)(A) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1671d(b)(4)(A), the suspension of liquidation, previously ordered 90 days retroactively from the date on which the Department published its notice of "Preliminary Affairmative Countervailing Duty Determination" in the **Federal Register**, is no longer in effect. Therefore, Customs officials will be directed to terminate any retroactive suspension of liquidation, release any bond or other security, refund any cash deposit, and liquidate all entries, or withdrawals from warehouse, for consumption, of certain agricultural tillage tools from Brazil before June 10, 1985.

EFFECTIVE DATE: October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Alain Letort or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Pennsylvania Avenue N.W., Washington, D.C., telephone: (202) 377–5050 or 377–2438.

SUPPLEMENTARY INFORMATION: The products covered by this order are certain round-shaped agricultural tillage tools (discs) with plain or notched edge, such as colters and furrow-opener blades, as currently provided for in item 666.00 of the *Tariff Schedules of the United States (TSUS).*

In accordance with section 703 of the Act (19 U.S.C. 1671b), the Department published, on June 10, 1985, its preliminary determination that there was reason to believe or suspect that imports of certain agricultural tillage

tools from Brazil received benefits which constitute subsidies within the meaning of the countervailing duty law, and that "critical circumstances" exist with respect to imports of agricultural tillage tools from Brazil (50 FR 24270). In accordance with section 705 of the Act (19 U.S.C. 1671d), The Department published, on August 26, 1985, its final determination that these imports are being subsidized and that a determination of "critical circumstances" was dependent upon an affirmative determination by the ITC of "critical circumstances" under section 705(a)(4)(A) of the Act (50 FR 34525).

On October 9, 1985, in accordance with section 705(d) of the Act (19 U.S.C. 1671d(d)), the ITC notified the Department of its determination that imports of certain round-shaped agricultural tillage tools (discs) with plain or notched edge are materially injuring a United States industry, and that imports of non-round-shaped agricultural tillage tools are not materially injuring, threatening material injury to, or materially retarding the establishment of a United States industry. Additionally, the ITC made a negative determination regarding "critical circumstances."

Therefore, in accordance with section 706 of the Act (19 U.S.C. 1671e), the Department directs United States Customs officers to assess, upon further advise by the administering authority pursuant to section 706(a)(1) of the Act (19 U.S.C. 1671e(a)(1)), countervailing duties equal to the amount of the net subsidy for all entries of certain round-shaped agricultural tillage tools (discs) with plain or notched edge from Brazil. These countervailing duties will be assessed on discs (round-shaped agricultural tillage tools with plain or notched edge) from Brazil, entered, or withdrawn from warehouse, for consumption, on or after June 10, 1985, the date on which the Department published its notice of "Preliminary Affirmative Countervailing Duty Determination" in the **Federal Register.**

The Department further directs United States Customs officers to terminate any retroactive suspension of liquidation, release any bond or other security, refund any cash deposit, and liquidate all entries, or withdrawals from warehouse, for consumption, on certain agricultural tillage tools from Brazil made before June 10, 1985.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated customs duties on the merchandise, a cash deposit equal to the net subsidy of 8.06 percent *ad valorem.*

The Department also directs that suspension of liquidation be discontinued for entries of non-round-shaped agricultural tillage tools. All estimated countervailing duties deposited on such entries shall be refunded, and the appropriate bonds or other security released, at time of liquidation.

This determination constitutes a countervailing duty order with respect to certain round-shaped agricultural tillage tools (discs) with plain or notched edge from Brazil pursuant to section 706 of the Act (19 U.S.C. 1671e) and § 355.36 of the Commerce regulations (19 CFR 355.36).

We have deleted from the Commerce Regulations Annex III to 19 CFR Part 355, which listed countervailing duty orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration for copies of the updated list of orders currently in effect.

Notice of Review

In accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), the Department hereby gives notice that, if requested, it will commence an administrative review of this order. For further information regarding this review, contact Richard Moreland at (202) 377-2786.

This notice is published in accordance with section 706 of the Act (19 U.S.C. 1671e) and § 355.36 of the Commerce Regulations (19 CFR 355.36).

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

October 16, 1985.

[FR Doc. 85-25154 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-580-504]

Extension of the Deadline for Final Countervailing Duty Determination and Postponement of Hearing: Offshore Platform Jackets and Piles From Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On August 29, 1985, we published a notice in the **Federal Register** extending the deadline for the final countervailing duty determination on offshore platform jackets and piles from Korea to correspond to the date of the final determinations in the antidumping investigations of the same products from Korea and Japan (50 FR 35108). This extension was made pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98-573). On September 6, 1985, we postponed the preliminary antidumping duty determinations of offshore platform jackets and piles from Korea and Japan (50 FR 37566). With this postponement, the new date for the final antidumping duty determinations is January 29, 1986. Therefore, the date of the final countervailing duty determination is extended to correspond to the revised date of the final antidumping duty determinations.

The public hearing on the countervailing duty investigation which we announced would be held on November 6, 1985, is postponed and will now be held at 10:00 a.m. on December 4, 1985, at the U.S. Department of Commerce, Room 1851, 14th Street and Constitution Avenue NW., Washington, D.C.

EFFECTIVE DATE: October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Martin or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-3464 or 377-0187.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

October 16, 1985.

[FR Doc. 85-25153 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DS-M

Performance Review Board Membership

This notice announces the appointment by the Department of Commerce Under Secretary for International Trade, S. Bruce Smart, of the Performance Review Board for ITA. This is a revised list of membership which includes previous members as listed in the August 20, 1984 **Federal Register** announcement (49 FR 33040) with additional members added to serve out the remainder of the one year term. The purpose of the International Trade Administration PRB is to review performance actions for recommendations to the appointing authority as well as other related matters. The names of the PRB members are:

International Trade Administration

Franklin Vargo, Deputy Assistant Secretary for Europe

Brant Free, Director, Office of Service Industries

James Phillips, Deputy Assistant Secretary, for Capital Goods and International Construction
Marjory Searing, Director, Office of Industry Assessment
T. Fleetwood Mefford, Deputy Assistant Secretary, for Domestic Operations
Timothy Hauser, Director, Office of Multilateral Affairs
John Boidock, Director, Office of Export Administration
John Evans, Deputy to the Deputy Assistant Secretary (Management)
Michael Doyle, Director of Administration
Marilyn Wagner, Assistant General Counsel for Administration

Dated: October 16, 1985.

James T. King, Jr.

Personnel Officer, ITA

[FR Doc. 85-25080 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

[Docket No. 50601-5101]

Five Federal Information Processing Standards for Data Interchange on Flexible Disk Cartridges; Correction

AGENCY: National Bureau of Standards, Commerce.

ACTION: Final notice; correction.

SUMMARY: In FR Doc. 85-23227, appearing on pages 39745-39753 in the issue of Monday, September 30, 1985, make the following corrections:

1. The effective date of the five standards was omitted from the Implementation Schedule sections of each standard. The first sentence of the Implementation Schedule section for FIPS 114, 115, 116, 117, and 118 should read as follows: "This standard becomes effective April 1, 1986."

2. On page 39747, second column, insert "Using" in FIPS 115 title to read "200 mm (8 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 13262 bprad on Two Sides—1.9 tpmm (48 tpi) for Information Interchange".

3. On page 39748, first column, three lines from bottom of page, correct section number to read "6.2.2.1".

4. On page 39751, first column, eleventh line from top, change "surve" to "serve".

5. On page 39752, first column, Qualifications paragraph b., ninth line, change "guideline" to "standard"; twenty-first line, change "X3.4-1979" to "X3.64-1979".

6. On page 39752, second column, subparagraph 7., tenth printed line, after "SPACE's" add "or 01", and in eleventh line delete "01".

FOR FURTHER INFORMATION CONTACT:
Mr. Michael D. Hogan, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921-3165.

Dated: October 17, 1985.

Raymond G. Kammer,

Acting Director.

[FR Doc. 85-25088 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Permits; Foreign Fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels of fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*)

Send comments on applications to:

Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service Department of Commerce, Washington, DC 20235

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Routh 1), Saugus, MA 01906, 617/231-0422;
John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 300 South New Street, Dover, DE 19901, 301/674-2331;
David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571-1366;
Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00818, 809/753-6910;
Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228-2815;
Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201, 503/221-6352;
Jim H. Branson, Executive Director, North Pacific Fishery Management Concil, 411 W. Fourth Avenue, Suite 2D, Anchorage, AK 99510, 907/271-4060;
Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 165 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523-1368.

For further information contact John D. Kelley (Fees, Permits, and Regulations Division, 202-634-7432).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1986 were received June 1985, from the Government of the German Democratic Republic.

Dated: October 16, 1985.

Richard B. Roe,

Acting Director, Office of Fisheries Management.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code and fishery	Regional fishery management councils
ABS—Atlantic Billfishes and Sharks	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean
BSA—Bearing Sea and Aleutian Islands Groundfish	North Pacific
GOA—Gulf of Alaska	North Pacific
SMT—Seamount Groundfish	Western Pacific
SNA—Snails (Bearing Sea)	North Pacific
WOC—Pacific Groundfish (Washington, Oregon and California)	Pacific
PBS—Pacific Billfishes and Sharks	Western Pacific

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code:
1..... Catching, processing and other support.
2..... Processing and other support only.
3..... Other support only.
4..... "Joint venture" in support of U.S. vessels.

Nation, vessel name, vessel type	Application number	Fishery	Activity
Government of the German Democratic Republic			
WILLI BREDEL, large stern trawler	GC-86-0024	NWA	1(4)
LUTTEN KLEIN, cargo transport	GC-86-0026	NWA	1(4)
BODO UHSE, large stern trawler	GC-86-0040	NWA	1(4)
RUDOLF LEONHARD, large stern trawler	GC-86-0048	NWA	1(4)
GRANITZ, large stern trawler	GC-86-0051	NWA	1(4)
HANS MARCHWITZA, large stern trawler	GC-86-0052	NWA	1(4)
BRUNO APITZ, large stern trawler	GC-86-0053	NWA	1(4)
LUDWIG RENN, large stern trawler	GC-86-0054	NWA	1(4)

Nation, vessel name, vessel type	Application number	Fishery	Activity
LICHTENHAGEN, cargo transport	GC-86-0055	NWA	1(4)

Joint Venture

German Democratic Republic—The Government of East Germany has submitted an application for a joint venture permit in the Northwest Atlantic Ocean Fishery. The operation is combined with a request for a 20,000 m.t. direct mackerel fishery scheduled to take place from January to March, 1986. The joint venture species request is for 7,500 m.t. of U.S. harvested mackerel. The American partner will be Joint Trawlers (North America), Ltd., P.O. Box 1209, 63 Main Street, Gloucester, MA 01930.

[FR Doc. 85-25142 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Agents or Tanners Holding Valid Certificates of Registration and Cancellation of Inactive Agents or Tanners Certificates

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Notice Listing Agents or Tanners Holding Valid Certificates of Registration and Cancellation of Inactive Agents or Tanners.

SUMMARY: Pursuant to the Provisions of the Marine Mammal Protection Act of 1972 (as amended) and the Regulations Governing the Taking and Importing of Marine Mammals, Certificates of Registration to act as an agent or tanner are issued by the National Marine Fisheries Service. The Certificates cover species of the order Cetacea (whales and porpoises) and Pinnipedia (seals and sea lions), other than the walrus. This Notice provides a current list of active Certificate holders and of those firms that no longer hold valid Certificates.

The following persons or organizations hold currently valid Certificates of Registration as Agent or Tanner:

Name/Address, Certificate No. and Tanner or Agent

Richard Haviland, Pingree Northwest, 1027 South Rose Street, Seattle, Washington, 98108, A-1, Agent;
Roy Hendricks, P.O. Box 8122, 801 N. Bragaw Street, Anchorage, Alaska 99508, A-2, Agent;
Martin James, Jr., Maruskiya's of Nome, Export & Mailorder, P.O. Box 895, Nome, Alaska 99762, A-3, Agent;
George L. Kritchen, Box 387, Cordova, Alaska 99574, A-4, Agent;
Jerome Wysocki, Wysocki's Taxidermy & Leather, 2451 N.W. 58th Street, Seattle, Washington 98107, A-5, Agent;
Larry Dean Amox, Sr., White Raven Trading Post, Box 2183, Kodiak Alaska 99615, A-6, Agent;
Fred E. Chase, Chase Arctic Trading, P.O. Box 81990, Fairbanks, Alaska 99708, A-7, Agent;
Fredrick J. Woelkers, III, Alaska Research Company, P.O. Box 106, Seward, Alaska 99664, A-9, Agent;
Mr. & Mrs. Robert R. Blodgett, Teller Commercial Co., No. 2 Front Street, Teller, Alaska 98778, A-10, Agent;
John Merrick, Manager Lands & Resources, Koniag, Inc., Regional Native Corporation, Box 746, Kodiak, Alaska 99615, A-11, Agent;
Mr. & Mrs. Howard Knodel, Arctic Trading Post, P.O. Box 262, Nome, Alaska 99762, A-14, Agent;
Roy T. Johnson, Jonas Brothers, Inc., 1037 Broadway, Denver, Colorado 80203, A-15, Agent;
Clyde A. Gilbert and Tad K. Gilbert, 2938 Ambergate Drive, Anchorage, Alaska 99504, A-16, Agent;
Richard & Carolyn Stewart, The Bear's Den, 4828 Palermo Drive, S.W., Olympia, Washington 98502, A-19, Agent;
Gerald Collins, Spokane Glove and Tanning Co., East 10623 Trent Avenue, Spokane, Washington 99206, A-20, Agent;
Clifford L. Jeska, Silver Eagle Taxidermy, 724 W. 45th Avenue, Anchorage, Alaska 99503, A-21, Agent;
Donald R. Orcutt, 2801 Weaver Circle, Boise, Idaho 83704, A-22, Agent;
Leo Price, The Taxidermy Shop, 404 Etolinway, P.O. Box 1526, Sitka, Alaska 99835, A-24, Agent;
Darrell Farmen, President, D & C Expediters, Inc., 5941 Arctic Blvd., Unit M, Anchorage, Alaska 99502, A-25, Agent;
Joseph J. Miguel, Jr., Game Hutch Taxidermy Studio, P.O. Box 933, Auke Bay, Alaska 99821, A-27, Agent;
H.B. Jones, AAA Taxidermy, Inc., 8240 Hartzell Road #4, Anchorage, Alaska 99507, A-28, 14T, Agent, Tanner
William R. Wertz, Administrative Officer, P.O. Box 317, Fairbanks Correctional Center, Fairbanks, Alaska 99781, A-29, Agent;
Louis K. Brunner, 6950 Crawford Drive, Anchorage, Alaska 99502, A-31, Agent;
Louis R. Schoaf, Schoaf's Taxidermy, 12121 Highway 62, Eagle Point, Oregon 97524, A-32, Agent;
Mary Lou Lindahl, General Manager, Alaska Native Arts & Crafts, 425 D Street, Anchorage Alaska 99501, A-33, Agent;
Dennis W. Knuth, Glacier Bear Taxidermy, Star Rt. B, Box 7844, Palmer, Alaska 99645, A-34, Agent;
Charles F. Sellers, 705 Muldoon Road, Space #111, Anchorage, Alaska 99504, A-35, Agent;
Carol Ayland, Director, The Bering Strait School District, P.O. Box 225, Unalakleet, Alaska 99684, A-36, Agent;
Craig & Lloyd Keefer, The Flying Fishermen, 9431 Dundee Circle, Anchorage, Alaska 99501, A-37, Agent;
Carol M. Gilley, Four Seasons Taxidermy, 40014 Reuben Leigh Road, Lowell, Oregon 97452, A-38, Agent;
Bill Coumbe, Community Education, Barrow High School, Pouch 8950, Barrow, Alaska 99723, A-39, Agent;
Lee Doris Martin, Owner, Northland Furs, Box 449, Kasilof, Alaska 99610, A-40, Agent;
Kenneth M. Paullin, Kodiak Taxidermy, 1914 Mill Bag Road, Kodiak, Alaska 99613, A-41, Agent;
Elva K. Amidon, SR Box 6013, Eagle River, Alaska 99577, A-42, Agent;
Tommy Ray, Owner, Ray's Taxidermy, 7329 Arctic Blvd., Anchorage, Alaska 99502, A-43, Agent;
Larry D. Thorne, Thorne & Taxidermy, P.O. Box 461, Bethel, Alaska 99559, A-44, 15T, Agent, Tanner;
Arnold Lewis, Vancouver Taxidermy & Royal Fur Dressing, 914 N.E., 163rd Avenue, Vancouver, Washington, 98684, A-45, Agent;
Johnnie R. Laird & Francis C. Laird, Harris River Fur Company, P.O. Box 84, Klawiah, Alaska 99925, A-46, Agent;
Miquel Ceja, Wildlife Fur Dressing Co., 1716 S. Paulson Road, Turlock, California 95380, A-47, Agent;
Robert Scherf, Northstar Products, 130 Seward Street, Juneau, Alaska 99801, A-48, Agent;
Ralph King, Frontier Tanning Company, 11500 Johns Road, Anchorage, Alaska 99515, A-38, 3T, Agent, Tanner;
Charles Croaker, President, New Method Fur Dressing Co., 131 Beacon Street, South, San Francisco, CA 94080, 5T, Tanner;
Jerome Knopp, Coast to Coast Fur, Inc., North 11520 Market Street, Mead, Washington 99021, 7T, Tanner;
Roy T. Johnson, Colorado Tanning and Fur Dressing Company, 1787 South Boradway, Denver, Colorado 80210, 9T, Tanner;
Patty Brakefield, American Fur Dressing Company, Inc., 10816 Newport

Highway, Spokane, Washington 98218, 10T, Tanner;
Joy Goldsworthy, The Custom Tannery, Inc., 1170 Martin Avenue, Santa Clara, California 95050, 11T, Tanner.

The following firms and organizations have cancelled their Certificates of Registration as Agent or Tanner:

Name/Address, Certificate No. and Tanner or Agent

Jerome Wysocki, Wysocki's Taxidermy & Leather, 2451 N.W. 58th Street, Seattle, Washington 98107, 1T, Tanner, Surrendered;
Danny E. Fadness, Dall-Alaskan Taxidermy, 2 Mile Farmers Loop Road, Fairbanks, Alaska 99701, 2T, Tanner, Surrendered;
Morris L. Brynton, Acme Fur Dressing, 21215 24th Avenue, W., Anchorage, Alaska 99502, 4T, Tanner, Cancelled;
Karl H. Puls, Royal Fur Dressing, P.O. Box 261, Woodinville, Washington, 98702, 6T, Tanner, Surrendered;
Jack Wood & Charles Wood, Alaskan Custom Taxidermy, 8900 Lake Otis Parkway, Anchorage, Alaska 99507, A-8, Agent, Surrendered;
Alaska Unorganized Borough, Box 1088, Nome, Alaska 99762, A-12, Agent, Cancelled;
Don Stand, Kawerak, Inc., Arts & Crafts Co-op, Bering Straits Native Assoc., Box 505, Nome, Alaska 99762, A-13, 8T, Agent, Tanner, Surrendered;
Ms. Laurine DeRusha, Whiskey Hollow Taxidermy, P.O. Box 115, Ward Cove, Alaska 99928, A-17, Agent, Surrendered;
John E. Fenske, Box 8681, Anchorage, Alaska 99508, A-18, Agent, Cancelled;
Gereth Stillman, Still's Mat-Valley Taxidermy, Box 42, Mercy Drive, Eagle River, Alaska 99577, 12T, Tanner, No longer at address;
Jerome A. Murphy, P.O. Box 2121, Juneau, Alaska 99803, 13T, Tanner, Surrendered;
Sgt. Larry Higbee, Department of Public Safety, Box 101, Point Hope, Alaska 99766, A-23, Agent, Surrendered;
Dale D. Fick, Fick's Taxidermy, Anchorage, Alaska 99504, A-26, Agent, Surrendered;
Terry Harris, Harris & Sons Taxidermy, 61300 Bremen Highway, Mishawaka, Indiana 46544, A-30, Agent, Surrendered.

FOR FURTHER INFORMATION CONTACT:
Charles Karnella, Acting Chief, Protected Species Division, Office of Protected Species & Habitat Conservation, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634-7529.

Dated: October 16, 1985.
Richard B. Roe,
Director, Office of Fisheries Management, National Marine Fisheries Service.
[FR Doc. 85-25176 Filed 10-21-85; 8:45 am]
BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit: Dr. Warren M. Zapol, Dr. Robert C. Schneider, and Dr. Donald Siniff

On August 9, 1985, notice was published in the **Federal Register** (50 FR 322j52) that an application had been filed by Dr. Warren Zapol et al., Harvard Medical School, Department of Anesthesia, Massachusetts General Hospital, Boston, Massachusetts 02114, for a permit to take crabeater seals, leopard seals, Weddell seals and Ross seals for scientific research.

Notice is hereby given that on October 11, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC; and Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930-3799.

Dated: October 16, 1985.
Richard B. Roe,
Director, Office of Fisheries Management, National Marine Fisheries Service.
[FR Doc. 85-2j5175 Filed 10-21-85; 8:45 am]
BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Wednesday, November 13, 1985 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, DC 20006 to discuss various projects affecting the appearance of Washington, DC including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC October 16, 1985.
Charles H. Atherton,
Secretary.
[FR Doc. 85-25130 Filed 10-21-85; 8:45 am]
BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Guam; Import Limit for Certain Cotton, Wool and Man-Made Fiber Sweaters Assembled from Imported Parts

October 17, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 1, 1985. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On March 4, 1985, a notice was published in the **Federal Register** (50 FR 8649) announcing that, effective on April 15, 1985, cotton, wool and man-made fiber sweaters in Categories 345, 445, 446, 645, and 646, determined by the U.S. Customs Service to be products of foreign countries or foreign territories and exported from the U.S. insular possession of Guam and certified to have been assembled in Guam, may be entered into the United States for consumption, or withdrawn from warehouse for consumption, in an amount not to exceed 160,000 dozen. This limited exception was to be effective for sweaters exported from Guam during the period which began on November 1, 1984 and extends through October 31, 1985.

The purpose of this notice is to advise the public that this exception is being continued for goods exported on and after November 1, 1985 and extending through October 31, 1986. The amount is being increased to 161,600 dozen.

A certification will continue to be required and will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp was published in the **Federal Register** (50 FR 36645) on March 4, 1985 (50 FR 8649).

For those sweaters properly certified, no export visa or license will be required from the country of origin of the merchandise, and imports entered under this procedure will not be charged to limits established for exports from the country of origin. Exports of sweates in Categories 345, 445, 446, 645 and 646, which are not accompanied by a certification and those in excess of 161,600 dozen, will require the appropriate visa or export license from the country of origin and will be subject to any other applicable restriction.

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), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 17, 1985.

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 in accordance with the provisions of Executive Order 11651 of March 3, 1972, effective on November 1, 1985, you are directed to permit entry or withdrawal from warehouse for consumption in the United States of 161,600 dozen cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, the product of any foreign country or foreign territory, as determined under Customs Regulation Part 12, section 12.130 and which have been certified as assembled in Guam and exported to the United States during the twelve-month period beginning on November 1, 1985 and extending through October 31, 1986. You are directed not to require any otherwise applicable export visa or license and not to charge against any otherwise applicable import restriction sweaters subject to this provision. A certification will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp has been provided.

Imports of cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, assembled in Guam, but not of Guam origin which are not accompanied by a certification and those in excess of 161,600 dozen exported during the twelve-month period beginning on November 1, 1985 and extending through October 31, 1985 will require the appropriate visa or export license from the country of origin and will be charged to any applicable quota.

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), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-25137 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of the Import Limits for Certain Wool Apparel Products Hungarian People's Republic;

October 17, 1985.

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 23, 1985. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Bilateral Wool Textile Agreement of February 15 and 25, 1983, as amended, between the Governments of the United States and the Hungarian People's Republic provides, among other things, for the borrowing of yardage from one agreement year with the amount used deducted from the same limit in the following agreement year. Accordingly, at the request of the Government of the Hungarian People's Republic, the limit for wool suit-type coats Category 433 is being increased by the application of carryforward to 7,948 dozen. This adjustment applies to goods exported in 1985.

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), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 17, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner:

On December 21, 1984, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain wool textile products, produced or manufactured in the Hungarian People's Republic and exported during the twelve-month period which began on January 1, 1985, in excess of the designated restraints limits. The Chairman further advised you that the limits are subject to adjustment. [1]

Effective on October 23, 1985, the directive of December 21, 1984 is hereby further amended to increase the limit previously established for wool textile products in Category 433 to 7,948 dozen. [2]

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533 (a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-25139 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DR-M

Malaysia; Establishment of New Import Limits for Certain Man-Made Fiber Textile Products

October 17, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972,

[1] The term "adjustment" refers to those provisions of the Bilateral Wool Textile Agreements of February 15 and 25, 1983, as amended, which provide, in part, that: (1) Certain limits may be exceeded by not more than five percent during an agreement year, provided the increase is compensated for by an equal decrease in equivalent square yards in another specific limit, as specified; (2) certain limits may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments or adjustment may be made to resolve minor problems arising in the implementation of the agreement.

[2] The limit has not been adjusted to reflect any imports exported after December 31, 1984.

as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 23, 1985. For further information contact Jane Corwin, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Governments of the United States and Malaysia have agreed to amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 1 and 11, 1985 to establish specific limits of 9,391,666 square yards for man-made fiber woven fabrics in Category 613, produced or manufactured in Malaysia and exported during the period which began on June 1, 1985 and extends through December 31, 1985; and 145,833 dozen pairs for man-made fiber gloves in Category 631, also produced or manufactured in Malaysia but exported during the period which began on August 1, 1985 and extends through December 31, 1985. The United States Government has decided to control imports in these categories at the agreed limits. The letter from the CITA Chairman to the Commissioner of Customs directs that imports be controlled at the designated limits.

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), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 17, 1985.

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 August 14, 1985 from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Malaysia.

Effective on October 23, 1985 the directive of August 14, 1985 is hereby amended to include the following restraint limits for man-made fiber textile products in Categories 613 and 631, exported during the periods indicated below:

Category	Restraint limit[1]	Period
613	9,391,666 square yards.	June 1—December 31, 1985.
631	145,833 dozen pairs	August 1—December 31, 1985.

[1]The limits have not been adjusted to account for any imports exported after May 31, 1985 (Category 613) or July 31, 1985 (Category 631). Charges for imports in Category 613 have amounted to 2,665,529 square yards for the period June through August 1985. There are zero charges to be applied to Category 631 for imports during the August 1-31, 1985 period.

Textile products in the foregoing categories which have been exported, in the case of 613, prior to June 1, 1985, and, in the case of Category 631, prior to August 1, 1985, shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–25138 Filed 10–21–85; 8:45 am]

BILLING CODE 3510-DR-M

Mexico; Increase in Import Levels for Certain Cotton and Wool Products

October 17, 1985.

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 23, 1985. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and Mexico, provides consultation levels for certain categories, such as Category 340 (men's and boys' cotton shirts), 341 (women's girls' and infants' cotton blouses and shirts), and 447 (men's and boys' trousers), which may be adjusted upon agreement between the two governments. The Governments of the United States and Mexico have agreed to increase these consultation levels to 100,000 dozen, 95,000 and 8,000 dozen, respectively, for the 1985 agreement year. The letter to the Commissioner of Customs which follows this notice implements the agreed increases for goods produced or manufactured in Mexico and exported during 1985, and directs that the increased levels for Categories 340 and 447 be controlled for the first time in 1985.

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), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 17, 1985.

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 21, 1984 which directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during 1985.

Effective on October 23, 1985, the directive of December 21, 1984 is hereby amended to increase the restraint level previously established for textile products in Category 341 to 95,000 dozen.[1]

Also effective on October 23, 1985, the directive of December 21, 1984 is further amended to direct you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton and wool textile products in Categories 340 and 447, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985, in excess of the following levels:

Category	12-month level[1]
340	100,000 dozen.
447	8,000 dozen.

[1]The level has not been adjusted to reflect any imports exported after December 31, 1984.

Textile products in Categories 340 and 447 which have been exported to the United States prior to January 1, 1985 shall not be subject to this directive.

Textile products in Categories 340 and 447 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-25135 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DR-M

Northern Mariana Islands (CNMI); Import Limit for Certain Cotton, Wool and Man-Made Fiber Sweaters Assembled From Imported Parts

October 17, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 1, 1985. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On March 4, 1985, a notice was published in the **Federal Register** (50 FR 8650) which announced that, effective on April 15, 1985, cotton, wool and man-made fiber sweaters in Categories 345, 445, 446, 645, and 646, determined by the U.S. Customs Service to be products of foreign countries or foreign territories and exported from the Commonwealth of the Northern Mariana Islands (CNMI), and certified to have been assembled in the CNMI, may be entered into the United States for consumption, or withdrawn from warehouse for consumption, in an amount not to exceed 70,000 dozen. This limited exception was effective for sweaters exported from the CNMI during the period which began on November 1, 1984 and extends through October 31, 1985.

The purpose of this notice is to advise the public that this exception is being continued for goods exported on and after November 1, 1985 and extending through October 31, 1986 at a level not to exceed 73,500 dozen.

A certification will continue to be required and will be issued by the authorities in the CNMI prior to exportation as verification of assembly in the CNMI. A facsimile of the certification stamp was published in the **Federal Register** on September 9, 1985 (50 FR 36645).

For those sweaters properly certified, no export visa or license will be required from the country of origin of the merchandise, and imports entered under this procedure will not be charged to limits established for exports from the country of origin. Exports of sweaters in Categories 345, 445, 446, 645 and 646, which are not accompanied by a certification, and those in excess of 73,500 dozen, will require the appropriate visa or export license from the country of orgin and will be subject to any other applicable restriction.

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), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 17, 1985.

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 in accordance with the provisions of Executive Order 11651 of March 3, 1972, effective on November 1, 1985, you are directed to permit entry or withdrawal from warehouse for consumption in the United States of 73,500 dozen cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, the product of any foreign country or foreign territory, as determined under Customs Regulation Part 12, section 12.130 and which have been certified as assembled in the Commonwealth of the Northern Mariana Islands (CNMI) and exported to the United States during the twelve-month period beginning on November 1, 1985 and extending through October 31, 1986. You are directed not to require any otherwise applicable export visa or license and not to charge against any otherwise applicable import restriction sweaters subject to this provision. A certification will be issued by the authorities in the CNMI prior to exportation as verification of assembly in the CNMI. A facsimile of the certification stamp has been provided.

Imports of cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646 assembled in the CNMI, but not of CNMI origin which are not accompanied by a certification and those in excess of 73,500 dozen exported during the twelve-month period beginning on November 1, 1985 and extending through October 31, 1985 will require the appropriate visa or export license from the country of origin and will be charged to any applicable quota.

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), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-25140 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DR-M

Romania; Increase in the Import Limit for Certain Man-Made Fiber Textiles

October 17, 1985.

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 23, 1985. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

Under the terms of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, and at the request of the Government of the Socialist Republic of Romania, the limit established for man-made fiber yarn in Category 604 is being increased by 7 percent swing and 6 percent carryforward to 3,169,430 pounds for goods produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985. To account for the

increase being applied to Category 604, the limit for women's, girls' and infants' man-made fiber coats in Category 635 will be reduced to 29,740 dozen.

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), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 17, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner:

On December 21, 1984 the Chairman of the Committee for the Implementation of Textile Agreements, directed you to prohibit entry of certain wool and man-made fiber textile products, produced or manufactured in Romania, and exported during 1985 in excess of designated restraint limits. The Chairman further advised you that these limits are subject to adjustment.[1]

Effective on October 23, 1985, paragraph 1 of the directive of December 21, 1984 is hereby further amended to include adjusted limits of 3,169,430 pounds [2] for man-made fiber textile products in Category 604 and 29,740 dozen for man-made fiber textile products in Category 635, produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3, and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: (1) Specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (2) consultations may be held to adjust the restraint levels for categories not subject to specific limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The limit has not been adjusted to reflect any imports exported after December 31, 1984.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-25136 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations with the Government of Nepal on Category 337 (Cotton Playsuits)

October 17, 1985.

On September 29, 1985, the United States Government, under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), requested the Government of Nepal to enter into consultations concerning exports to the United States of cotton playsuits in Category 337, produced or manufactured in Nepal.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations between the two governments within sixty days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textile products in Category 337, produced or manufactured in Nepal and exported during the twelve-month period which began on September 29, 1985 and extendes through September 28, 1986 may be restrained at a level of 51,188 dozen.

A summary market statement follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 337 is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Nepal—Market Statement

Category 337—Cotton Playsuits

Sunsuits and Washsuits

September 1985.

Summary and Conclusions

United States imports of Category 337 from Nepal were 57,600 dozens for the year-ending July 1985. These compared with 1,300 dozens for the same period one year earlier. Ninety-four percent or 54,300 dozens of the year ending July 1985 imports entered during the first seven months of 1985. This would be an annual rate of 98,700 dozens.

The sharp and substantial increase of low-valued imports of Category 337 from Nepal is disrupting the U.S. market.

Imports

U.S. imports of Category 337 from all sources increased 60 percent between 1979 and 1981 and then slowed to a 6.5 percent increase between 1981 and 1983. In 1984 imports rose 51.3 percent to reach a record of 2,768,000 dozens. In the twelve month period ending July 1985, imports of this category were 3,147,000 dozens, 26 percent higher than the same period one year earlier.

U.S. Production and Import-to-Production Ratio

Despite a growing market, domestic production of this category has been declining since 1981. Production in 1984, at 2,531,000 dozens, was off 15 percent from 1983 and 29 percent from 1981. The I/P for Category 337 rose steadily for several years, increasingly sharply between 1983 and 1984. The 1984 I/P was 109.4 percent, compared to 61.3 percent in 1983 and 33.1 percent in 1979.

[FR Doc. 85-25141 Filed 10-21-85; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Addition and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to the Deletions from Procurement List.

SUMMARY: This action adds to and deletes from Procurement List 1986 commodities and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: October 22, 1985.

ADDRESS: 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 7 and August 16, 1985, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (50 FR 26028 and 50 FR 33094) of proposed additions to and deletions from Procurement List 1986, October 15, 1985 (50 FR 41809).

Addition

After consideration of the relevant matter presented, the Committee has determined that the commodity 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 hot have a serious economic impact on any contractors for the commodity listed.

c. The action will result in authorizing small entities to produce the commodity procured by the Government.

Accordingly, the following commodity is hereby added to Procurement List 1986:

Towel, Paper, 7920-00-823-9772 (For GSA National Capital Region (W) only)

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

Accordingly, the following commodities and services are hereby deleted from Procurement List 1986:

Commodities

Circuit Card Assembly, 1430-00-409-7997

Pallet, Material Handling, 3990-00-599-5326 (Requirements for Mechanicsburg, Pennsylvania Depot only)

Circuit Card Assembly, 5826-00-237-9949

Pillow, Bed, 7210-00-619-8262

Services

Janitorial Service, Naval Air Station Miramar, San Diego, California

Janitorial/Custodial (Grass Cutting), U.S. Army Reserve Centers, Marcella Road, Hampton, Virginia, Butler Farm Road, Hampton, Virginia

Seedling Harvesting, USDA, Forest Service, Humboldt Nursery, McKinleyville, California

C.W. Fletcher,

Executive Director.

[FR Doc. 85-25098 Filed 10-21-85; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1986; Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1986 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 22, 1985.

ADDRESS: 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: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1986, October 15, 1985 (50 FR 41809):

Shirt, Operating, Surgical, Sleeveless, 6532-00-299-9633, 6532-00-299-9634

Mattress, 7210-00-NIB-0040, 38 x 75, Extra Firm-Twin,7210-00-NIB-0041, 54 x 75, Extra Firm-Double, 7210-00-NIB-0042, 60 x 80, Extra Firm-Queen, 7210-00-NIB-0050, 76 x 80, Extra Firm-King,7210-00-NIB-0049, 38 x 75, Firm-Twin, 7210-00-NIB-0048, 54 x 75, Firm-Double,7210-00-NIB-0047, 60 x 80, Firm-Queen, 7210-00-NIB-0051, 76 x 80, Firm-King

Boxspring, 7210-00-NIB-0043, 38 x 75, Twin, 7210-00-NIB-0044, 53 x 75, Double, 7210-00-NIB-0045, 60 x 80, Queen, 7210-00-NIB-0052, 76 x 80, King

Deletions

It is proposed to delete the following commodity and services from Procurement List 1986, October 15, 1985 (50 FR 41809):

Commodity

Pallet Warehouse, 3990-00-NSH-0011 (40" x 80") (Requirements for Army and Air Force Exchange Service, Oakland Army Base, California only)

Services

Custodial Service (Grounds Maintenance), U.S. Army Reserve Center, Memorial Parkway, Huntsville, Alabama

Janitorial/Custodial, Jack Brooks Federal Building, U.S. Post Office—Court House, Willow and Broadway Streets, Beaumont, Texas

C.W. Fletcher,

Executive Director.

[FR Doc. 85-25099 Filed 10-21-85; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on CFTC-State Cooperation; Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Commodity Futures Trading Commission's Advisory Committee on CFTC-State Cooperation will conduct a public meeting in the Fifth Floor Hearing Room at the Commission's Washington, D.C., headquarters located at Room 532, 2033 K Street, N.W., Washington, D.C. 20581, November 13, 1985, beginning at 10:00 a.m. and lasting until 4:00 p.m. The agenda will consist of a discussion of:

I. Progress on North American Securities Administrators Association Model State Commodity Code.

II. Update on CFTC-State relations, including Commission's State-Federal Liaison Unit.

III. Possible reathorization issues.

IV. Public Statements & General Discussion.

The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on matters

of joint concern to the States and the Commission arising under the Commodity Exchange Act, as amended. The purposes and objectives of the Advisory Committee are more fully set forth at 49 FR 17064 (April 23, 1984).

The meeting is open to the public. The Co-Chairman of the Advisory Committee, Kenneth M. Raisler, the General Counsel, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: The Advisory Committee on CFTC-State Cooperation c/o Mr. Raisler, Commodity Futures Trading Commission, 2033 K Street, N.W. Washington, D.C. 20581, before the meeting. Members of the public who wish to make oral statements should also inform Mr. Raisler in writing at the latter address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, D.C. on October 17, 1985.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 85-24898 Filed 10-21-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

October 10, 1985.

The USAF Scientific Advisory Board Airlift Cross-Matrix Panel will meet at Scott AFB, IL on November 14–15, 1985. The meeting will convene from 11:00 a.m. to 5:00 p.m. on November 14 and 8:00 a.m. to 5:00 p.m. on November 15.

The purpose of the meeting will be to brief the Commander-in-Chief, Military Airlift Command, and senior staff on the results of the Scientific Advisory Board Special Operations Summer Study. Also, new Panel members will receive classified orientation briefings on Military Airlift Command programs.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-25161 Filed 10-21-85; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, U.S. Refinery Capability Task Group; Date Change for Meeting

The date and location of the August 1, 1985, eighth meeting of the U.S. Refinery Capability Task Group has been changed. The meeting will now be held on Thursday, October 24, 1985, starting at 8:30 a.m., in Salon 8 of the Wyndham Hotel, 12400 Greenspoint Drive, Houston, Texas. Notice of this meeting first appeared in 50 FR 27652, Friday, July 5, 1985 (FR DOC 85–16092 filed 7/3/85).

Issued at Washington, D.C. October 9, 1985.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 85-25073 Filed 10-21-85; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Worldwide Refining Trends Task Group; Meeting

Notice is hereby given that the Worldwide Refining Trends Task Group will meet in November 1985. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Worldwide Refining Trends Task Group will address previous Council refining studies and evaluate future refinery operations and their impact on petroleum markets. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Worldwide Refining Trends Task Group will hold its seventh meeting on Thursday, November 7, 1985, starting at 9:00 a.m., in the Lubbock Room of the Houston Airport Marriott Hotel, 18700 Kennedy Boulevard, Houston, Texas.

The tentative agenda for the Worldwide Refining Trends Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss the status of the Worldwide Refining Trends Task Group modeling work.
3. Discuss metholdolgy and schedule for integration of Task Group data with U.S. Refinery Capability Task Group work.
4. Discuss drafting of Task Group report and schedule for completion of Task Group assignment.
5. Discuss any other matters pertinent to the overall assignment from the Secretary of Engery.

The meeting is open to the public. The Chairman of the Worldwide Refining Trends Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Worldwide Refining Trends Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Carolyn Klym, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353/2709, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on October 11, 1985.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 85-25074 Filed 10-21-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 82-10-NG]

Natural Gas Imports; Tennessee Gas Pipeline Co.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Amendment to Application to Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that on September 17, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed a second amendment to its pending application in ERA Docket No. 82–10–NG to import from Canada up to 209,000 Mcf per day of natural gas. This revision is based on contract amendments dated April 30, 1985, and August 19, 1985, to the original

gas purchase agreement filed in this proceeding between Tennessee and KanGaz Producers Limited (KannGaz), one of two suppliers of the gas proposed to be imported. The contract amendments (1) establish a two-part demand/commodity pricing structure that yields a benchmark delivered cost to Tennessee for April 1985 of $3.50 (U.S.) per MMBtu at 100 percent load factor; (2) provide for annual price reviews; (3) modify Tennessee's minimum annual take-or-pay obligation; and (4) reduce the daily maximum quantity proposed to be imported during the first contract year. The present application amendment deals solely with the volumes to be imported from KannGaz and does not affect Tennessee's gas purchase arrangement with its other Canadian supplier for the proposed imports, Canadian-Montana Pipeline Company (Canadian-Montana). Tennessee has not yet renegotiated the Canadian-Montana contract.

The amended application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on November 21, 1985.

FOR FURTHER INFORMATION CONTACT:

P.J. Fleming, Office of Natural Gas Programs, Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9482.

James B. McRae, Natural Gas and Mineral Leasing, Office of General Counsel, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: On August 10, 1982, Tennessee filed an application to import up to 309,000 Mcf per day of Canadian natural gas during the period from November 1, 1984, until October 31, 2001, as more fully described in the notice of application issued by the ERA on September 29, 1982 (47 FR 44135, October 6, 1982). The gas was to be purchased from three suppliers, Canadian-Montana, KannGaz and Ocelot Industries (Ocelot), under separate gas purchase contracts with deliveries beginning on November 1, 1984, for the first two contracts and on November 1, 1985, for the Ocelot contract. Tennessee would receive up to 84,000 Mcf of gas per day from Canadian-Montana, up to 125,000 Mcf per day from KannGaz, and up to 100,000 Mcf per day from Ocelot. By the terms of the contracts the gas would be purchased at the price determined from time to time by the Canadian government for exports to the United States, then $4.94 (U.S.) per MMBtu.

On January 27, 1983, the National Energy Board of Canada (NEB) issued a decision in its Omnibus Gas Export Hearing which, among other things, denied Ocelot permission to export gas from Canada. Due to the NEB's decision, Tennessee amended its application on May 2, 1983, to withdraw those volumes it proposed to import under the gas purchase contract with Ocelot (48 FR 29042, October 24, 1983). At that time, the Canadian export price was reduced from $4.94 per MMBtu to $4.40 per MMBtu and subsequently was further reduced under Canada's Volume Related Incentive Pricing Program (VIRP) to $3.40 per MMBtu with respect to quantities taken in excess of 50 percent of the annual contract quantities (effectively providing a unit rate of $3.90 per MMBtu for 100 percent load factor purchases).

The purchase agreement with KannGaz called for delivery of the gas at the interconnection of facilities of TransCanada Pipeline Ltd. (TransCanada) and Tennessee near Niagara Falls, New York. Tennessee orginially applied to the Federal Energy Regulatory Commission (FERC) in Docket No. CP81–296–000, as amended, to build and operate additional facilities on its own pipeline system to receive and transport the volumes to be imported at Niagara Falls. Subsequently, Tennessee entered into a joint venture, the Niagara Interstate Pipeline System (NIPS), which would provide alternate facilities for those initially proposed by Tennessee (FERC Docket No. CP83–170–000, as amended). The NIPS application, along with other applications involving construction of facilities, transportation and sales arrangements relating to imports at Niagara Falls, is currently pending before the FERC in the consolidated proceedings of *Boundary Gas Inc, et al.* (Docket No. CP81–107–000, *et al.*)

On September 17, 1985, Tennessee filed with the ERA amendments to its gas purchase contract negotiated with KannGaz. The first amendment, dated April 30, 1985, provides for a change in the pricing provisions. This agreement establishes a new two-part demand/commodity pricing structure. Its components consist of (1) a base monthly demand charge of $28.8958 per Mcf, subject to adjustment based on changes in the fixed cost of transporting the gas to the export point; and (2) a commodity charge subject to semi-annual adjustment pursuant to a formula based on changes in the composite U.S. refiner acquisition cost of crude oil published in the DOE's *Monthly Energy Review*. The amendment establishes an initial base commodity charge of $2.55 per MMBtu from which future adjustments will be calculated. Under the amendment, at 100 percent load factor, that price yeilds a cost at the international border for April 1985 of $3.50 per MMBtu. If the demand charges are adjusted, an offsetting adjustment must be made in the commodity charge so that the 100 percent load factor price then in effect will not change.

The price and the pricing provisions in the amended gas purchase contract may be renegotiated annually or whenever Tennessee makes a new purchased gas adjustment (PGA) filing with the FERC whereby its average gas purchase cost varies by more than five percent from the PGA filing in effect as of April 1985 or the PGA filing in effect at the time of the last price renegotiation. Under the agreement, the redetermined price must be comparable to the price of competing energy sources in Tennessee's markets.

The original contract with KannGaz established an annual take-or-pay requirement of 75 percent of the quantity of gas made available to Tennessee in each contract year. According to the applicant, the new arrangement provides that Tennessee will purchase gas from KannGaz on a ratable basis with Tennessee's purchases from comparable domestic sources of natural gas, but the take-or-pay obligation cannot exceed 75 percent.

The second amendment to the KannGaz dated August 12, 1985, reduces the maximum daily quantity to be purchased by Tennessee during the first contract year to 110,000 Mcf. For subsequent years the daily quantity remains at 125,000 Mcf. The agreement further provides Tennessee the opportunity to purchase additional daily volumes of up to 15 percent of the contract demand. As a result of the delay in the completion of the facilities necessary for transporting the gas, the schedule of deliveries as originally anticipated has changed. Accordingly, the gas is proposed to be imported for a period of 15 contract years beginning on the date of first delivery.

The present application amendment deals solely with the volumes Tennessee has contracted to buy from KannGaz and does not affect its gas purchase arrangement with Canadian-Montana. According to Tennessee, it is continuing its efforts to renegotiate the Canadian-Montana contract. When Tennessee

concludes negotiations with Canadian-Montana and files its renegotiated contract, the ERA will assign a new document number to the portion of this proceeding relating to the volumes proposed to be imported under that amendment agreement. At that time, a notice of the contract revisions will be published in the **Federal Register** to give all parties who have previously filed motions to intervene and other interested persons an opportunity to evaluate the changes made.

At this time, it is not clear whether the issues raised previously in this case are still germane. Therefore, the parties to this proceeding are requested to review their earlier comments on Tennessee's application as they relate to the amended agreement with KannGaz and to submit any modifications to the ERA. If any parties continue to oppose the application, they must restate that opposition in order for it to be taken into consideration in the final decision. Parties may incorporate by reference comments previously filed. If any party wants additional procedures, even if a previous request was filed, the request for additional procedures should be included in the comments filed in response to this notice, together with the justification stipulated below, and in the ERA's procedural rules set forth in 10 CFR Part 590.

The decision on this application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. (49 FR 6684, February 22, 1984). The objective of this policy, with its strong emphasis on competitive arrangements and contract flexibility, is to free commercial parties from undue government interference in determining contract terms and reflects the importance of buyer-seller negotiation. Parties who may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that the import arrangement with KannGaz is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the applicant must, however, file a motion to intervene or notice of intervention. Persons who have already intervened in ERA Docket No. 82-10-NG need not file new motions, but should submit additional comments as appropriate. All motions for intervention filed in this docket up to this time shall be considered timely submissions. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-033, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., November 21, 1985.

A decision will be made on the basis of the information now in the record supplemented by comments filed in response to this notice. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues.

A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of Tennessee's application is available for inspection and copying in the Natural Gas Programs Docket Room GA-033-B, at the above address. 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, D.C., on October 10, 1985.

Paula A. Daigneault,

Director, Natural Gas Division, Office of Fuels Programs.

[FR Doc. 82-25072 Filed 10-21-85; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are requried to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective November 1, 1985. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, SW., Room BE-034, Washington, D.C. 20585. Telephone: (202) 252-6077.

Section I

As requried by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on April 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower

of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.49
Arizona[1]	3.70
Arkansas[1]	3.41
California[1]	3.70
Colorado[2]	3.50
Connecticut[1]	3.56
Delaware[1]	3.91
Florida	3.64
Georgia[1]	3.71
Idaho[2]	3.50
Illinois	3.02
Indiana[1]	3.13
Iowa[1]	3.11
Kansas	2.66
Kentucky[1]	3.13
Louisiana	3.37
Maine	3.54
Maryland[1]	3.91
Massachusetts[1]	3.56
Michigan	3.02
Minnesota[1]	3.11
Mississippi[1]	3.71
Missouri[1]	3.11
Montana[2]	3.50
Nebraska[1]	3.11
Nevada[1]	3.70
New Hampshire	3.47
New Jersey	3.85
New Mexico	3.22
New York[2]	3.91
North Carolina[1]	3.71
North Dakota[1]	3.11
Ohio	3.02
Oklahoma[1]	3.41
Oregon[1]	3.70
Pennsylvania	3.85
Rhode Island[1]	3.56
South Carolina[1]	3.71
South Dakota[1]	3.11
Tennessee[1]	3.71
Texas[1]	3.41
Utah[2]	3.50
Vermont[1]	3.56
Virginia	3.88
Washington	3.66
West Virginia[1]	3.13
Wisconsin[1]	2.13
Wyoming[2]	3.50

[1] Region based price as required by FERC Interim Rule, issued on April 2, 1981, in Docket No. RM-79-21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during August 1985 was $30.95 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective November 1, 1985, is $6.94 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM1-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of June 1985, July 1985, and August 1985.[3] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective November 1, 1985, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, June 1985, July 1985, and August 1985. Reported prices for sales in June 1985 were adjusted by the percent change in the nationwide volume-weighted average price from June 1985 to August 1985. Prices for July 1985 were similarly adjusted by the percent change in the nationwide volume-weighted average price from July 1985 to August 1985. The volume-weighted 3-month average of the adjusted June 1985 and July 1985, and the reported August 1985 prices were then computed for each State.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B. (1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the natonal level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of June 1985, July 1985, and August 1985. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling

[3] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending October 16, 1985, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of August 1985. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, DC, on October 17, 1985.

L.A. Pettis,

Acting Deputy Administrator, Energy Information Administration.

[FR Doc. 85-25227 Filed 10-21-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER85-669-000 and ER85-707-000]

Holyoke Water Power Co., and Holyoke Power and Electric Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motions, Consolidating Dockets, and Establishing Hearing Procedures

Issued: October 15, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; A.G. Sousa and Charles G. Stalon.

On August 16, 1985, in Docket No. ER85-689-000, Holyoke Water Power Company (HWP) and Holyoke Power and Electric Company (HPE) submitted for filing changes to their agreements, respectively, with the City of Chicopee, Massachusetts (Chicopee) and the Town of South Hadley, Massachusetts (South Hadley). HWP proposes an increase for the partial requirements service presently provided to Chicopee under Contract Demand Rate No. 1 (CD-1) of approximately $4,300,000 (39.6%). HPE proposes to change South Hadley from full requirements service to partial requirements service and to increase rates approximately $1,200,000 under a new Contract Demand Rate No. 2 (CD-2).[1] HWP and HPE (collectively referred to as the Companies) operate on a completely integrated basis and therefore request that the filing be treated by the Commission on a consolidated basis. The Companies request an effective date of October 15, 1985, but ask that the rates be suspended for five months, until March 15, 1986,[2] or until the first day of commercial operation of the Millstone Unit No. 3 Nuclear Generating Unit, whichever is later.

Notice of the Companies' filing was published in the **Federal Register**,[3] with comments due on or before September 9, 1985. Chicopee and South Hadley (Cities) jointly filed a timely motion to intervene in this docket, and raise a variety of cost of service and rate design issues.[4] The Cities move to reject the filing on the grounds that the Companies' rate design violates the terms of their settlement agreement in Docket No. E-8843 and their service agreements with the Companies. Thus, they contend that the filing violates the *Mobile-Sierra*[5] doctrine. In support, the Cities note that the settlement provides for peaking power and base/intermediate power rates based on "reasonble allocations of the Company's costs of providing electric power having the different cost characteristics associated" with those services. The Cities contend that the rates are not cost-based, and that the Companies should be required to refile their rates so as to comply with the settlement agreement. In the alternative, the Cities move for summary disposition of the cash working capital component, decommissioning costs for Millstone Unit No. 3, as well as increases in decommissioning costs for Millstone Unit Nos. 1 and 2, on the grounds that these expenses are unsubstaniated and, in the case of decommissioning costs, have not received regulatory approval. The Cities request that the filing not be set for hearing on an expedited basis. Finally, the Cities request that the Commission institute an investigation pursuant to sections 206 and 306 of the Federal Power Act (FPA) to inquire into the justness and reasonableness of the purchased power costs flowed through the Northeast Utilities Generation and Transmission (NUG&T) Agreement.

[1] *See* Attachment for rate schedule designations.

[2] The Companies' proposed effective date, while intended to be sixty days after filing, falls one day short of the required minimum notice.

[3] 50 FR 35295 (1985).

[4] These issues include: (1) Excessive purchased power costs; (2) improper rate design; (3) excessive reserve capacity; and (4) excessive rate of return.

[5] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332; *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

The intervenors concur in the Companies' requested suspension period, but ask that if the commercial operation date for Millstone Unit No. 3 is six months beyond November 1, 1986, that the Commission require the Companies to update their filing.

The Companies filed an answer to the Cities' intervention on September 20, 1985. While not opposing the intervention, the Companies do oppose the motion to reject and the motions for summary disposition. Additionally, the Companies oppose the Cities' requests to ivestigate the NUG&T Agreement, that the case not be set for expedited hearing, and that the Companies update their filing if Millstone Unit No. 3 is delayed six months beyond November 1, 1986.

Discussion

Pursuant to Rule 214 of the Commission's Rule of Practice and Procedure, the timely motion to intervene makes the Cities parties to this proceeding.

We shall deny the Cities' motions to reject the Companies' filing or require them to refile their rates. The language upon which the intervenors rely in support of their request is exceedingly broad in nature. What constitutes a "reasonable allocation" of costs raises issues which are more properly determined on the basis of an evidentiary hearing.

With respect to the Cities' motions for summary disposition, we shall deny them. The Cities rely upon the Commission's proposed rulemaking applicable to cash working capital [6] in support of their motion on this issue. The method contained in that rule is, at this time, simply a proposal. This is not a proper basis for summary disposition. With respect to the Millstone decommissioning costs, the fact that the Commission has not yet examined and approved these costs is not grounds for rejection of the expenses in the Companies' cost of service. If the intervenors believe that such costs are excessive or should be eliminated, they may pursue these matters at hearing.

Our review of the Companies filings indicates that the rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

[6] Notice of Proposed Rulemaking, Calculation of Cash Working Capital Allowance for Electric Utilities, Docket No. RM84-9-000, 49 FR 14384 (1984).

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary review indicates that proposed rates may be unjust and unreasonable, and may be substantially excessive, as defined in *West Texas*, we would generally impose a maximum suspension. Here, our examination suggests that the proposed rates may yield substantially excessive revenues. Further, the Companies request a five month suspension of the proposed rates, and the customers concur in this request. Therefore, we shall accept the Companies' proposed rates for filing and suspend them, to become effective on the later of March 16, 1986, or the first day of commercial operation of the Millstone Unit No. 3, subject to refund.

With respect to the Cities' request that the Companies be required to update their filing if the commercial operation date of Millstone No. 3 is delayed six months beyond November 1, 1986, the Cities have provided no basis for requiring refiling. We shall therefore deny the request.

The Companies' filing includes an element in the purchased power costs comprising an allowance for decommissioning costs of Millstone Unit No. 1, 2, and 3.[7] These costs have also been included in a filing submitted in Docket No. ER85-707-000 by Western Massachusetts Electric Company.[8] Because we find that common questions of law and fact relating to Millstone Unit Nos. 1, 2, and 3 decommissioning costs may be presented in this docket and Docket No. ER85-707-000, we shall phase this issue in both dockets and consolidate them for purposes of hearing and decision.

The Cities request that the Commission not institute expedited procedures for the trail of this case. We believe that this decision is best left to the discretion of the Chief Administrative Law Judge.

The Cities further request that we institute an investigation, pursuant to sections 206 and 306 of the Federal Power Act, into the justness and reasonableness of the rates charged to the Companies as a result of the NUG&T Agreement. The NUG&T Agreement provides for a sharing of costs among the operating utilities of Northeast Utilities, Inc. a public utility holding company of which HWP and HWE are wholly-owned subsidiaries. We do not find that such an investigation has been shown to be warranted at this time. While the intervenors allege that the NUG&T Agreement passes on unjust and unreasonable costs, they have not supported their allegations in any detail. Further, we do not believe that the matter is properly pursued in the present docket, which concerns HWP's and HPE's rates to the Cities. An investigation of the NUG&T Agreement is a complex undertaking which should be pursued, if at all, in a separate proceeding. We shall therefore deny the Cities' request for an investigation; our denial, however, is without prejudice to their filing a complaint pursuant to section 306 of the Federal Power Act.

Finally, we note that HPE's proposed CD-2 rate with South Hadley contains an automatic tax adjustment clause provision. Implementation of any change under the tax adjustment clause will constitute a change in rate and require a timely filing with the Commission pursuant to Part 35 of our regulations.

The Commission orders:

(A) The Cities' motions to reject and for summary disposition are hereby denied.

(B) The Cities' request for a formal investigation of the NUG&T Agreement is hereby denied without prejudice.

(C) The Companies' proposed rates are hereby accepted for filing and are suspended, to become effective on the later of March 16, 1986, or the date of commercial operation of Millstone No. 3, subject to refund; the Cities' request with respect to updating the filing is denied, as discussed in the body of this order.

(D) The Companies shall notify the Commission within 10 days of the date of commercial operation of Millstone No. 3.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the Companies' rates.

(F) The Commission staff shall serve top sheets in this proceeding within 10 days of the date of this order.

[7] The owners of Millstone No. 3 include: Central Maine Power Co., Central Vermont Public Service Co., Eastern Utilities Associates, New England Electric System, Connecticut Light and Power Co., Western Massachusetts Electric Co., Public Service Company of New Hampshire, United Illuminating Co., the Town of South Hadley, Mass., the Town of Chicopee, Mass., and three other municipalities.

[8] In addition, Millstone No. 3 decommissioning costs have been included by Connecticut Light & Power Company in Docket No. ER85-720-000. The Commission has not yet acted upon that filing, however.

(G) Subdocket -000 of Docket No. ER85-689 is hereby terminated. Docket No. ER85-689-001 is assigned to the evidentiary proceeding ordered herein.

(H) The issues concerning nuclear decommissioning costs for Millstone Unit Nos. 1, 2, and 3 are hereby phased, as discussed in the body of the order.

(I) Docket Nos. ER85-689-001 and ER85-707-001 are consolidated, with respect to the issue of Millstone decommissioning costs, for purposes of hearing and decision.

(J) The Chief Administrative Law Judge shall designate one or more administrative law judges to preside over the separate and consolidated aspects of these dockets. The presiding judge(s) is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-25081 Filed 10-21-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-692-000 et al]

Southwestern Electric Power Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Granting Waiver, Ordering Summary Disposition, Consolidating Dockets, and Establishing Hearing Procedures

Issued: October 15, 1985.

On August 16, 1985, Southwestern Electric Power Company (SWEPCO) submitted for filing a proposed rate increase for firm power service to Cajun Electric Power Cooperative, Inc. (Cajun).[1] SWEPCO provides service to Cajun pursuant to a firm power agreement which provides for a formulary rate. Beginning with the inservice date of SWEPCO's Pirkey Unit No. 1, the firm power agreement provides for an annual true-up to recompute the prior year's rate based on actual cost data, including SWEPCO's actual earned return. The rate developed under the true-up will also become the interim rate to be charged until the next true-up. Based on SWEPCO's 1984 data, SWEPCO proposes to increase the common equity component from 15.7% to 18.77%.[2] This would increase revenues by about $318,618. The firm power agreement provides that the revised rates will become effective on the first day of the month following the commercial operation date of SWEPCO's Pirkey Unit No. 1. SWEPCO states that Pirkey Unit No. 1 was placed in commercial operation on January 3, 1985, and, therefore, SWEPCO requests waiver of the notice requirements to permit an effective date of February 1, 1985.

Notice of the filing was published in the **Federal Register** [3] with comments, protests, or motions to intervene due on or before September 9, 1985. On September 4, 1985, Cajun filed a request for an extension of time to file a motion to intervene, whcih was granted. On September 12, 1985, Cajun filed a timely motion to intervene. Cajun reguests suspension of the filing on the grounds that the formula calculations, for items other than return on equity, reflect projected costs for a period beyond December 1, 1985, in contravention of the contract, and that the return on equity is excessive.

On September 27, 1985, SWEPCO filed a timely response to Cajun's motion. While not opposing Cajun's motion to intervene, the Company opposes the use of a test year not ending March 31, 1986, and contends that it shoud be allowed the use of an 18.77% return on common equity.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motion to intervene serves to make Cajun a party to this proceeding.

Our review indicates that SWEPCO has used the wrong time frame for computing its interim charges. SWEPCO's contract with Cajun provides that charges will be based on the calendar year 1985 or the twelve months succeeding the in-service date of Pirkey Unit No. 1 whichever is later. SWEPCO contends that the use of a test year ending March 31, 1986 ia appropriate because it is consistent with its contract with Cajun, which permits the parties to make adjustments in order to take into account a first contract year of less then twelve months and because the filings were prepared in 1984, when it was anticipated that the test year would began commercial operation on January 3, 1985 SWEPCO should have used calender year 1985 to compute its interim charges, in accordance with the terms of its contract. Accordingly, we shall order summary disposition with respect to this issue.

Our review of SWEPCO's submittal indicates that the rates [4] have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶61,189 (1982), we explained that where our preliminary examination indicates that the proposed rates may be unjust and unreasonable, and may be substantially excessive, as defined in *West Texas*, we would generally impose a maximum suspension. Here, our examination suggests that the proposed rates may yield substantially excessive revenues. We shall therefore suspend SWEPCO's rates, as modified, for five months.

SWEPCO requests waiver of the notice requirements to permit an effective date of February 1, 1985. In support of the requested waiver, SWEPCO states that, under the agreement, it was obligated to provide the customer with estimated monthly charges under the formula rate prior to March 15, 1985, and that the estimated charges under the formula rate were submitted to the customer on January 31, 1985, six weeks prior to the date required under the contract. SWEPCO states that, while it could have simultaneously filed the estimated 1985 charges with the Commission, SWEPCO delayed filing the proposed charges to afford the customer the opportunity to review the proposed charges and resolve any questions or concerns

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[1] SWEPCO's submittal is designated as Supplement No. 1 to Rate Schedule FERC No. 85.

[2] SWEPCO sacknowledges the Commission's policy, annoucned in recent *SWEPCO* orders, not to permit the operation of automatically adjusting return on common equity formulae such as that incorporated in the 1982 Agreement Between SWEPCO and Cajun and accepted for filing the Docket No ER83-68-000. Accordingly, SWEPCO seeks a fixed return on common equity. SWEPCO filing includes revisions in the formulas attached to and incorporated in the 1982 Agreement. SWEPCO states that where the originally filed formulas provided for the return on common equity to be adjusted on an annual basis, the replacement forumla sheets reflect, at all appropriate places, a fixed return on common equity of 18.77%, the result of the formula calculation for use in 1985. SWEPCO adds that it will not change such return on common equity in the future without filing and notice to the Commission

[3] 50 FR 35296 (1985).

[4] In Docket No. ER83-68-000, the Director of the Commission's Office of Electric Power Regulation accepted SWEPCO's contract with Cajun for filing, but directed the company to file a new request for return on common equity when the equity component of the formula rate exceeded 15.7%. The revised rates in the present docket reflect only such a change in equity return. Therefore, only the return on equity component of the rates shall be at issue in this case. The revenues associated with a return on equity in excess of 15.7% shall be subject to refund.

directly with SWEPCO. The customer reviewed the proposed charges and pointed out certain errors to SWEPCO and executed a letter of concurrence dated August 1, 1985, supporting the requested effective date. SWEPCO corrected the errors noted by Cajun and tendered its filing on August 16, 1985. SWEPCO's efforts to accommodate and obtain Cajun's consent prior to filing with the Commission accounts for SWEPCO's delay in filing. Therefore, we find that SWEPCO has demonstrated good cause for waiver and shall grant SWEPCO's request. Accordingly, we shall suspend SWEPCO's rates, as modified by summary disposition, for five months to become effective on July 1, 1985, subject to refund, as noted above.

We find that common questions of law and fact may be presented in Docket Nos. ER85–424–001, ER85–425–001, ER85–468–001, ER85–534–001 and ER85–692–000. As a result, we shall consolidate this docket with Docket Nos. ER85–424–001, *et al.*, for purposes of hearing and decision.

The Commission orders:

(A) SWEPCO's request for waiver of the notice requirements is hereby granted.

(B) Summary disposition is hereby ordered, as noted in the body of this order, with respect to the time frame for computing interim charges.

(C) SWEPCO's proposed rates, as modified by summary disposition, are hereby accepted for filing and suspended for five months from February 1, 1985, to become effective on July 1, 1985, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of SWEPCO's rates.

(E) Subdocket –000 in Docket No. ER85–692 is hereby terminated, and Docket No. ER85–692–001 is assigned to the evidentiary hearing ordered herein.

(F) Docket Nos. ER85–424–001, ER85–425–001, ER85–468–001, ER85–534–001 and ER85–692–001 are hereby consolidated for purposes of hearing and decision.

(G) The presiding administrative law judge designated to preside in Docket Nos. ER85–424–001, *et al.* shall determine procedures best suited to accommodate consolidation of this docket with the pending proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25082, Filed 10–21–85; 8:45 am]

BILLING CODE 6717–01–M

[Projects Nos. 5248–999 et al.]

West Slope Power Co. et al.; Availability of Final Environmental Impact Analysis Report

October 17, 1985.

Pursuant to section 306 of the Energy and Water Appropriation Act of 1983 (Pub. L. 98–50), the staff of the Federal Energy Regulatory Commission has prepared a comprehensive water resources analysis covering Merced, Mariposa, Madera and Fresno Counties, California: The Final Environmental Impact Analysis Report of Small-acale Hydroelectric Development in Selected Watersheds in the Upper San Joaquin River Basin.

The Final Environmental Impact Analysis Report discusses the impacts of 12 hydroelectric projects on selected target resources in watersheds of the Upper San Joaquin River Basin. The geographical scope of this report is limited to creeks specifically mentioned in Section 306 of Public Law 98–50 and to creeks in adjacent areas. The Final Environmental Impact Analysis Report describes: (1) Teh projects under study and alternatives; (2) important target resources in the study area; (3) anticipated impacts on those resources and mitigative measures to eliminate or lessen those impacts; (4) unavoidable adverse impacts on target resources; and (5) Staff's responses to public comments on the draft environmental impact report.

Copies of the document may be ordered from: Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. For further information, please contact Thomas N. Russo (202) 376–1976 or George C. O'Connor, Jr. (202) 357–8132.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25085 Filed 10–21–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP85–883–000 et al.]

Northwest Pipeline Corp. et al.; Natural Gas Certificate Filings

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

1. Northwest Pipeline Corporation

[Docket No. CP85–883–000]

October 10, 1985.

Take notice that on September 17, 1985, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84110, filed in Docket No. CP85–883–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon a sales lateral and meter station along with related service previously provided to Cascade Natural Gas Company (Cascade) under the authorization issued in Docket No. CP82–433–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to abandon its Lime sales lateral and Lime sales meter station located in Baker County, Oregon, and the related service provided thereby to Cascade.

It is stated that the Lime lateral and meter station were constructed in 1959 and that the Lime lateral consists of approximately 1.6 miles of 4½ inch O.D. pipeline in Baker County, Oregon, extending from Northwest's mainline to Cascade's customer, the Portland Cement plant.

It is explained that by letter dated June 19, 1985, Cascade informed Northwest that it did not object to the retirement of the Lime lateral facilities. Northwest states that the Portland Cement plant, the only customer ever served from these facilities, relocated its plant to Durkee, Oregon, in 1980, and that no service through the Line lateral and meter station has occurred since that time.

Northwest explained that it sold up to 300 million Btu of gas to Cascade at the Lime meter station under Rate Schedule ODL–1. It is asserted that in Docket No. CP85–843–000, Northwest filed an application requesting authority, *inter alia*, to reallocate this ODL–1 maximum daily delivery obligation of 300 million Btu from the Lime meter station to a new delivery point proposed therein.

It is stated that Northwest would remove approximately 1,600 feet of 4½ inch O.D. pipeline, retire in place approximately 6,950 feet of 4½ inch O.D. pipeline, and remove the sales

meter station piping, building, and chainlink fencing. The meter station site would be restored, to the extent possible, to a natural state.

Comment date: November 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Southern Natural Gas Company

[Docket No. CP85-899-000]

October 10, 1985.

Take notice that on September 23, 1985, Southern Natural Gas Company (Southern), Post Office Pox 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP85-899-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon certain facilities and to construct, install and operate certain other facilities in connection with a change in delivery point, under the authorization issued in Docket No. CP82-406-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern states that Alabama Gas Corporation (Alagasco) provides natural gas service to the City of Birmingham, Alabama, and surrounding areas by purchases it makes from Southern at twelve measuring stations, which together constitute the Birmingham area delivery point in the currently effective Exhibit A to the service agreement between Southern and Alagasco dated September 19, 1969. It is further stated that although said Exhibit A provides that Southern would deliver gas to Alagasco at the Genery Gap meter station at a delivery pressure of 250 psig, Southern is unable to maintain contract pressure during peak hours due to undersized station piping. In order to deliver gas to Alagasco at the Genery Gap Meter Station at the contract delivery pressure, Southern proposes to abandon the metering and regulating facilities at the station and to construct and operate replacement facilities.

Southern states that the total estimated cost of the abandonment and subsequent construction and installation is approximately $131,599. Southern further states that there would be no increase in the Birmingham area contract demand associated with the proposed replacement.

Southern states that in conjunction with the proposed replacement, Southern and Alagasco have agreed to change Alagasco's contract delivery pressure to line pressure, but not less than 250 psig nor more than 500 psig. Southern asserts that (1) it has sufficient capacity to accomplish deliveries at the delivery point without detriment or disadvantage to its other customers; (2) deliveries would have no significant impact on Southern's peak day and annual deliveries; and (3) the activities proposed herein are not prohibited by any existing tariff of Southern.

Comment date: November 25, 1985, in accordance with Standard Paragraph G at end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP85-908-000]

October 10, 1985.

Take notice that on September 24, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-908-000 an application pursuant to section 7 of the Natural Gas act for a certificate of public convenience and necessity authorizing the transportation of natural gas and construction of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that parts of its system in Louisiana have become plagued by the presence of excess hydrocarbon liquids. United indicates that when the liquefiables contained in the raw gas condense in the pipeline, which occurs primarily in the winter months, there can be a significant drop of pressure in the pipeline system. In addition, United states that there is a possibility that some customers could receive fluids during deliveries of gas. Accordingly, United asserts that the removal of these excess liquids and liquefiable hydrocarbons which form is necessary for the safe and efficient operation of United's system.

United states that it has entered into gas processing agreements with PetroUnited Products, Inc. (PetroUnited). It is indicated that PetroUnited would own, and United would install and operate, two gas processing plants connected with United's system in Calcasieu and Livingston Parishes, Louisiana. Pursuant to the agreements, each of which covers one plant, United proposes to deliver its total gas streams to PetroUnited, and PetroUnited would process the gas and extract and retain liquids and liquefiable hydrocarbons of a thermal content of up to 4.500 billion Btu's at each plant per day. It is explained that as payment for the gas removed by processing, PetroUnited would deliver to United, at mutually agreeable points, a thermally equivalent volume of pipeline quality gas.

United states that in order to connect PetroUnited's plants to United's systems, United seeks authorization to install and operate two tap valves for each plant at a cost of $150,000, which would be financed from funds on hand. United also indicates that PetroUnited would reimburse United for all construction and operating costs of the pipeline facilities.

United also requests that the Commission declare that PetroUnited's purchase of supplies to be used in payment for the gas that processing removes and the redelivery of that gas to United would not subject PetroUnited or its supplier to Natural Gas Act jurisdiction.

Comment date: October 30, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company

[Docket No. CP85-893-000]

October 11, 1985.

Take notice that on September 20, 1985, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, hereinafter referred to jointly as Applicants, filed in Docket No. CP85-893-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of United States Steel Corporation (US Steel) under their certificates issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in their request on file with the Commission and open to public inspection.

Applicants propose to transport on behalf of US Steel up to 16.65 billion Btu equivalent of natural gas per day for delivery to US Steel's Haverhill, Ohio, plant and up to 40 billion Btu equivalent of natural gas per day for delivery to US Steel's Lorain, Ohio, plant in accordance with gas transportation agreements dated July 1, 1985. It is explained that US Steel would purchase gas from Yankee Resources, Inc., and TXO Production Corp. pursuant to gas sales agreements dated April 8, 1985, and July 1, 1985, respectively. It is explained that the gas sales agreements reflect that Yankee and TXO would make their gas supplies available to US Steel from undesignated sources. It is further explained that the gas would be received by Columbia Gulf from US Steel's designees, (1) Natural Gas Pipeline Company of America at the

Texaco Henry plant, Vermilion Parish, Louisiana, (2) ANR Pipeline Company at Patterson, Louisiana, and Centerville, Louisiana, and (3) United Gas Pipeline Company at Erath or Olla, Louisiana, and gas would be delivered in exchange therefor to Columbia Transmission at existing points of interconnection. Columbia Transmission proposes in turn to redeliver equivalent quantities to Columbia Gas of Ohio, Inc. (COH), the distributor, for ultimate delivery to US Steel for use as boiler fuel and process gas in the plants.

Applicants also request flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by US Steel. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Applicants will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Columbia Gulf proposes to charge the applicable rate set forth in its Rate Schedule T-2 for its transportation service: offshore to Kentucky—23.92 cents per dt equivalent of gas and 1.69 percent of the total quantity of gas delivered into its system would be retained for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and 1.50 percent retained; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and 1.50 percent retained; and Corinth, Mississippi, to Kentucky—6.38 cents per dt equivalent of gas and 0.75 percent retained.

Columbia Transmission proposes to charge the applicable rate set forth in its Rate Schedule TS-1 for its transportation service: gas received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt equivalent; gas received from Columbia Gulf at receipt points other than Leach, Kentucky—29.93 cents per dt equivalent; whichever is applicable and provided the volumes are within the total daily entitlements (TDE) of COH, Columbia Transmission's existing purchaser customer. However, it is indicated that Columbia Transmission would charge 32.50 cents per dt equivalent for gas it receives from Columbia Gulf at Leach, Kentucky, and 41.27 cents per dt equivalent for gas received from receipt points other than Leach, Kentucky, if the volumes are in excess of COH's TDE. Additionally, Columbia Transmission proposes to charge the GRI rate for all the gas transported, as set forth in its Rate Schedule TS-1. Columbia Transmission further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas, as set forth in its Rate Schedule TS-1.

Applicants advise that the proposed transportation service commenced on June 27, 1985, pursuant to the self-implementing provisions of § 157.209.

Comment date: November 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

5. National Fuel Gas Supply Corporation

[Docket No. CP85-887-000]

October 11, 1985.

Take notice that on September 17, 1985, National Fuel Gas Supply Corporation (National), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP85-887-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add two additional emergency points of delivery to its affiliate, Natural Fuel Gas Distribution Corporation (Distribution), under the certificate issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

National proposes to construct emergency sales tap facilities in Bradford Township, McKeon County, Pennsylvania, and deliver 11,000 Mcf per day to Distribution during emergency conditions. National states that the proposed deliveries will serve existing markets and will have no impact on it peak day and annual deliveries.

Comment date: November 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

6. Tennessee Gas Pipeline Company A Division of Tenneco Inc.

[Docket No. CP85-900-000]

October 11, 1985.

Take notice that on September 23, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85-900-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate one sales tap and appurtenant facilities to serve an existing customer, Consolidated, Gas Transmission Corporation (Consolidated), under Tennessee's certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that pursuant to Consolidate's request, it has agreed to establish a new delivery point in Zone 5 of its system near the Town of Hopewell in Ontario County, New York. Tennessee further states that the new delivery point is necessary to enable Consolidated to serve the additional requirements of its customers in the Canandaiqua, New York, area. It is indicated that all costs associated with the construction of the proposed new delivery point would be borne by Consolidated. Such costs are estimated to be $167,500.

The proposed facilities, it is asserted, would consist of a side valve assembly on Tennessee's existing pipeline, gas measurement facilities, and pipeline connecting facilities. It is explained that the maximum daily volume to be delivered at the proposed point would be 16,000 Mcf.

Tennessee does not propose to increase or decrease the total daily and/or annual volumes it is authorized to deliver to Consolidated. Tennessee asserts that the establishment of the proposed new delivery point is not prohibited by its currently effective tariff and that it has sufficient capacity to accomplish the deliveries at the proposed new delivery point without detriment or disadvantage to any of Tennessee's other customers.

Comment date: November 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Trunkline Gas Company

[Docket No. CP84-577-017]

October 11, 1985.

Take notice that on September 19, 1985, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-577-017 a request pursuant to section 7 of the Natural Gas Act and § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to make an off-system sale of natural gas. The request is pursuant to authorization granted by the Commission's order issued October 29, 1984, in Docket No. CP84-577-000, authorizing a sales for take-or-pay relief program (STOPR), all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Applicant proposes to make an off-system sale of gas to N-Ren Corporation (N-Ren), an industrial end-user. Pursuant to the terms of an industrial gas contract dated May 17, 1985,

between Applicant and N-Ren. Applicant states it would deliver up to 32,000 Mcf of gas per day, on an interruptible basis, to Midwestern Gas Transmission Company (Midwestern), for the account of N-Ren, at an existing point of interconnection between Applicant and Midwestern near Potomac, Vermilion County, Illinois. Pursuant to a transportation agreement dated September 9, 1985, between Applicant and Midwestern, Midwestern would deliver the gas to Northern Illinois Gas Company (NI-Gas), for the account of N-Ren, at an existing point of interconnection near Joliet, Illinois, it is explained. NI-Gas would then deliver the gas to N-Ren's facility in East Dubuque, Illinois, it is indicated.

It is stated that the sales price is $2.7024 per dt equivalent of gas. It is explained that the sales price consists of Applicant's average cost of gas, the GRI surcharge, Midwestern's transportation charge, and an added margin pursuant to the authorization in the STOPR order.

It is stated that the service is conditioned upon the availability of capacity sufficient to provide service without detriment to Applicant's existing customers. The term of the service under the authorization sought herein would be from the date of the first delivery, with termination to coincide with the expiration under the STOPR program, it is indicated.

Comment date: November 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-25086 Filed 10-21-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-148-006 et al.]

Transcontinental Gas Pipe Line Corp. et al.; Filing of Pipeline Refund Reports and Refund Plans

October 11, 1985.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 21, 1985. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
9/17/85	Transcontinental Gas Pipe Line Corp	RP85-148-006	Report.
9/20/85	Louisiana-Nevada Transit Co	RP85-142-001	Report.
9/23/85	Midwestern Gas Transmission Co	RP82-117-010	Report.
9/23/85	Natural Gas Pipeline Co. of America	RP71-125-013	Report.
9/26/85	Alabama-Tennessee Natural Gas Co	RP85-117-004	Report.
9/26/85	Northern Natural Gas Co	RP85-113-002	Btu.*
9/30/85	Williston Basin Interstate Pipeline Co	RP85-97-002	Btu.*
10/2/85	Southern Natural Gas Co	RP80-136-009	Report.

* Refunds resulting from Btu Measurement Adjustments. Each company will retain its basic docket number and future related filings receive new sub-docket numbers.

TENNESSEE GAS PIPELINE CO.—CONSTRUCTION COST ESTIMATE

[Project: 3.5 miles—30" pipeline loop from MLV 325 + 1.1 to MLV 325 + 4.6, Sussex County NJ]

Item No	Description	Unit	Quantity	Unit Cost	Amount	Total dollars
1	Total right of way cost	Lot	1		$199,000	
2	Preliminary survey	Lot	1		$9,300	
	Total					$208,300
	Material:					
3	30" O.D. X .407" W.T., GR. X-60 pipe	L.F.	2,700	$51.38	138,700	
4	30" O.D. X .488" W.T., GR. X-60 pipe	L.F.	3,000	59.86	179,600	
5	30" O.D. X .585" W.T., GR. X-60 pipe	L.F.	13,100	74.81	980,000	

TENNESSEE GAS PIPELINE CO.—CONSTRUCTION COST ESTIMATE—Continued

[Project: 3.5 miles—30" pipeline loop from MLV 325 + 1.1 to MLV 325 + 4.6, Sussex County NJ]

Item No.	Description	Unit	Quantity	Unit Cost	Amount	Total dollars
6	Pipe costing	L.F.	18,800	11.23	211,100	
7	Casing	L.F.	200	89.00	17,800	
8	Station value assembly w/tie-over	Each	1		243,600	
9	End of line assembly	Each	1		60,000	
10	Miscellaneous and Freight	Lot	1		100,900	
	Total Material					1,931,700
	Installation:					
11	Lay, string and test	L.F.	18,800	82.62	1,553,300	
12	Casing	L.F.	200	335.00	67,000	
13	Road Crossing	L.F.	250	165.00	41,300	
14	Station valve assembly w/tie-over	Each	1		120,000	
15	End of line assembly	Each	1		22,000	
16	Test manifold	Each	2	5,000.00	10,000	
17	Padding	L.F.	6,800	5.10	34,700	
18	Performance Bond	Lot	1		15,800	
19	x-ray	Lot	1		32,800	
20	Load gas	Lot	1		33,200	
	Total installation					1,930,100
	Other costs					
21	Company supervision and inspection	Lot	1			157,700
22	Contingencies	Lot	1			211,200
	Total direct cost—1985					4,439,000

[FR Doc. 85-25084 Filed 10-21-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST85-1459-000 et al.]

Tennessee Gas Pipeline Co. et al.; Self-Implementing Transactions

October 16, 1985.

Take notice that the following transactions have been reported to the Commission as being implementing pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to Section 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR § 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before November 1, 1985, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST85-1459	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	08-01-85	B		
ST85-1460	Transcontinental Gas Pipe Line Corp	Jersey Central Power and Light Co	08-01-85	F(157)		
ST85-1461	Natural Gas Pipeline Co. of America	Houston Pipe Line Co	08-01-85	B		
ST85-1462	Gas Gathering Corp	Monterey Pipeline Co	08-19-85	B		
ST85-1463	El Paso Natural Gas Co	Southern California Gas Co	08-01-85	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST85-1464	Northern Natural Gas Co	Allied Chemical	08-01-85	F(157)		
ST85-1465	Trunkline Gas Co	Creole Gas Pipeline Co	08-01-85	B		
ST85-1466	Trunkline Gas Co	Delhi Gas Pipeline Corp	08-01-85	B		
ST85-1467	Panhandle Eastern Pipe Line Co	Kraft, Inc	08-02-85	F(157)		
ST85-1468	Texas Gas Transmission Corp	Diamond-Bathurst, Inc	08-02-85	F(157)		
ST85-1469	Trunkline Gas Co	Valero Transmission Co	08-02-85	B		
ST85-1470	Texas Gas Transmission Corp	Kraft, Inc	08-02-85	F(157)		
ST85-1471	Delhi Gas Pipeline Corp	Spindletop Gas Distribution System	08-02-85	C		
ST85-1472	Delhi Gas Pipeline Corp	Elizabethtown Gas Co	08-02-85	C		
ST85-1473	Natural Gas Pipeline Co. of America	Northern Petrochemical Co	08-02-85	F(157)		
ST85-1474	Natural Gas Pipeline Co. of America	General Tire and Rubber Co	08-02-85	F(157)		
ST85-1475	El Paso Natural Gas Co	CAN-AM Corp	08-05-85	F(157)		
ST85-1476	Panhandle Eastern Pipe Line Co	Clark Material Systems Tech. Co	08-05-85	F(157)		
ST85-1477	Transok, Inc	United Gas Pipe Line Co	08-02-85	C	12-30-85	21.75
ST85-1478	Valero Interstate Transmission Co	Petrolina Gas Pipeline Co	08-05-85	B		
ST85-1479	Northern Natural Gas Co	Long Island Lighting Co	08-05-85	B		
ST85-1480	Oklahoma Natural Gas Co	Panhandle Eastern Pipeline Co	08-06-85	C	01-03-86	10.00
ST85-1481	Northwest Central Pipeline Corp	Conoco, Inc	08-06-85	F(157)		
ST85-1482	Texas Gas Transmission Corp	Diamond-Bathurst, Inc	08-06-85	F(157)		
ST85-1483	Transok, Inc	American Distribution Co	08-06-85	C	01-03-86	21.75
ST85-1484	THC Pipeline Co	Southern Natural Gas Co	08-07-85	G		
ST85-1485	Tenngasco Gas Supply Co	Pacific Lighting Gas Supply Co	08-07-85	C		
ST85-1486	Channel Industries Gas Co	Pacific Lighting Gas Supply Co	08-07-85	C		
ST85-1487	Channel Industries Gas Co	THC Pipeline Co	08-07-85	C		
ST85-1488	Exxon Gas System, Inc	Humble Gas Transmission Co	08-07-85	C		
ST85-1489	ANR Pipeline Co	Pacific Lighting Gas Supply Co	08-07-85	B		
ST85-1490	ANR Pipeline Co	Delhi Gas Pipeline Corp	08-07-85	B		
ST85-1491	Texas Eastern Transmission Corp	Long Island Lighting Co	08-07-85	B		
ST85-1492	Natural Gas Pipeline Co. of America	Good Samaritan Hospital	08-07-85	F(157)		
ST85-1493	Panhandle Eastern Pipe Line Co	Ralston Purina Co	08-08-85	F(157)		
ST85-1494	Panhandle Eastern Pipe Line Co	Northern Illinois Gas Co	08-08-85	B		
ST85-1495	Panhandle Eastern Pipe Line Co	Reinforced Plastics, DiversiTech General, Inc	08-08-85	F(157)		
ST85-1496	Trunkline Gas Co	Texas Eastern Transmission Corp	08-08-85	G		
ST85-1497	Panhandle Eastern Pipe Line Co	Cuyahoga County Hospital System	08-08-85	F(157)		
ST85-1498	Algonquin Gas Transmission Co	Boston Gas Co	08-08-85	B		
ST85-1499	Algonquin Gas Transmission Co	Connecticut Light and Power Co	08-08-85	B		
ST85-1500	Algonquin Gas Transmission Co	Providence Gas Co	08-08-85	B		
ST85-1501	Algonquin Gas Transmission Co	Boston Gas Co	08-08-85	B		
ST85-1502	Transcontinental Gas Pipe Line Corp	System Fuels, Inc	08-08-85	F(157)		
ST85-1503	Columbia Gas Transmission Corp	York Hospital	08-09-85	F(157)		
ST85-1504	Columbia Gas Transmission Corp	United States Steel Corp	08-09-85	F(157)		
ST85-1505	Columbia Gas Transmission Corp	Stauffer Chemical Co	08-09-85	F(157)		
ST85-1506	Columbia Gas Transmission Corp	H. H. Robertson Co	08-09-85	F(157)		
ST85-1507	Columbia Gas Transmission Corp	Hanover Brands, Inc	08-09-85	F(157)		
ST85-1508	Columbia Gas Transmission Corp	J. T. Baker Chemical Co	08-09-85	F(157)		
ST85-1509	Columbia Gas Transmission Corp	Bethlehem Steel Corp	08-09-85	F(157)		
ST85-1510	Columbia Gulf Transmission Corp	J. T. Baker Chemical Co	08-09-85	F(157)		
ST85-1511	Columbia Gulf Transmission Corp	Bethlehem Mines Corp	08-09-85	F(157)		
ST85-1512	Columbia Gulf Transmission Corp	Bethlehem Steel Corp	08-09-85	F(157)		
ST85-1513	Columbia Gulf Transmission Corp	Stauffer Chemical Co	08-09-85	F(157)		
ST85-1514	Columbia Gulf Transmission Corp	United States Steel Corp	08-09-85	F(157)		
ST85-1515	Columbia Gulf Transmission Corp	York Hospital	08-09-85	F(157)		
ST85-1516	Anadarko Production Co	Michigan Consolidated Gas Co	08-12-85	D		
ST85-1517	Northwest Central Pipeline Corp	Sohio Chemical Co	08-12-85	F(157)		
ST85-1518	Northwest Central Pipeline Corp	Pacific Lighting Gas Supply Co	08-12-85	B		
ST85-1519	Northwest Central Pipeline Corp	Illinois Power Co	08-12-85	B		
ST85-1520	Texas Eastern Transmission Corp	Natural Gas Pipeline Co. of America	08-12-85	G		
ST85-1521	Trunkline Gas Co	Good Samaritan Hospital	08-12-85	F(157)		
ST85-1522	Delhi Gas Pipeline Corp	Pacific Lighting Gas Supply Co	08-12-85	C		
ST85-1523	Delhi Gas Pipeline Corp	Natural Gas Pipeline Co. of America	08-12-85	C		
ST85-1524	Producer's Gas Co	El Paso Natural Gas Co	08-13-85	C	01-10-86	25.20
ST85-1525	ANR Pipeline Co	Southern California Gas Co	08-13-85	B		
ST85-1526	Tennessee Gas Pipeline Co	Mid Louisiana Gas Co	08-13-85	G		
ST85-1527	United Texas Transmission Co	Consolidated Edison of NY, Inc	08-09-85	C		
ST85-1528	MGTC, Inc	City of Colorado Springs, Co	08-13-85	C		
ST85-1529	Williston Basin Inter. Pipeline Co	St. Anthony Hospital	08-13-85	F(157)		
ST85-1530	Michigan Gas Storage Co	Ralston Purina Co	08-09-85	F(157)		
ST85-1531	United Texas Transmission Co	Philadelphia Electric Co	08-07-85	C		
ST85-1532	United Texas Transmission Co	Central Hudson Gas and Electric Co	08-09-85	C		
ST85-1533	United Texas Transmission Co	Public Service Electric and Gas Co	08-09-85	C		
ST85-1534	United Texas Transmission Co	New Jersey Natural Gas Co	08-09-85	C		
ST85-1535	United Texas Transmission Co	Boston Gas Co	08-09-85	C		
ST85-1536	El Paso Natural Gas Co	Southwest Gas Corp	08-09-85	B		
ST85-1537	Natural Gas Pipeline Co. of America	Pacific Lighting Gas Supply Co	08-09-85	B		
ST85-1538	Tennessee Gas Pipeline Co	Essex County Gas Co	08-12-85	B		
ST85-1539	Trunkline Gas Co	Creole Gas Pipeline Corp	08-13-85	B		
ST85-1540	Honeoye Storage Corp	Brooklyn Union Gas Co	08-13-85	B		
ST85-1541	Natural Gas Pipeline Co. of America	United States Steel Corp	08-14-85	F(157)		
ST85-1542	Midwestern Gas Transmission Co	Armour-Dial, Inc	08-13-85	F(157)		
ST85-1543	Williston Basin Inter. Pipeline Co	Hebron Brick Co	08-13-85	F(157)		
ST85-1544	Williston Basin Inter. Pipeline Co	Reynolds Metals Co	08-13-85	F(157)		
ST85-1545	Tennessee Gas Pipeline Co	Granite State Gas Transmission, Inc	08-14-85	G		
ST85-1546	Texas Eastern Transmission Corp	Boston Gas Co	08-14-85	B		
ST85-1547	Consumers Power Co	Kansas Power and Light Co	08-14-85	C		
ST85-1548	Michigan Gas Storage Co	Kansas Power and Light Co	08-14-85	B		
ST85-1549	Panhandle Eastern Pipe Line Co	Good Samaritan Hospital	08-12-85	F(157)		
ST85-1550	Panhandle Eastern Pipe Line Co	Armour-Dial, Inc	08-14-85	F(157)		
ST85-1551	Trunkline Gas Co	Armour-Dial, Inc	08-14-85	F(157)		
ST85-1552	Intrastate Gathering Corp	Valero Industrial Gas Co., *et al*	08-15-85	C		
ST85-1553	Equitable Gas Co	Guardian Industries Corp	08-16-85	F(157)		
ST85-1554	El Paso Natural Gas Co	Westar Transmission Co	08-16-85	B		
ST85-1555	Northern Natural Gas Co	Transwestern Pipeline Co	08-16-85	G		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST85-1556	Texas Eastern Transmission Corp	New Jersey Natural Gas Co	08-16-85	B		
ST85-1557	Texas Eastern Transmission Corp	Central Hudson Gas and Electric Co	08-16-85	B		
ST85-1558	Texas Eastern Transmission Corp	Long Island Lighting Co	08-16-85	B		
ST85-1559	Michigan Gas Storage Co	DiversiTech General, Inc	08-16-85	F(157)		
ST85-1560	Michigan Gas Storage Co	Michigan Gas Utilities	08-16-85	B		
ST85-1561	Sea Robin Pipeline Co	Mississippi River Transmission Corp	08-16-85	G		
ST85-1562	Delhi Gas Pipeline Corp	Texas Gas Transmission Corp	08-19-85	C		
ST85-1563	Panhandle Eastern Pipe Line Co	Guardian Industries Corp	08-19-85	F(157)		
ST85-1564	Trunkline Gas Co	THC Pipeline Co	08-19-85	B		
ST85-1565	Tennessee Gas Pipeline Co	New Orleans Public Service, Inc	08-16-85	B		
ST85-1566	Endevco Pipeline Co	Natural Gas Pipeline Co. of America	08-19-85	C		
ST85-1567	Transcontinental Gas Pipe Line Corp	Monterey Pipeline Co	08-19-85	B		
ST85-1568	United Gas Pipe Line Co	Humble Gas Transmission Co	08-19-85	B		
ST85-1569	Panhandle Eastern Pipe Line Co	BASF Wyandotte Corp	08-19-85	F(157)		
ST85-1570	Texas Eastern Transmission Corp	Long Island Lighting Co	08-19-85	B		
ST85-1571	Riverway Gas Pipeline Co	Faustina Pipe Line Co	08-20-85	C		
ST85-1572	Acadian Gas Pipeline System	LGS Intrastate, Inc	08-21-85	C		
ST85-1573	ANR Pipeline Co	Pacific Lighting Gas Supply Co	08-21-85	B		
ST85-1574	Panhandle Eastern Pipe Line Co	Michigan Gas Utilities Co	08-21-85	B		
ST85-1575	Trunkline Gas Co	Michigan Gas Utilities Co	08-21-85	B		
ST85-1576	Delhi Gas Pipeline Corp	Northern Illinois Gas Co	08-22-85	C		
ST85-1577	Delhi Gas Pipeline Corp	Michigan Gas Utilities Co	08-22-85	C		
ST85-1578	Trancontinental Gas Pipe Line Corp	E. I. Dupon de Nemurs and Co	08-22-85	F(157)		
ST85-1579	Panhandle Eastern Pipe Line Co	Drosser Industries, Inc	08-22-85	F(157)		
ST85-1580	Panhandle Eastern Pipe Line Co	North Star Steel Co	08-22-85	F(157)		
ST85-1581	Panhandle Eastern Pipe Line Co	Frito-Lay, Inc	08-22-85	F(157)		
ST85-1582	Trunkline Gas Co	UGI Corp	08-22-85	B		
ST85-1583	Panhandle Eastern Pipe Line Co	N-Ren Corp	08-22-85	F(157)		
ST85-1584	Trunkline Gas Co	N-Ren Corp	08-22-85	F(157)		
ST85-1585	Panhandle Eastern Pipe Line Co	Northern Indiana Public Service Co	08-22-85	B		
ST85-1586	Trunkline Gas Co	Nothern Indiana Public Service Co	08-22-85	B		
ST85-1578	Natural Gas Pipeline Co. of America	Mississippi River Transmisson Corp	08-23-85	G		
ST85-1588	United Gas Pipe Line Co	Tex-La Gas Co	08-23-85	B		
ST85-1589	United Gas Pipe Line Co	Boston Gas Co	08-23-85	B		
ST85-1590	Northern Natural Gas Co	Experanza Transmission Co	08-23-85	B		
ST85-1591	Texas Gas Transmission Corp	Mohasco Carpet Corp	08-23-85	F(157)		
ST85-1592	Southern Natural Gas Co	Archer Daniels Midland Co	08-23-85	F(157)		
ST85-1593	Columbia Gas Transmission Corp	New Jersey Natural Gas Co	08-23-85	B		
ST85-1594	Columbia Gas Transmission Corp	Chevron U.S.A., Inc	08-23-85	F(157)		
ST85-1595	Columbia Gas Transmission Corp	Sharp Canning Co	08-23-85	F(157)		
ST85-1596	Columbia Gas Transmission Corp	Sharp Canning Co	08-23-85	F(157)		
ST85-1597	Columbia Gas Transmission Corp	Libby-Owens-Ford Co	08-23-85	F(157)		
ST85-1598	United Gas Pipe Line Co	Mississippi River Transmission Corp	08-23-85	G		
ST85-1599	Columbia Gas Transmission Corp	Lancaster Colony Corp	08-23-85	F(157)		
ST85-1600	Columbia Gas Transmission Corp	Jessop Steel Co	08-23-85	F(157)		
ST85-1601	Columbia Gas Transmission Corp	Chevron U.S.A., Inc	08-23-85	F(157)		
ST85-1602	Northwest Central Pipeline Corp	Board of Public Utilities, City of Springfield, MO	08-26-85	F(157)		
ST85-1603	Northern Natural Gas Co	Experanza Transmission Co	08-26-85	B		
ST85-1604	Delhi Gas Pipeline Corp	Pacific Lighting Gas Supply Co	08-26-85	C		
ST85-1605	Delhi Gas Pipeline Corp	Pacific Lighting Gas Supply Co	08-26-85	C		
ST85-1606	Equitable Gas Co	Metaltech	08-26-85	F(157)		
ST85-1607	Producer's Gas Co	Cincinnati Gas and Electric Co	08-26-85	D		
ST85-1608	Producer's Gas Co	Pacific Lighting Gas Supply Co	08-26-85	D		
ST85-1609	Arkla Energy Resources	CITGO Petroleum Corp	08-26-85	F(157)		
ST85-1610	Natural Gas Pipeline Co. of America	Baltimore Gas and Electric Co., *et al*	08-26-85	B		
ST85-1611	Northwest Central Pipeline Corp	Phillips Petroleum Co	08-27-85	F(157)		
ST85-1612	Tennessee Gas Pipeline Co	Bethlehem Steel Corp	08-28-85	F(157)		
ST85-1613	United Gas Pipe Line Co	Cities Service Co	08-28-85	F(157)		
ST85-1614	Transcontinental Gas Pipe Line Corp	Alabama Gas Corp	08-28-85	B		
ST85-1615	Transcontinental Gas Pipe Line Corp	City of Greenwood, SC	08-28-85	B		
ST85-1616	Columbia Gulf Transmission Co	E. I. DuPont de Nemours & Co	08-28-85	F(157)		
ST85-1617	Northern Natural Gas Co	Pacific Lighting Gas Supply Co	08-29-85	B		
ST85-1618	Northern Natural Gas Co	Florida Gas Transmission Co	08-29-85	G		
ST85-1619	Northern Natural Gas Co	Pacific Lighting Gas Supply Co	08-29-85	B		
ST85-1620	Northern Natural Gas Co	Southern California Gas Co	08-29-85	B		
ST85-1621	Mississippi Fuel Co	Florida Gas Transmission Co	08-29-85	C	01-28-86	14.60
ST85-1622	Algonquin Gas Transmission Co	Orange and Rockland Utilities, Inc	08-29-85	B		
ST85-1623	Colorado Interstate Gas Co	Reynolds Metals Co	08-29-85	F(157)		
ST85-1624	Algonquin Gas Transmission Co	Central Hudson Gas and Electric Co	08-29-85	B		
ST85-1625	Lone Star Gas Co	Pacific Lighting Gas Supply Co	08-29-85	C		
ST85-1626	Lone Star Gas Co	Elizabethtown Gas Co	08-29-85	C		
ST85-1627	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	08-30-85	B		
ST85-1628	Tennessee Gas Pipeline Co	Louisiana State Gas Corp	08-30-85	B		
ST85-1629	Texas Eastern Transmission Corp	Channel Industries Gas Co	08-30-85	B		
ST85-1630	Lone Star Gas Co	Pacific Lighting Gas Supply Co	08-29-85	B		
ST85-1631	ANR Pipeline Co	Pacific Lighting Gas Supply Co	08-30-85	B		
ST85-1632	ANR Pipeline Co	United States Steel Corp	08-30-85	F(157)		
ST85-1633	Natural Gas Pipeline Co. of America	Pacific Lighting Gas Supply Co., *et al*	08-30-85	B		
ST85-1634	Natural Gas Pipeline Co. of America	Illinois Power Co	08-30-85	B		
ST85-1635	MIGC, Inc	City of Colorado Springs, CO	08-30-85	B		
ST85-1636	Delhi Gas Pipeline Corp	Mississippi River Transmission Corp	08-30-85	C		
ST85-1637	Delhi Gas Pipeline Corp	Southern Natural Gas Co	08-30-85	C		
ST85-1638	Delhi Gas Pipeline Corp	Natural Gas Pipeline Co. of America	08-30-85	C		
ST85-1639	Columbia Gulf Transmission Co	Durkee Famous Foods, SCM Corp	08-30-85	F(157)		
ST85-1640	Columbia Gulf Transmission Co	Federal Mogul Corp	08-30-85	F(157)		
ST85-1641	Columbia Gulf Transmission Corp	Hussey Cooper, Ltd	08-30-85	F(157)		
ST85-1642	Columbia Gulf Transmission Corp	W. R. Grace and Co	08-30-85	F(157)		
ST85-1643	Columbia Gulf Transmission Corp	Federal Mogul Corp	08-30-85	F(157)		
ST85-1644	Columbia Gulf Transmission Corp	W. R. Grace and Co	08-30-85	F(157)		
ST85-1645	Columbia Gulf Transmission Corp	Durkee Famous Foods, SCM Corp	08-30-85	F(157)		
ST85-1646	United Gas Pipe Line Co	First Chemical Corp	08-30-85	F(157)		
ST85-1647	Midwestern Gas Transmission Corp	Olin Corp	08-30-85	F(157)		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST85-1648	Texas Gas Transmission Corp	Kroger Co	08-30-85	F(157)		
ST85-1649	Tennessee Gas Pipeline Co	City of Holly Springs, MS	08-30-85	B		
ST85-1650	El Paso Natural Gas Co	Pacific Lighting Gas Supply Co	08-30-85	B		
ST85-1651	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	08-30-85	B		
ST85-1652	Transcontinental Gas Pipe Line Corp	Dayton Power and Light Co	08-30-85	B		
ST85-1653	Southern Natural Gas Co	Atlanta Gas Light Co	08-30-85	B		
ST85-1654	Southern Natural Gas Co	Owens-Illinois, Inc	08-30-85	F(157)		
ST85-1655	Southern Natural Gas Co	Columbia Nitrogen Corp., et al	08-30-85	F(157)		
ST85-1656	Southern Natural Gas Co	Cherokee Brick and Tile Co	08-30-85	F(157)		
ST85-1657	Southern Natural Gas Co	A.P. Green Refractories	08-30-85	F(157)		
ST85-1658	Columbia Gulf Transmission Co	Yorktowne Paper Mills, Inc	08-30-85	F(157)		
ST85-1659	Columbia Gulf Transmission Co	W.R. Grace and Co	08-30-85	F(157)		
ST85-1660	Columbia Gulf Transmission Co	W.R. Grace and Co	08-30-85	F(157)		
Exxon Gas System, Inc., filed the following Petition for Rate Approval subsequent to their initial report. The rate petition is noticed at this time to give interested parties the appropriate 150-day comment period.						
ST85-769	Exxon Gas System, Inc	Humble Gas Transmission Co	08-15-85	C	01-12-86	12.50

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to § 248.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 85-25083 Filed 10-21-85; 8:45 am]
BILLING CODE 6417-01-M

[Docket Nos. QF85-732-000 et al.]

Equitable Gas Co. et al.; Small Power Production and Congeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with standard Paragraph E at the end of this notice.

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

1. Equitable Gas Company

October 10, 1985.

[Docket No. QF85-732-000]

On September 25, 1985, Equitable Gas Company (Applicant) a division of Equitable Resources, Inc., of 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing

The topping-cycle cogeneration facility will be located at the Applicant's address in Pittsburgh, Pennsylvania. The facility will contain two (2) reciprocating engine generator sets combined with heat recovery boilers. The low pressure steam from the boilers and heat from the engine jacket water, will be utilized in the building for space and water heating and also in the absorption chillers for air conditioning. The primary energy source will be natural gas. The electric power production capacity of the facility will be 700 kW. The installation of the facility is expected to begin in November, 1985.

2. Cogentrix of Virginia, Inc. (Allied Corporation)

October 10, 1985.

[Docket No. QF85-736-000]

On September 30, 1985, Cogentrix of Virginia, Inc. (Applicant), of Two Parkway Plaza, Suite 290, Charlotte, North Carolinia 28210 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed topping-cycle cogeneration facility will be located at the Allied Corporation, Fibers Division plant, Hopewell, Virginia 23860. The facility will contain Six (6) stoker-fired boilers and two (2) condensing/extraction steam turbine-generators. The extracted steam will be utilized for process needs at the Allied Corporation chemical manufacturing plant. The primary energy source will be coal. The net electric power production capacity of the facility will be 77,800 kW. The facility is scheduled to start commercial operation on or about December 31, 1987.

3. Klondike Equity Enterprises, Inc. (Klondike III)

October 10, 1985.

[Docket No. QF85-740-000]

On September 30, 1985, Paul R. Sorenson, President, Klondike Equity Enterprises, Inc. (Applicant) of Box 100 Newport Beach, California 92662 submitted for filing an application for certification of a facility known as Klondike III as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed topping-cycle Klondike III cogeneration facility is located South of the intersection of Crown Valley Parkway and Cabot Road, Orange County, California. The facility will contain a combustion turbine-generator, a two pressure level heat recovery boiler. (HRB) and an extraction steam turbine-generator. The extracted steam together with low pressure steam from the HRB will be supplied to the absorption refrigeration equipment and heating needs at the athletic facility. The net electric power production of the facility will be 27,6045 kW. The prinary energy source will be natural gas. The facility is scheduled to start commercial operation in Spring of 1987.

4. Mat-Su Energy Corporation

October 10, 1985.

[Docket No. QF85-721-000]

On September 23, 1984, Mat-Su Energy Corporation (Applicant), of General Delivery, Wasilla, Alaska 99687 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facilty will be located in Matanuska-Susitna Burrough, Willow, Alaska. The primary energy source will be biomass in the form of wood pellets. The electric power production capacity will be 12 megawatts. The facility has no plans for the use of natural gas, oil or coal.

5. Pacific Light Energy System

October 10, 1985.

[Docket No. QF85-726-000]

On September 24, 1985, Pacific Lighting Energy Systems (Applicant), of

6055 East Washington Boulevard, Suite 600, City of Commerce, California 90040 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located at the Byxbee Park landfill, 2380 Embarcadero Road, Palo Alto, California. The primary energy source will be biomass in the form of landfill gas, generated from the anaerobic digestion by methanogenic bacteria of refuse and other solid wastes deposited in a sanitary landfill. The electric power production capacity will be approximately 2.2 megawatts. No use of natural gas, oil, or coal is planned by the facility.

6. Remedial Resource Recovery

October 10, 1985.

[Docket No. QF85-733-000]

On September 26, 1985, Remedial Resource Recovery (Applicant), of East Conway Road, Center Conway, New Hampshire 03813 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in Center Conway, New Hampshire. The primary energy source will be biomass in the form of municipal and industrial solid wastes and wood chips bark. The net electric power production capacity of the facility will be 3.5 megawatts. There is no planned usage of natural gas, oil, or coal by the facility.

7. The Energy Systems Company, Inc.

October 11, 1985.

[Docket No. QF85-737-000]

On September 30, 1985, The Energy Systems Company, Inc. (Applicant), of 1810 Craig Road, Suite 201, St. Louis, Missouri 63146, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Schuylkill County, Pennsylvania. It will consist of a circulating fluidized bed boiler and an extraction condensing steam turbine generating unit. Extraction steam produced by the facility will be used for product drying and space hearing in industrial process facilities. The net electric power production capacity of the facility will be 40 MW. The primary energy source will be anthracite waste. The installation of the facility will begin at mid-year 1986.

8. Union Underwear Co., Inc.

October 11, 1985.

[Docket No. QF85-727-000]

On September 23, 1985, Union Underwear Co., Inc. (Applicant), One Fruit of the Loom Drive, Bowling Green, Kentucky 42102-0780, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at St. Martinville, Louisiana. It will consist of two steam boilers and one steam turbine generating unit. The facility will produce process steam for a textile manufacturing facility. The electric power production capacity of the facility will be 460 kW. The primary energy source will be natural gas. The installation of the facility will be in early 1986.

9. Painted Wind Developers

October 11, 1985.

[Docket No. QF85-738-000]

On September 30, 1985, Painted Hills Wind Developers (Applicant), of 112 South Curry Street, Tehachapi, California 93561 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility is be located in the San Gorgonio Pass near Palm Springs, California. The primary energy source is wind. The facility consists of 170 wind turbine generators with a rated capacity of 100 kilowatts each and 61 wind turbine generators with a rated capacity of 65 kilowatts each, for a net electric power production capacity of approximately 23 megawatts.

10. Basic American Foods

October 11, 1985.

[Docket No. QF85-735-000]

On September 30, 1985, Basic American Foods (Applicant) of 550 Kearny Street, Suite 1000, San Francisco, California 94108, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The combined-cycle cogeneration facility will be located in King City, California. It will consist of a combustion turbine generation unit with a heat recovery steam generator, and an extraction steam turbine generating unit. Extraction steam produced will be used in the food processing plant. The primary energy source will be natural gas. The electric power production capacity of the facility will be 121 MW. Installation of the facility will commence in mid-September of 1987.

11. CoGen Kern Bluff, Inc.

October 11, 1985.

[Docket No. QF85-728-000]

On September 25, 1985, CoGen Kern Bluff, Inc. (Applicant), P.O. Box 19398, Houston, Texas 77224, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Kern County, California. It will consist of a combustion turbine generating unit with a heat recovery steam boiler. Steam produced will be used for enhanced oil recovery by Petro-Lewis Corporation. The electric power production capacity of the facility will be 45 MW. The primary energy source will be natural gas. The installation of the facility will be in April 1986.

12. Cogenic Energy Systems, Inc.

October 11, 1985.

[Docket No. QF85-716-000]

On September 20, 1985, Cogenic Energy Systems, Inc. (Applicant) of 135 Haven Avenue, Port Washington, New York 11050, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping cycle cogeneration facility will be installed at the Quality Inn, Lancaster, Pennsylvania. The facility will consist of an internal combustion engine, an induction generator and waste heat recovery equipment. The maximum electric power production capacity of the facility will be 150 kW. The primary source of energy will be natural gas.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 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. 85-25087 Filed 10-21-85; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Final Allocations of the 3.125 Percent (50 MW) of Transfer Capability on the California-Oregon Transmission Project Among Non-Federal Public Entities

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Announcement of Final Allocations of the 3.125 Percent (50 MW) of Transfer Capability on the California-Oregon Transmission Project among Non-Federal Public Entities.

SUMMARY: On August 7, 1985, the Final Applicant Eligibility Criteria, Terms and Conditions, and procedures governing the allocation of the 3.125 percent of transfer capability were announced (50 FR 31912). The August 7 **Federal Register** notice also was an announcement of proposed allocations of the 3.125 percent of transfer capability. A public comment forum on these subjects was held on August 21 and written comments were due by September 6, 1985.

The Western Area Power Administration (Western) has reviewed each of the comments submitted in writing or presented orally at the public comment forum. After serious consideration of the comments received, Western has decided to finalize the proposed allocations without change. Western's responses to the comments are contained in this **Federal Register** notice.

ADDRESS: For further information contact: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Sacramento, CA 95825, Telephone (916) 978-4418.

Final Allocations

The proposed allocations set forth in the **Federal Register** notice (50 FR 31912), August 7, 1985, are adopted as final allocations without change. The basis for selection of selection of each allottee and the determination of the amount of an allocation, as set forth in the August 7 **Federal Register** notice, are adopted by reference. The following final allocations are percentages of total transfer capability of the project. The megawatt values are stated for reference only and are based on an estimated transfer capability of 1,600 MW.

Entity	Final allocation (percent/MW)
1. Southern San Joaquin Valley Power Authority	2.0625/33
2. Trinity County Public Utility District	0.3.125/ 5
3. Shasta Dam Area Public Utility District	0.4375/ 7
4. San Juan Suburban Water District	0.0625/ 1
5. El Dorado Hills Community Services District	0.1875/ 3
6. Carmichael Water District	0.0625/ 1
Total	3.125 /50

Response to Comments

The following comments and responses are those that deal solely with the proposed allocations. Several comments were received on the Final Applicant Eligibility Criteria and the Final Terms and Conditions. The opportunity to comment on the proposed criteria and proposed terms and conditions, set forth in the June 3, 1985, **Federal Register** notice (50 FR 23356), was provided during the 30-day comment period which ended July 3, 1985. Comments submitted during this period were considered when the Final Criteria and Final Terms and Conditions were written. Therefore, unless used by a commenter in its comments on the allocations, comments seeking a substantive change to the Final Applicant Eligibility Criteria and Final Terms and Conditions are considered to be not timely filed, and no responses are provided.

In responding to the comments, Western used as guidance Title III of the Energy and Water Development Appropriation Act for fiscal year 1985 (Pub. L. 98-360), the legislative history of Pub. L. 98-360, particularly the Conference Report (Report 98-866, 98th Congress, 2nd Session), the Memorandum of Understanding (MOU) dated December 19, 1984, for the financing, construction, and operation of a new alternating current 500-kV transmission line from the Pacific Northwest to California (California-Oregon Transmission Project or COTP, also known as the "Harold T. (Bizz) Johnson California Pacific Northwest Intertie line" pursuant to Pub. L. 99-88), the Memorandum of Decision (MOD) of the Secretary of Energy dated February 7, 1985, and the letter dated May 4, 1985, signed by Eric J. Fygi, Acting General Counsel for the Department of Energy (Fygi letter), which clarifies certain issues raised by some of the original participants in response to the MOD.

Comment 1: Allocations to the El Dorado Hills Community Services District (El Dorado), the Shasta Dam Area Public Utility District (Shasta PUD), and the Trinity County Public Utility District (Trinity PUD).

The Pacific Gas and Electric Company (PGandE) urged reconsideration of the allocations to El Dorado and Trinity PUD on the basis that they have no need for transfer capability from the Northwest. Regarding El Dorado, PGandE states that criterion 4—by the inservice date of the project, the applicant must either be an irrigation or water district with pumping load or a utility which owns and operates its electric system—excludes this applicant because it is not an irrigation or water district, and has not supplied electricity in the past, does not do so currently, and there is no "persuasive evidence" that it will in the future.

PGandE, in addition to stating that Trinity PUD has no need for the transfer capability, points out that there is no economic benefit to this allottee when the cost of Northwest power is compared to the cost of Central Valley Project (CVP) preference power under its first preference entitlement. PGandE states that "the only rational thing TCPUD could rationally do (with its allocation) is assign it . . . and make some money on the deal . . . that would be grossly inequitable" to other proposed utilities and the current participants who would use the project "to transmit economical power, not to reap windfall profits".

The Southern San Joaquin Valley Power Authority (San Joaquin) questioned the allocation to El Dorado as an allotment to a nonirrigation entity with no electric utility obligation, and the allocations to Trinity PUD and Shasta PUD, because they are two CVP customers who are served lower cost CVP power and "do not have present demands for the proposed intertie allocations above their CVP power source".

Shasta PUD states that the allocation to El Dorado, which is trying to acquire

an electrical system, would be at the expense of themselves and "is inconceivable".

Response 1: El Dorado acquired the legal authority to obtain electric utility responsibility in 1982 (California Government Code, Title 6, section 61601.11). As provided by Final Applicant Eligibility criterion 4, El Dorado has until the inservice date of the project to acquire ownership and operational responsibility of its distribution system. However, first on the critical path is compliance with Final Term and Condition 3, which requires payment of its share of all upfront costs within 3 months after announcement of the final allocations, unless otherwise agreed between El Dorado and the other participants. If El Dorado fails to meet this condition, its allocation will be revoked for redistribution in accordance with Final Terms and Conditions 4 and 5. El Dorado has stated that it will comply with these Terms and Conditions. Western does not have, pursuant to these Terms and Conditions, a basis for revoking the allocation to El Dorado. For these reasons, Western reaffirms its allocation to El Dorado.

PGandE and San Joaquin raise the issue of allocating based on the economic benefit of the transfer capability to the Trinity PUD. Western has considered these comments. However, Western believes that the allocation to Trinity PUD is consistent with the Fygi letter in regard to non-Federal public entities that had responded to the **Federal Register** notices about the project, but had been unable to participate in the MOU negotiations. Furthermore, the need and usage of an allocation of transfer capability are time related. While Trinity PUD may be able to meet its current demands with CVP power, its resource plan could include utilization of its allocation.

Although Shasta PUD is a current customer of the CVP, its allocation of preference power is slightly less than its current demand. Therefore, San Joaquin's comment about Shasta PUD not having a demand above its CVP allocation is not accurate. Also, Shasta PUD's load is expected to grow another 10 megawatts by 1995.

Comment 2a: Shasta PUD questioned the "lion's share of power" allocated to the members of San Joaquin when transmission service to these entities has not yet been answered.

Response 2a: The Fygi letter states that:

> Congress intended for irrigation districts to have an opportunity to participate . . . in the Project . . . . His (the Secretary's) primary intent was to ensure that any such entities which qualified and paid their pro-rata participation share would receive net economic benefits proportionally equivalent to the other participants. The MOD was not intended to impose wheeling precedents, but rather to ensure such participants the full economic benefit of the bargain Congress had decided they were eligible to make.

The Fygi letter went on further to state that the economic arrangements were to be worked out among the parties in conjunction with these allocation proceedings. In these proceedings, Western is affording an opportunity to participate. The issue of wheeling is not a matter addressed in this proceeding.

Comment 2b: PGandE's comment on the allocation to San Joaquin:

> The demonstrated need and economic condition of the agricultural community should prevail over those who not only have no demonstrated need but already have access to preference power sufficient to supply all their needs for the reasonably foreseeable future.

Accordingly, PGandE urged Western to reconsider its allocations to Trinity PUD and El Dorado, and to allot their allocations to other more needy applicants.

Response 2b: Western agrees that the irrigation districts have a need, but disagrees that their needs should prevail over El Dorado and Trinity PUD. Need is a relative matter which Western has evaluated. Western has provided the majority of the 3.125 percent of transfer capability to San Joaquin which represents a number of irrigation districts.

Comment 3: Shasta PUD demanded reconsideration of its 20 megawatt allocation request using as arguments: (1) Based on population statistics, the allocation should have been 22 to 23 megawatts; (2) its proximity to the proposed project will allow a direct tap; (3) power from the nearby Shasta and Keswick CVP facilities has been exported to other entities in lieu of Shasta PUD; and (4) CVP customers who are faced with the potential withdrawal of CVP power should be considered first, not new customers.

Response 3: Population size alone is not necessarily a reasonable basis for an allocation. Proximity to the project and an allottee's status as a CVP customer are not relevant to affording eligible entities within the marketing area an opportunity to participate. The reference to exportation of power from the Shasta and Keswick power facilities apparently alludes to "county of origin" legislation enacted by Congress for other areas near CVP generation. Should Congress enact a law reserving CVP power for usage within Shasta County, Western would carry out the legislative desire. However, the absence of such legislation does not mean that Shasta PUD should have a greater right to project transfer capability. Western, in allocating transfer capability in this **Federal Register** notice, is carrying out the intention of the Secretary of Energy as expressed in the MOD of February 7, 1985. The Secretary did not intend that an allocation of transfer capability be related to an entity's status as an existing CVP power customer.

Comment 4: The announcement of the final allocations of transfer capability in relation to Final Term and Condition 3.

PGandE, Southern California Edison (SCE), and the Transmission Agency of Northern California (TANC) expressed their concern that the announcement of the final allocations may occur before the Project Development Agreement (PDA) is executed. Under Final Term and Condition 3, the allottees are required, unless otherwise agreed between the allottees and current participants, to enter into applicable agreements within 3 months of the announcement. Execution of the PDA, as of the approaching publication date of the final allocations, was imminent. The Project Management Committee has substantially approved this agreement. However, the publication of the final allocations would likely occur before all the parties executed the PDA, causing concern that the PDA may be reopened for negotiation.

Response 4: Western's publication of the final allocations is being done to allow the allottees as much lead time as possible to prepare and to become participants in the project. However, Western shares the concern to avoid delay of the project as expressed by PGandE, TANC, and SCE. Therefore, Western includes the PDA as an "applicable agreement" as used in Term and Condition 3. We note, however, that these allocations are pursuant to the MOU, MOD, and Fygi letter, and are not assignments under the PDA.

Comment 5: Ramona Water District (Ramona) requested that it be reconsidered for an allocation because a recent management reorganization caused it to miss the filing deadline.

Response 5: Western is sympathetic to Ramona's failure to make the filing deadline. However, the recent managerial recorganization was entirely internal to Ramona. Western must establish deadlines for applications to achieve certainty and finality in the allocation of recources. The enforcement of such a deadline is fair and equitable

to those entities that applied in a timely manner. Although Western regrets that Ramona missed the deadline, reconsideration would create an undesirable precedent and is accordingly denied.

National Environmental Policy Act

Western is required to conduct an environmental evaluation of certain power marketing actions in compliance with the National Environmental Policy Act (NEPA) of 1969, and the DOE regulations published in the **Federal Register** (45 FR 20694, as amended). Under the DOE guidelines, Western has determined that this action is not a major Federal action in the context of NEPA and the DOE regulations, and clearly has no significant environmental effects. Therefore, no further environmental documentation is required.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the development of these rules will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Sacramento, California 95825, (916) 978–4418.

Issued at Golden, Colorado, October 10, 1985.

William H. Clagett,

Administrator.

[FR Doc. 85–25075 Filed 10–21–85; 8:45 am]

BILLING CODE 6450-01-M

Collbran Project: Proposed Power Rate Adjustment

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of Proposed Power Rate Adjustment—Collbran Project, Colorado.

SUMMARY: The Western Area Power Administration (Western) is proposing a rate increase for power and energy from the Collbran Project (Collbran). The rate increase is required to cover increased annual operating expenses and to repay the Federal investment in the project. The proposed rate for all project power is 22.7 mills per kWh. The present rate is 19.3 mills per kWh for firm and nonfirm energy. A brochure explaining the need for a rate increase and outlining the methodology used in developing the current proposed rate will be distributed to the single Collbran power customer and other interested parties. Since the proposed Collbran rate adjustment is a "minor" rate adjustment as defined by the current official procedures for public participation in general rate adjustments, public information and comment forums are not required. However, an informal public meeting will be held. (A "minor" rate adjustment in this case "is for a power system which has either annual sales normally less than 100 million kilowatthours or an installed capacity of less than 20,000 kilowatts," both of which apply to Collbran.) After public discussions and review of public comments, Western will decide on a final proposed rate.

DATES: The consultation and comment period will begin with publication of this notice in the **Federal Register** and will end 30 days thereafter or 15 days after the close of the public meeting. The proposed rate will go into effect about January 1, 1986.

An informal public meeting, at which Western will outline the reasons for the rate increase, will be held at the Salt Lake City Area Office, 438 East 200 South, Salt Lake City, Utah, beginning at 1 p.m. on November 5, 1985. Western will answer questions and accept comments at this meeting. Written comments should be received by the end of the consultation and comment period to be assured of consideration. Written comments may be submited at the public meeting or sent to the address below.

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd Greiner, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, (801) 524–5493.

SUPPLEMENTARY INFORMATION: Power rates for Collbran are established pursuant to the Department of Energy Organization Act of August 4, 1977 (42 U.S.C. section 7101, et seq.); the Reclamation Act of 1902 (42 U.S.C. section 372, et seq.), as amended and supplemented by subsequent enactments, particular section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. section 485h(c)); and the acts specifically applicable to the project or system involved.

The Secretary of Energy delegated to the Deputy Secretary of the Department of Energy, by Delegation Order No. 0204–108 (48 FR 55664, December 14, 1983), the authority to confirm, approve, and place in effect on an interim basis power and transmission rates for Western. The delegation order also gave the Federal Energy Regulatory Commission the authority to make a final decision either confirming and approving, disapproving, or remanding such rates.

Procedures for public participation in rate adjustments for power marketed by Western (10 CFR Part 903) were published in the **Federal Register** (50 FR 37835, September 18, 1985).

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rate are and will be available for inspection and copying at the Salt Lake City Area Office.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. section 602, et seq.) each agency, when required by 5 U.S.C. section 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the rate adjustment for Collbran relates to nonregulatory services provided by Western at a particular rate. Under 5 U.S.C. section 601(2), rates or services of particular applicability are not considered "rules" within the meaning of the act. Since the rate for Collbran power is of limited applicability and is being set in accordance with specific regulations and legislation under particular circumstances, Western believes that no flexibility analysis is required.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA), Council of Environmental Quality (CEQ) regulations, and the Department of Energy guidelines, Western conducts environmental evaluations of certain rate and allocation actions. Western will compare the proposed power rate increase to the rate of inflation in the period since the existing power rate was placed in effect. If the proposed power rate increase exceeds the rate of inflation, an Environmental Assessment will be prepard and copies will be sent to interested persons upon request. If the proposed power rate increase does not exceed the rate of inflation, a memorandum to this effect will be

prepared and copies will be sent to interested persons upon request.

Issued at Golden, Colorado, October 11, 1985.

William H. Clagett,

Administrator.

[FR Doc. 85-25076 Filed 10-21-85; 8:45 am]

BILLING CODE 6450-01-M

Colorado River Storage Project; Proposed Adjustment of Transmission Rates

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of Proposed Adjustment of Transmission Rates.

SUMMARY: The Western Area Power Administration (Western) is proposing to adjust the Colorado River Storage Project (CRSP) firm and nonfirm transmission rates. The proposed adjustments would increase the firm transmission rate from the present $10.27 to $15.94 per kilowatt-year and the nonfirm transmission rate from the present 2.0 to 3.1 mills per kilowatthour. The adjustment results in a less than 1 percent change in annual revenues, and is therefore a minor rate adjustment as defined by the current procedures for public participation in rate adjustment. A brochure will be distributed to all CRSP customers and other interested parties, and an informal public meeting will be held in accordance with the current procedures for public participation in rate adjustments. Information in support of the need for and derivation of the proposed rate adjustments is explained in detail in the brochure.

DATES: The effective date of the rate adjustments is estimated to be the beginning of the January 1986, billing period. Western will outline the reasons for the rate increases and the public will be afforded an opportunity to comment orally or in writing on the proposed rate increases at an informal meeting which will be held: November 6, 1985, 8:30 a.m., Marriot Hotel, 75 South West Temple, Salt Lake City, Utah. Interested persons will be afforded an opportunity to consult with and make comments to Western during the consultation and comment period, which begins on the date of publication of the notice and ends 30 days thereafter or 15 days after the close of the public meeting. Written comments may be submitted at the meeting or may be submitted at the address below, but should be received at that address by the end of the consultation and comment period.

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd M. Greiner, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, (810) 524-5493.

SUPPLEMENTARY INFORMATION: Transmission rates for CRSP are established pursuant to the Department of Energy Organization Act of August 4, 1977 (42 U.S.C. section 7101 et seq.); Colorado River Storage Project Act (43 U.S.C. section 620 et seq.); the Reclamation Act of 1902 (43 U.S.C. section 372 et seq.), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. section 485h(c); and the acts specifically applicable to the project or system involved

The Secretary of Energy delegated to the Deputy Secretary of the Department of Energy by Delegation Order No. 0204-108 (48 FR 5564, December 14, 1983), the authority to confirm, approve, and place in effect on an interim basis, power and transmission rates for Western. The delegation order also gave the Federal Energy Regulatory Commission the authority to make a final decision either to confirm and approve, remand, or disapprove such rates

Procedures for public participation in rate adjustments for power markets by Western (10 CFR Part 903) were published in the **Federal Register** (50 FR 37835, September 18, 1985).

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rate are and will be available for inspection and copying at the Salt Lake City Area Office.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. section 601 et seq.) each agency, when required by 5 U.S.C. section 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the rate adjustment for CRSP power relates to nonregulatory services provided by Western.

Under 5 U.S.C. section 601(2), rates of services of particular applicability are not considered "rules" within the meaning of the act. Since the proposed rate of CRSP power is of limited applicability and is being set in accordance with specific legislation under particular circumstances, Western believes that no flexibility analysis is required.

Environmental Evaluation

In compliance with the National Enviromental Policy Act of 1969 (NEPA), Council of Environmental Quality (CEQ) regulations, and the Department of Energy guidelines, Western conducts environmental evaluations of certain rate and allocation actions. Western will compare the proposed power rate increase to the rate of inflation in the period since the existing power rate was placed in effect. If the proposed power rate increase exceeds the rate of inflation, an Environmental Assessment will be prepared and copies will be sent to interested persons upon request. If the proposed power rate increase does not exceed the rate of inflation, a memorandum to this effect will be prepared and copies will be sent to interested persons upon request.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

Conclusion

Following the consultation and comment period and after consideration of comments received, the Deputy Secretary will issue a rate order confirming and approving the rates to be placed in effect on an interim basis and promptly submit such rates to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Issued in Golden, Colorado, October 11, 1985.

William H. Clagett,

Administrator.

[FR Doc. 85-25077 Filed 10-21-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51590; TSH-FRL 2904-7]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 85-23115, beginning on page 39167 in the issue of Friday, September 27, 1985, make the following corrections:

1. On page 39168, second column:

a. In P-85-1441, seventh line, "sulfphenyl]" should read "sulfophenyl]".

b. In P-85-1442, third line, "Bonzoic" should read "Benzoic".

2. On page 39170, first column, in P-85-1464, in the *Toxicity Data* paragraph, "gO_2" should read "gO_2" in the third and seventh lines.

3. On page 39170, in the first and second columns, the "greater-than" symbol (">") should be replaced with a "lesser-than" symbol ("<") in the Environmental Release/Disposal paragraphs of the following PMN's: P-85-1465, P-85-1466, P-85-1467, P-85-1468, and P-85-1469.

4. On page 39170 and 39171, beginning in the third column of page 39170, "1 kb/batch" should read "1 kg/batch" in the Environmental Release/Disposal paragraphs of the following PMN's: P-85-1471, P-85-1472, P-85-1473, P-85-1474, P-85-1475, P-85-1476.

5. On page 39171, first column, in the *Use/Production* paragraphs of P-85-1475 and P-85-1476, insert "Industrial" between "(S)" and "Polyurethane".

6. On page 39171, third column, the PMN following P-85-1487 should be headed "P-85-1488".

BILLING CODE 1505-01-M

[OPTS-51593; FRL-2914-1]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-20, 86-23, 86-24 and 86-25—January 1, 1986

P 86-26, 86-27, 86-28, 86-29 and 86-30—January 4, 1986

P 86-31, 86-32, 86-33, 86-34, 86-35 and 86-36—January 5, 1986

P 86-37, 86-38, 86-39 and 86-40—January 6, 1986

P 86-41—January 7, 1986

Written comments by:

P 86-20, 86-23, 86-24 and 86-25—December 2, 1985

P 86-26, 86-27, 86-28, 86-29 and 86-30—December 5, 1985

P 86-31, 86-32, 86-33, 86-34, 86-35 and 86-36—December 6, 1985

P 86-37, 86-38, 86-39 and 86-40—December 7, 1985

P 86-41—December 8, 1985

ADDRESS: Written comments, identified by the document control number "[OPTS-51593]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW, Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P 86-20

Manufacturer. Confidential.

Chemical. (G) Magesium borate.

Use/Production. (G) Ceramic raw material. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-23

Manufacturer. Velsico Chemical Corporation.

Chemical. (S) 1,2-Dichloroethanol, acetate.

Use/Production. (S) Site-limited and industrial intermediate in the synthesis of another chemical. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 2 workers, up to ½ hr/da, up to 100 da/yr.

Environmental Release/Disposal. Release to air.

P 86-24

Importer. CIBA-GEIGY Corporation.

Chemical. (G) Triazinyl piperidine derivative.

Use/Import. (G) Heat and light stabilizer for polymers. Import range. Confidential.

Toxicity Data. Acute oral: Male—5,000; Female—>2,000 mg/kg; Both—>2,000 mg/kg; Irritation: Skin—Non-irritant; Eye—Strong.

Exposure. Processing: dermal, a total of 20 workers, up to 1-2 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. No release anticipated.

P 86-25

Manufacturer. Borg-Warner Chemicals, Inc.

Chemical. (G) Polyetheramide.

Use/Production. (G) Industrial automotive, electronic and electrical applications and general molded or extruded articles. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 65 workers, up to 8 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. No release.

P 86-26

Manufacturer. Allied Corporation.

Chemical. (G) Aromatic quaternary ammonium salts of phosphoric acid esters.

Use/Production. (S) Industrial surfactant in a solvent drying system. Prod. range. Confidential.

Toxicity Data. Acute oral: Between 5 - 10 mL/kg and between 2 - > 4 mL/kg; Acute dermal: > 2.0 mL/kg; Irritation: Skin - Mild to severe; Skin sensitizer: Strong.

Exposure. Manufacture and processing: dermal.

Environmental Release/Disposal. No release.

P 86-27

Manufacturer. Confidential.

Chemical. (G) Polymeric diphenylmethane diisocyanate prepolymer.

Use/Production. (S) Industrial flame retardant cross-linking agent for castor oil modified polyols for potting and encapsulation of electrical components. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 8 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. Trace amount released to air with 1 kg/batch to land. Disposal by Resource Conservation and Recovery Act procedures (RCRA).

P 86-28

Importer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aliphatic, aromatic copolyester.
Use/Import. (G) Open, non-dispersive use. Import range. Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 6 workers.
Environmental Release/Disposal. Release to land. Disposal by publicly owned treatment works (POTW), incineration and approved landfill.

P 86-29

Manufacturer. Lilly Industrial Coatings, Inc.
Chemical. (G) Methyl methacrylate, styrene, ethyl acrylate, polyfunctional monomer polymer.
Use/Production. (G) Industrial liquid paint, open, non-dispersive use. Prod. range. 56,000—66,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 28 workers, up to 12 hrs/da, up to 40 da/yr.
Environmental Release/Disposal. Less than 1 to 15 kg/batch released to air. Disposal by POTW and incineration.

P 86-30

Manufacturer. Confidential.
Chemical. (G) Unsaturated polyester.
Use/Production. (G) Dipping compound. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-31

Manufacturer. Confidential.
Chemical. (G) Polymethylene polyphenylisocyanate prepolymer.
Use/Production. (S) Industrial cross-linking agent for polyols used for potting and encapsulation applications. Prod. range. Confidential.
Toxicity Data. No data (on the PMN substance) submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 8 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. Trace released to air with 2 kg/batch to land. Disposal by RCRA procedures.

P 86-32

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Triarylphosphite.
Use/Production. (G) Catalyst raw material (contain use). Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-33

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 5 workers, up to 1 hr/da, up to 30 da/yr.
Environmental Release/Disposal. 1 to 10 kg/batch released to land. Disposal by landfill.

P 86-34

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Tetrakis(triarylphosphite)nickel (0).
Use-Production. (G) Catalyst. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-35

Manufacturer. Confidential.
Chemical. (G) Phosphonate silylated silicate.
Use/Production. (G) Anticoalescing agent. Prod. range. Confidential.
Toxicity Data. Acute oral: 1.85 g/kg; Irritation: Skin—Slight, Eye—Severe.
Exposure. Manufacture: dermal, a total of 4 workers, up to 12 hrs/da, up to 8 da/yr.
Environmental Release/Disposal. 0.5 to 60.0 kg released to land. Disposal by incineration and landfill.

P 86-36

Manufacturer. Confidential.
Chemical. (G) Substituted epoxy resin.
Use/Production. (G) Industrial coatings polymer. Prod. range. 9,000—50,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manfacture and processing: dermal, a total of 35 workers, up to 8 hrs/da, up to 30 da/yr.
Environmental Release/Disposal. 5 to 130 kg/batch released to land. Disposal by incineration and landfill.

P 86-37

Manufacturer. Chattem Chemicals.
Chemical. Cobalt-aluminum orgnaometallic compound.
Use/Production. (G) Ingredient in coatings formulations. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers.
Environmental Release/Disposal. 1 kg/batch released to land. Disposal by solidification and landfill.

P 86-38

Manufacturer. The Dexter Corporation.
Chemical. (G) Organosilazane.
Use/Production. (G) Sealing Agent. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. 0.02 kg/batch released to air. Disposal by POTW.

P 86-39

Manufacturer. The Dexter Corporation.
Chemical. (G) Organosilazane.
Use/Production. (G) Sealing coating. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. 0.2 kg/batch released to air. Disposal by POTW.

P 86-40

Manufacturer. Confidential.
Chemical. (G) Formaldehyde, reaction products with aliphatic carboxylic acid, aromatic amines and oxygen.
Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 86-41

Manufacturer. Confidential.
Chemical. (G) Polyalkylene oxide, aliphatic diisocyanate prepolymer.
Use/Production. (G) Reactive elastomer. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: October 15, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-25126 Filed 10-21-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59205; FRL-2914-2]

Certain Chemicals Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for an exemption, provides a summary, and request comments on the appropriateness of granting each of the exemptions.

DATE: Written comment by: November 6, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-59205]" and the specified TME number should be sent to: Document Control Officer (TS-793), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submisison provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

T 86-1

Close of review Period: November 22, 1985.

Manufacturer. Confidential.

Chemical. (G) Anhydride adducted with a polypropylene glycol.

Use/Production/Import. (G) Epoxy cross-linking agent for potting, sealing and encapsulation of electrical components. Prod. range. Confidential.

Toxicity Data. Acute oral: 1,600 mg/kg; Irritation: Skin—Moderate.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

T 86-2

Close of Review Period: November 22, 1985.

Manufacturer. The Dexter Corporation.

Chemical. (G) Organosilazane.

Use/Production. (G) Sealing coating. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

T 86-3

Close of Review Period: November 22, 1985.

Manufacturer. The Dexter Corporation.

Chemical. (G) Organsilazane.

Use/Production. (G) Sealing coating. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: November 15, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-25127 Filed 10-21-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59736; FRL-2914-3]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of two such PMNs and provides a summary of each.

DATES: Close of Review Period:
Y 86-5—October 29, 1985
Y 86-6—October 30, 1985

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-5

Manufacturer. Confidential.

Chemical. (G) Silicone modified alkyd polymer.

Use/Production. (G) Polymeric binder for baked finishes. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

86-6

Importer. Celanese Specialty Chemicals.

Chemical. (G) Starch grafted sodium polyacrylate.

Use/Import. (S) Commercial absorbent polymer for use in nonwoven products and as an industrial soil conditioner. Import range. Confidential.

Toxicity Data. Acute oral: Male (Mice)—6,406 mg/kg; Male (Rat)—6,640 mg/kg; Irritation: (Skin—Non-irritant; Eye—irritant; Allergenicity test (Guinea pig): Contact allergenic; Cumulative contact enhancement test (Guinea pig): Non-contact allergenic; Skin sensitization: Non-irritant. Vaginal mucosa irritation study: Non-anasoscopic and non-microscopic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: October 15, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-25125 Filed 10-21-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

Golden Pacific Savings and Loan Association, Windsor, CA; Appointment of Receiver

Correction

In FR Doc. 85-23667, appearing on page 40450 in the issue of Thursday, October 3, 1985, make the following correction:

In the first column, eighth and ninth lines, "Family Federal Savings and Loan Association" should read "Golden Pacific Savings and Loan Association".

BILLING CODE 1505-01-M

Farmers Savings Bank, Davis, CA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Farmers Savings Bank, Davis, California, on October 11, 1985.

Dated: October 17, 1985.

Jeff Sconyers,

Secretary.

[FR Doc. 85-25129 Filed 10-21-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 87-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (45 CFR Part 540): Exploration Cruise Lines, Inc., One Busch Place, St. Louis, Missouri 63118.

Dated: October 17, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-25187 Filed 10-21-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

October 16, 1985.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received within fifteen working days of the date of publication in the **Federal Register.**

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OBM number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822).

Proposal to approve under OMB delegated authority the implementation of the following report:

1. Report title: Report on Total Foreign Exchange Turnover

Agency form number: FR 3036A, B, & C

OMB Docket number: 7100-0215

Frequency: One-time survey for month of March 1986

Reporters: 135 banks, 10 brokers, and 19 nonbank financial institutions

Small businesses are not affected.

General description of report: This information collection is voluntary and is given confidential treatment [5 U.S.C. 552(b)(4) & (b)(8)].

This survey will gather information for March 1986 on turnover volume in the U.S. foreign exchange market from 135 banking institutions, 10 brokers, and 19 nonbank financial institutions. The information will materially assist in the evaluation of market conditions and in the implementation of monetary policy.

Board of Governors of the Federal Reserve System, October 16, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-25069 Filed 10-21-85; 8:45 am]

BILLING CODE 6210-01-M

American National Financial Corp. et al.; Formations of, Acquisitions by and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 8, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *American National Financial Corporation*, Panama City, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of The American National Bank, Panama City, Florida.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Verde Valley Bancrop, Inc.*, Cottonwood, Arizona; to become a bank holding company by acquiring 80 percent of the voting shares of The Bank of Verde Valley, Cottonwood, Arizona (In Organization).

Board of Governors of the Federal Reserve System, October 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-25067 Filed 10-21-85; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp.; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 15, 1985.

A. **Board of Governors of the Federal Reserve System**, (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Manufacturers Hanover Corporation*, New York, New York: to engage through its subsidiary, Manufacturers Hanover Futures, Inc., New York, New York, in the activities of the execution and clearance of stock index futures contracts, options of stock index futures contracts, and municipal bond index futures contracts, and the provision of advisory services with respect to municipal bond index futures contracts. This application may be inspected at the Federal Reserve Bank of New York. These activities have been approved by Board Order as permissible for bank holding companies. *J.P. Morgan & Co. Incorporated*, 71 Federal Reserve Bulletin 251 (1985); *Bankers Trust New York Corporation*, 71 Federal Reserve Bulletin 111 (1985).

Board of Governors of the Federal Reserve System, October 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-25068 Filed 10-21-85; 8:45 am]

BILLING CODE 6210-01-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Scholarships; Closing Date for Nominations From Eligible Institutions of Higher Education

Notice is hereby given that, pursuant to the authority contained in the Harry S. Truman Memorial Scholarship Act, Pub. L. 93-642 (20 U.S.C. 2001), nominations are being accepted from eligible institutions of higher education for Truman Scholarships. Procedures are prescribed at 45 CFR Part 1801, and were published in the **Federal Register** on June 19, 1976 (43 FR 26366).

In order to be assured of consideration, all documentation in support of nominations must be received by the Truman Scholarship Review Committee, CN 6302, Princeton, N.J. 08541-6302 postmarked no later than Sunday, December 1, 1985.

Malcolm C. McCormack,

Executive Secretary.

[FR Doc. 85-25192 Filed 10-21-85; 8:45 am]

BILLING CODE 9500-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85D-0480]

Draft Guideline for the Design of Clinical Trials for Evaluation of the Safety and Efficacy of Allergenic Products for Therapeutic Uses; Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline to assist manufacturers in designing clinical studies to assess the safety and efficacy of allergenic products for therapeutic use. FDA is making the draft guideline available for public comment to assist the agency in developing a final guideline. The guideline, when issued in final form, may be relied on by allergenic manufacturers and sponsors in designing clinical studies. The draft guideline was prepared by FDA's Center for Drugs and Biologics.

DATE: Written comments by January 21, 1986.

ADDRESSES: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Howard P. Muller, Center for Drugs and Biologics (HFN-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guideline to assist allergenic biological product manufacturers and investigational sponsors in designing

clinical studies to assess the safety and efficacy of allergenic products for therapeutic use. This draft guideline does not address the design of clinical studies for allergenic products for diagnostic uses.

FDA is making this draft guideline available for public comment before making it the formal position of the agency. If, following the receipt of comments, the agency concludes that the draft guideline, as revised, reflects acceptable criteria for use in designing clinical studies to assess the safety and efficacy of allergenic products for therapeutic uses, the guideline will be made final, and FDA will announce its availability under § 10.90(b) (21 CFR 10.90(b)).

Section 10.90(b) provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline can be assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent an expenditure of money and effort for work that the agency may later determine to be unacceptable. Therefore, interested persons are encouraged to use this opportunity to submit comments on the draft guideline if they have suggestions for its revision.

Interested persons may, on or before January 21, 1986, submit written comments on the draft guideline to the Dockets Management Branch (address above). These comments will be considered in determining whether amendments to, or revisions of, the draft guideline are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: October 16, 1985.

Marvin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-25062 Filed 10-17-85; 10:39 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DEIS 85-48]

Availability of a Draft Environmental Impact Statement on the Proposed Ojo Line Extension 345 kV Overhead Transmission Line and Substation in North-Central New Mexico

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Draft Environmental Impact Statement (DEIS) on the proposed Ojo Line Extension 345 kV Overhead Transmission Line and Substation in North-Central New Mexico is available for public review. The Public Service Company of New Mexico (PNM) is proposing to be granted rights-of-way and easement for either, (1) 45.18 to 47.40 miles of 345 kV overhead transmission line from a new substation in the Los Alamos Area, and then continuing on into PNM's existing Norton Switching Station (the Coyote-Los Alamos-Norton Alternative); or (2) 45.48 to 50.83 miles of overhead 345 kV transmission line from PNM's existing Ojo Switching Station to Norton Station, and a 345 kV line from Norton Station to a new substation in the Los Alamos area (the Ojo-Norton-Los Alamos Alternative).

DATES: Written comments are due January 2, 1986. Two public meetings will be held on November 27 and December 4, 1985, from 6 p.m. to 9 p.m. A public hearing will be held on December 11, 1985, at 6 p.m. The meetings and hearing will be held at the Santa Fe County Commission Chambers, 102 Grant, Santa Fe, New Mexico.

ADDRESSES: Comments should be addressed to Mr. Jose A. Zuni, Area Director, Albuquerque Area Office, P.O. Box 8327, Albuquerque, New Mexico 87198.

Public meetings will be held for the purpose of answering questions on the Draft Environmental Impact Statement and the project from 6 p.m. to 9 p.m., November 27 and December 4, 1985, in the Santa Fe County Commission Chambers, 102 Grant, Santa Fe, New Mexico. A public hearing will be held for the purpose of receiving oral comments on December 11, 1985, at 6 p.m., in the Santa Fe, County Commission Chambers, 102 Grant, Santa Fe, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Allan, Area Environmental Protection Specialist, Albuquerque Area Office, Bureau of Indian Affairs, P.O. Box 8327, Albuquerque, New Mexico 87198, telephone (505) 766-3374. Individuals wishing copies of this Draft Environmental Impact Statement should immediately contact the above named individual.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs (BIA), Department of the Interior, has prepared a DEIS on the proposal to approve rights-of-way for the Public Service Company of New Mexico on lands belonging to the Pueblos of Santa Clara and Pojoaque and lands administered by the U.S. Forest Service, the Bureau of Land Management, and the Department of Energy.

This action is designed to satisfy two needs: (1) Public Service Company of New Mexico and Plains Electrical Generation and transmission Cooperative, Inc.'s Transmission requirements and system reliability needs for North-Central New Mexico, and (2) the transmission needs of the Los Alamos Service Area.

This action will result in more reliable electrical service to an area of increasing development and will also result in impacts to the visual character of the area, effects upon wildlife, vegetative cover, erosion, residents lifestyles, property values and sales.

The principal alternatives under consideration that were analyzed and evaluated in the Draft Environmental Impact Statement are: (A) No action, (B) Approval of proposed rights-of-way and necessary construction for four alternative routes.

Other government agencies and members of the public contributed to the planning and evaluation of the proposal and the preparation of this Environmental Impact Statement (EIS). The Notice of Intent was published in the **Federal Register** on July 24, 1984. Six scoping meetings were held. One on September 6, 1984, in Santa Fe, New Mexico, was announced in the **Federal Register.** Other meetings at Espanola, Cuba, Los Alamos, and at the Pueblos of Santa Clara and San Ildefonso, were announced in local newspapers. Cooperating Agencies include the Department of Energy, the U.S. Forest Service, and the Bureau of Land Management.

Agencies and individuals are urged to provide comments on the DEIS as soon as possible. All comments received by the dates above will be considered in preparation of the final EIS for this proposed action.

Dated: October 15, 1985.

Hazel E. Elbert,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 85-25091 Filed 8-21-85; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contracting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau's clearance officer and to the Office of Management and Budget, Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395-7340.

Title: 43 CFR 4120.3-2, Cooperative Agreements.

Abstract: Respondents supply information to obtain authority to construct and/or maintain range improvements on the public lands in cooperation with Bureau programs.

Bureau Form Number: 4120-6.

Frequency: Ocassionally.

Description of Respondents: Permittees or lessees authorized to graze livestock on public lands.

Annual Responses: 600.

Annual Burden Hours: 102.

Bureau Clearance Officer (alternate): Rebecca Daugherty (202) 653-8853.

Dated: October 1, 1985.

Billy R. Templeton,

Assistant Director, Renewable Resources.

[FR Doc. 85-25079 Filed 10-21-85; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Noncompetitive leasing of Public Land in Amador County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of a noncompetitive lease of Public Land in Amador County, California.

SUMMARY: The Bureau of Land Management, Folsom Resource Area, Bakersfield District, California proposes to issue a 30-year lease to the Goose Hill Gun Club for use of the following described parcel of public land:

Mount Diablo Meridian, California

T. 5 N., R. 10 E.;
Sec. 16, NW¼ SW¼;
Sec. 17, N½ N½ SE¼ and N½ S½ NE¼ SE¼;
Containing 90 acres.

The Goose Hill Gun Club has expressed an interest in releasing exotic deer on their private land and would like the animals to use this 90-acre tract, which is surrounded on three sides by their property.

The proposal would authorize introduced exotic deer to roam freely from the Club's private property across the adjacent public land described above.

The terms and conditions applicable to the proposed lease are as follows:

1. The lessee shall limit access to the subject public land via club lands to the following individuals:

a. BLM personnel (with minimum 24-hour prior notice).

b. Non-Bureau personnel authorized by the lessor to monitor or study soils within the suject public land (with minimum 48-hour prior notice).

2. The lessee shall construct and maintain a five-strand wire fence on Goose Hill Gun Club property along the north and east boundaries of the suject land. The fence is to be constructed in accordance with specifications to be provided by the lessor.

3. The lessee shall not allow supplemental feeding or development of water sources on the subject land.

4. The lessee shall maintain and use the existing access road and not construct any new roads.

5. The lessee shall prohibit the discharge of firearms on the subject land by club personnel or members, except to pursue wounded or sick animals.

6. The lessee shall assure that the average utilization of vegetation on the subject land will not exceed 50%. Should utilization exceed 50%, the lessee shall install within 15 days of written notification a restrictive hog wire sheep fence along the boundary of the subject land. Disputes of over-utilization will be arbitrated by biologists from BLM, Goose Hill and wildlife extension specialists from U.C. Davis.

7. The lessee shall not use predator control measures on the subject land.

8. The lessee will not assign any rights or privaleges granted by this lease without the prior approval of the lessor and will not speculate in the privileges herein granted. Subleasing of this property or any portion thereof is not permitted.

9. The lessee shall observe all Federal, State, County, and other laws, regulations, and ordinances which are applicable to the premises.

10. The lease is subject to cancellation by the lessor for failure of the lessee to perform or observe any of the terms and conditions hereof.

11. The lessee shall be responsible for the removal of all exotic animals upon termination of the lease.

Information concerning the proposed lease is available at the Folsom Resource Area Office, 63 Natoma Street, Folsom, California 95630. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District Office, Bureau of Land Management, 800 Truxtun Avenue, Bakersfield, California 93301.

Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination.

Dated: October 11, 1985.

David N. Harris,

Acting Area Manager.

[FR Doc. 85-25172 Filed 10-21-85; 8:45 am]

BILLING CODE 4310-40-M

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Service clearance officer and the OMB Interior Desk Officer, Washington, D.C. 20503, telephone 202-395-7313.

Title: Bird Band Recovery Report.

Abstract: The report is used by licensed bird banders, wildlife agency personnel, scientific cooperators and hunters, when banded or marked birds are shot or found dead or injured. Band data is used by Federal, State, and Provincial personnel, conservation

organizations, and scientific cooperators to aid in the study of population size, mortality and survival rates, longevity and migration patterns of birds. Band recovery information is also used in the preparation of the annual United States and Canadian Wildlife Service's hunting and shooting regulations.

Form Number: 3–1807.

Frequency: On occasion.

Description of Respondents: Individuals and households, licensed bird banders, wildlife agency personnel and scientific cooperators.

Annual Responses: 50,000.

Annual Burden Hours: 2,500.

Service Clearance Officer: Authur J. Ferguson, telephone 202–653–7499, Room 859, Riddell Building, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Dated: September 10, 1985.

Don W. Minnich,

Acting Associate Director—Wildlife Resources.

[FR Doc. 85–25117 Filed 10–21–85; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Enviromental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS); Availability

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Availability of Environmental Documents Prepared for OCS Mineral Exploration and Production Proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Enviromental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EAs) and Findings of No Significant Impact (FONSIs), prepared by the MMS for the following oil and gas exploration and production activities proposed on the Gulf of Mexico OCS. This listing oil proposals for which FONSIs were prepared by the Gulf of Mexico OCS in the three month period preceding this Notice.

Activity/operator	Location	Date
Freeport Sulphur Co., unit development/production sulphur activity, Leases OCS 024, 025, 031, and 034; SEA No. U-402.	Grand Isle Area, Blocks 16, 17, 22, and 23; offshore Louisiana	July 31, 1985.
Marathon Oil Co., four exploratory wells, OCS-G 6421; SEA No. N-2162	Destin Dome Block 203; 53 miles southwest of Panama City, FL	July 19, 1985.
Exxon Co., U.S.A., five exploratory wells, OCS-G 6413; SEA No. N-2163	Destin Dome Block 115; 50 miles southwest of Panama City, FL	July 11, 1985.
CNG Producing Co. four exploratory wells, OCS-G 6256 and 6258; SEA Nos. N-2200 and N-2201.	High Island Area, East Addition, South Extension, Blocks A-364 and A-377, 112 miles southeast of Galveston, TX, and 125 miles southwest of Cameron, LA, respectively.	Aug. 19, 1985.
Amoco Production Co., five exploratory wells, OCS-G7371 and 7372; SEA No. N-2188.	High Island Area, East Addition, South Extension, Blocks A-395 and A-396; 117 miles southeast of the Texas coastline.	Aug. 5, 1985.
Marathon Oil Co., geophysical exploration for mineral resources, OCS-G 7014 and 7022; SEA No. L85-120.	Green Canyon Blocks 108 and 152; 90 miles offshore Louisiana	July 19, 1985.
Walter Oil & Gas Corp., 1.9 miles of 6-inch gas and condensate pipeline; SEA No. P-8042.	Sabine Pass Block 7 and West Cameron Block 53; offshore Louisiana	Do.
Amoco Production Co., 1.96 miles of 6-inch natural gas pipeline; SEA No. P-8043	High Island Blocks 67, 53, and 52; offshore Texas	July 24, 1985.
FMP Operating Co., 8.42 miles of 8-inch natural gas pipeline; SEA No. P-8044	South Marsh Island Area, South Addition, Blocks 174 and 175; and Eugene Island Area, South Addition, Block 378, 380, and 381; offshore Louisiana.	July 29, 1985.
Conoco Inc., 13.16 miles of 8-inch crude oil pipeline; SEA No. P-8045	Ewing Bank Area, Block 305 and Grand Isle Area, Blocks 82, 83, 84, 75, 72, and 63; offshore.	Do.
Tennessee Gas Pipline Co., 1.03 miles of 10-inch natural gas pipeline; SEA No. P-8046.	Vermillion Area, Block 245; offshore Louisiana	July 19, 1985.
Tennessee Gas Pipeline Co., 1.29 miles of 8-inch natural gas pipeline; SEA No. P-8047.	East Cameron Area, Block 33; offshore Louisiana	July 10, 1985.
ANR Pipeline Co., 0.72 miles of 8-inch natural gas pipeline; SEA No. P-8048	Eugene Island Area, Block 159; offshore Louisiana	July 24, 1985.
Samedan Oil Corp., 9.20 miles of 16-inch natural gas pipeline; SEA No. P-8049	Brazos Area, South Addition, Blocks A-52, A-51, A-50, and Brazos Area, Blocks A-40, A-41, and A-22; offshore Texas.	Aug. 6, 1985.
Tennessee Gas Pipeline Co., 1.33 miles of 10-inch natural gas pipeline; SEA No. P-8050.	East Cameron Area, Block 66; offshore Louisiana	July 19, 1985.
Southern Natural Gas Co., 3.6 miles of 8-inch natural gas pipeline; SEA No. P-8051	Main Pass Area, Blocks 64 and 57; offshore Louisiana	Aug. 9, 1985.
Southern Natural Gas Co., 1.19 miles of 8-inch natural gas pipeline; SEA No. P-8052.	Main Pass Area, Block 129; offshore Louisiana	Do.
ARCO Oil and Gas Co., 11.66 miles of 6-inch pipeline; SEA No. P-8054	Ship Shoal Area, Blocks 178, 170, 180, 171, 179, and 169; offshore Louisiana	Aug. 23, 1985.
Transcontinental Gas Pipeline Corp., 8.63 miles of 12-inch natural gas and condensate pipeline; SEA No. P-8055.	High Island Area, Blocks A-20, 232, 231, 205, and 206; offshore Texas	Aug. 27, 1985.
Tennessee Gas Pipeline Co., 1.73 miles of 6-inch natural gas pipeline; SEA No. P-8056.	Ship Shoal Area, Blocks 145 and 144; offshore Louisiana	Sept. 10, 1985.
Tennessee Gas Pipeline Co., 7.74 miles of 8-inch natural gas pipeline; SEA No. P-8057.	Ship Shoal Area, Blocks 97, 110, 111, and 120, offshore Louisiana	Aug. 28, 1985.
ARCO Oil and Gas Co., 6.38 miles of 6-inch pipeline; SEA No. P-8058	Ship Shoal Area, Blocks 322, 331, and South Timbalier Area, South Addition, Blocks 300 and 299.	Aug. 23, 1985.
Seagull Energy E&P Inc., 3.2 miles of 6-inch natural gas and condensate pipeline; SEA No. P-8059.	Galveston Area, Block 385 and 390; offshore Texas	Aug. 26, 1985.
Transcontinental Gas Pipeline Corp., 7.07 miles of 12-inch natural gas and condensate pipeline; SEA No. P-8060.	Brazos Area, Blocks 453, 452, 451, and 474; offshore Texas	Aug. 27, 1985.
Transcontinental Gas Pipeline Corp., 0.68 miles of 8-inch natural gas condensate pipeline; SEA No. P-8061.	Brazos Area, Blocks 437 and 452; offshore Texas	Aug. 26, 1985.
ANR Pipeline Co., 3.26 miles of 6-inch natural gas pipeline; SEA No. P-8062	Eugene Island Area, Blocks 65, 64, and 99; offshore Louisiana	Sept. 9, 1985.
InterNorth, Inc., 2.1 miles of 24-inch natural gas pipeline; SEA No. P-8063	Matagorda Island Area, Blocks 622 and 623; offshore Texas	Sept. 11, 1985.
Texas Eastern Gas Pipeline Co., 4.04 miles of 10-inch natural gas pipeline; SEA No. P-8064.	High Island Area, South Addition, Blocks A-550, A-551, and A-568; offshore Texas	Sept. 10, 1985.
Texas Eastern Gas Pipeline Co., 3.5 mile of 10-inch natural gas pipeline; SEA No. P-8276.	High Island Area, South Addition, Blocks A-550, A-551, and A-568; offshore Texas	Do.
ARCO Oil and Gas Co., 4.47 miles of 16-inch gas pipeline; SEA No. P-8278	High Island Area, Blocks 116, 87, 88, and 71; offshore Texas	Sept. 16, 1985.
Corpus Christi Oil and Gas Co., 6.23 miles of 6-inch natural gas pipeline; SEA No. P-8277.	Main Pass Area; Blocks 98, 99, 96, and 95; offshore Louisiana	Sept. 20, 1985.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Leasing and Environment (LE), Gulf of Mexico OCS Region, Minerals Management Service,

Post Office Box 7944, Metairie, Louisiana 70010, Telephone (504) 838–0755.

SUPPLEMENTARY INFORMATION: The MMS prepares EAs and FONSIs for proposals which relates to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: October 3, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–25078 Filed 10–21–85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held on Thursday, November 14, 1985, at 1:00 p.m., at the National Capital Planning Commission, Commission's Meeting Room, 10th Floor, 1325 G Street, NW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended), through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

William Penn Mott, Chairman, Director, National Park Service, Washington, D.C.

Glen Urquhart, Chairman, National Capital Planning, Commission, Washington, D.C.

George H. White, Architect of the Capitol, Washington, D.C.

Honorable Armistead J. Maupin, Acting Chairman, American Battle Monuments Commission, Washington, D.C.

J. Carter Brown, Chairman, Commission of Fine Arts, Washington, D.C.

Marion S. Barry, Jr., Mayor of the District of Columbia, Washington, D.C.

L. L. Mitchell, Commissioner, Public Buildings Service, Washignton, D.C.

The purpose of the meeting will be to review (1) H.J. Res. 167 "to authorize the Armored Force Memorial;" (2) S. 961/H.R. 2457 "establishment of a memorial to Martin Luther King, Jr.;" (3) S.J. Res. 184/S. 1223 "to authorize the Korean War Memorial;" (4) H.J. Res. 36/S.J. Res. 156 "establishment of a memorial to honor women who have served in the Armed Forces of the United States;" (5) H.J. Res. 142/S.J. Res. 143 "to authorize the Black Revolutionary War Patriots Memorial in Constitution Gardens;" (6) H.R. 77 "to authorize the General Mihailovich Memorial;" (7) S. 1107/H.R. 2440 "to authorize Third Infantry Division Memorial;" (8) H.R. 2887/S. 1379 "to authorize monument gift of Kingdom of Morocco;" (9) H.R. 2601 "to authorize Hyam Salomon Memorial;" (10) S.J. Res. 200 "to authorize Glider Pilots Memorial;" (11) naming of a park in the District of Columbia in honor of Julius Hobson; and (12) Francis Scott Key Memorial. Also, the Committee will consider for adoption its revised guidelines and criteria which were published in the **Federal Register** on April 1, 1985.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact Mr. John G. Parsons, Associate Regional Director, Land Use Coordination, National Capital Region, at 202–426–7750. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of Land Use Coordination, National Capital Region, Room 206, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Dated: October 16, 1985.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 85–25158 Filed 10–21–85; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notice on NHL Boundaries

October 7, 1985.

The National Park Services has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation and therefore are without a clear delineation of the amount of property involved. The results of such designation make it important that we define specific boundaries for each landmark.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service notifies owners, public officials and other interested parties and provides them with an opportunity to make comments on the proposed boundaries.

The 60-day comment period on the attached National Historic Landmark has ended, and the boundaries have been established. Copies of the documentation of the landmark and its boundaries, including maps, may be obtained from Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127, Attention: Chief of Registration (Phone: 202–343–9536).

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

Huguenot Street Historic District, New Paltz, Ulster County, NY

Beginning at the southern corner of Section 86.033, Block 2, Lot 14 in the Village of New Paltz, Ulster County, New York; thence proceeding northwest to the western corner of 86.033/2/14 and northeast along the northwestern edge of 86.033/2/14, 86.033/2/11 and 86.033/2/1 (the southeastern edge of Huguenot Street) to a point where a projection of the southwestern line of 86.033/1/4 intersects with the southeastern edge of Huguenot Street; thence proceeding northwest along the latter line to the western corner of 86.033/1/4; thence proceeding northeast along the western line of 86.033/1/4, north along the western lines of 86.033/1/5 and 86.033/1/6, west and north along the southern and western lines of 86.033/1/6, north along the western lines of 86.033/1/8 and 86.025/1/12.2, and 200 feet north along

the western line of 86.025/1/12.1; thence proceeding east along a line of convenience approximately 30 feet north of the Reformed Church of New Paltz to the western edge of 86.025/2/15 (the eastern edge of Huguenot Street); thence proceeding north along the western edge of 86.025/2/15, and north, east, south and west around the preimeter of 86.025/2/1 to the northeastern corner of 86.025/2/15; thence proceeding south along the eastern edge of 86.025/2/15 and along a continuation of that line across the driveway of 86.025/2/9; thence proceeding east, south and west around the perimeter of 86.025/2/14 to a point where a projection of the eastern line of 86.033/1/7 intersects with the southern edge of 86.025/14; thence proceeding south along the latter line to the southeastern corner of 86.033/1/7, and east, southwest and northwest around the perimeter of 86.033/1/12 to a point where a projection of the southeastern lines of 86.033/2/1 and 86.033/2/14 intersects with the southwestern edge of 86.033/1/12 (on the northeastern edge of North Front Street); thence proceeding southwest along the latter to the point of beginning.

[FR Doc. 85-25160 Filed 10-21-85; 8:45 am]
BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 12, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 6, 1985.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

El Dorado County

Placerville, *Hattie (Gold Bug), Priest & Silver Pine Mines and Stampmill,* 2501 Bedford Ave.

Marin County

Inverness vicinity, *Point Reyes Lifeboat Rescue Station-1927,* Drake's Bay, Point Reyes National Seashore

Orange County

Santa Ana, *Harmon-McNeil House,* 322 E. Chestnut St.

COLORADO

Pueblo County

Pueblo, *Barndollar—Gann House,* 1906 Court St.
Pueblo, *Black, Dr. John A., House Complex,* 102 W. Pitkin Ave.
Pueblo, *Farris Hotel,* 315 N. Union Ave.
Pueblo, *Fitch Block—Stockgrowers' Bank Building,* 227 N. Santa Fe Ave.
Pueblo, *Montgomery Ward Building,* 225 N. Main St.
Pueblo, *Rice, Ward, House,* 1825 Grand Ave.
Pueblo, *Tooke—Nuckolls House,* 38 Carlile

FLORIDA

Polk County

Lakeland, *South Lake Morton Historic District,* Bounded by Lake Morton Dr. & Palmetto St., Ingraham Ave., McDonald St., Johnson Ave., Lake Hollingsworth Dr., Balmar St. and Tennessee Ave.

HAWAII

Maui County

Hana vicinity, *Honokalani Village,* Hana Highway
Wailuku, *Halekii-Pihana Heiau,* Hea Pl., off Kuhio Pl. from Waiehu Beach Rd.

INDIANA

Clay County

Harmony, *Coal Company Store,* S. Harmony Rd.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Main Street Historic District,* 442—660 Main St.

Terrebonne Parish

Thibodaux vicinity, *Ducros Plantation House,* LA 20

MASSACHUSETTS

Hampshire County

Northampton, *Building at 8—22 Graves Avenue,* 8—22 Graves Ave.

Worcester County

Worcester, *Richmond, Willard, Apartment Block (Worcester MRA),* 43 Austin St.
Worcester, *Russell (The) (Worcester MRA),* 49 Austin St.

MINNESOTA

St. Louis County

Duluth, *Duluth State Normal School Historic District,* E. Fifth St.

Traverse County

Wheaton, *Murphy, Frank, House,* 801 Broadway Ave.

NEW HAMPSHIRE

Belknap County

Barnstead, *Foss, Oscar, Memorial Library,* Main St.

Grafton County

Bath, *Brick Store,* Main St.
Enfield, *Hewitt House,* US 4

Hillsborough County

Manchester, *Hoyt Shoe Factory,* 477 Silver St. & 170 Lincoln St.
Manchester, *Kimball Brothers Shoe Factory,* 335 Cypress St.

Merrimack County

Concord, *Millville School,* 2 Fiske Rd.

NEW JERSEY

Bergen County

New Milford, *Demarest—Bloomer House,* 147 River Edge Ave.

OKLAHOMA

Garvin County

Pauls Valley, *Garvin County Courthouse (County Courthouses of Oklahoma TR),* Courthouse Sq. & Grant Ave.

PENNSYLVANIA

Philadelphia County

Philadelphia, *Garden Court Historic District (Boundary Increase),* 4526—4534 & 4537—4539 Osage Ave.

TENNESSEE

Bedford County

Normandy, *Normandy Historic District,* Roughly bounded by Maple & Poplar Sts., Tullahoma Rd., College St., & Old Manchester Rd.

Fayette County

Macon vicinity, *Mebane—Nuckolls House,* Macon-Collierville Rd.

Hawkins County

Pressmen's Home, Pressmen's Home Historic District, TN 94

Knox County

Knoxville vicinity, *Boyd—Harvey House,* Harvey Rd.

Lincoln County

Petersburg, *Petersburg Historic District,* Irregular pattern along High, Russell, College, Church, Railroad, Town, Water and Oak Sts.

Marshall County

Verona, *Verona Methodist Episcopal Church South,* Verona-Berlin Rd.

Putnam County

Cookeville, *Cookeville Railroad Depot,* Broad & Cedar Sts.
Cookeville, *Henderson Hall,* Dixie Ave., Tennessee Technological University

Sullivan County

Bristol, *Shelby Street Station Post Office,* 620 Shelby St.

Sumner County

Gallatin vicinity, *Jameson, James B., House,* TN 25

TEXAS

Bexar County

San Antonio, *Havana (The),* 1015 Navarro St.

Harris County

Houston, *Cohn, Arthur B., House,* 1711 Rusk Ave.

Willacy County

Lyford, *Old Lyford High School,* High School Circle

VERMONT

Addison County

Starksboro Village, *Starksboro Village Meeting House*, VT 116
Starksboro, *South Starksboro Friends Meeting House and Cemetery*, Dan Sargent Rd.

VIRGINIA

Bedford County

Forest vicinity, *St. Stephen's Episcopal Church*, VA 663

Botetourt County

Fincastle vicinity, *Wiloma*, Off US 220

Culpeper County

Culpeper, *Creenwood*, 1931 Orange Rd.

Hanover County

Studley vicinity, *Williamsville*, Off VA 615

Lynchburg (Independent City)

Blackwater Aqueduct (James River and Kanawha Canal Sites in Lynchburg Virginia TR), Between Norfolk & Western Railroad Tracts & Chesapeake & Ohio Railroad tracts, crossing Blackwater Creek
Upper Portion of Lower Basin and Ninth Street Bridge (James River and Kanawha Canal Sites in Lynchburg Virginia TR) Between Jefferson St. & James River, & between 11th St. & 9th St.
Waterworks Dam and James River Dam and Guard Locks (James River and Kanawha Canal Sites in Lynchburg Virginia TR), Griffin Foundry Company at end of Daniel's Island

Richmond (Independent City)

Home For Needy Confederate Women, 301 N. Sheppard St.

Suffolk (Independent City)

Building at 216 Bank Street, 216 Bank St.

Washington County

Emory vicinity, *Emory and Henry College*, VA 609

WISCONSIN

Kenosha County
Wehmhoff Mound (47-Ka-15)

[FR Doc. 85-25159 Filed 10-21-85; 8:45 am]
BILLING CODE 4310-70-M

Intention To Extend a Concession Contract; Bryce-Zion Trail Rides, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of Interior, through the Director of the National Park Service, proposes to extend a concession contract with Bryce-Zion Trail Rides, Inc., authorizing it to continue to provide saddle service, commercial guide, pack service and pack trips and services for the public at Bryce Canyon and Zion National Parks, Utah for a period of one (1) year from January 1, 1986 through December 31, 1986, pending execution of a new contract.

This contract extension has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Rocky Mountain Region, 655 Parfet Street, Denver, Colorado, 80225, for information as to the requirements of the proposed contract.

Dated: August 16, 1985.

Harold P. Danz,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 85-25157 Filed 10-21-85; 8:45 am]
BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-212]

Certain Convertible Rowing Exercisers; Commission Determination To Deny Petition for Reconsideration

AGENCY: International Trade Commission.

ACTION: Denial of petition for reconsideration.

SUMMARY: The Commission has determined to deny complainant's petition for reconsideration of an earlier determination, which denied motions to terminate the investigation as to five respondents on the ground that the motions were not in conformance with the Commission's rules.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0493.

SUPPLEMENTARY INFORMATION: On various dates, complainant Diversified Products, Inc., and each of five respondents moved to terminate the investigation as to those respondents on the basis of consent order agreements and proposed consent orders. The presiding administrative law judge (ALJ) issued an initial determination (ID) granting the motions. The Commission reversed the ID on the ground that the Commission investigative attorney was not a party to the motions nor in support of the motions as required by Commission rule § 211.20 (19 CFR 211.20).

On Sept. 12, 1985, complainant filed a petition for reconsideration. The Commission has determined to deny the petition for reconsideration on the ground that it does not comply with rule § 210.60 (19 CFR 210.60) in that it raised no new question upon which the petitioner had no opportunity to submit arguments. The issues raised in the petition for reconsideration are among the issues addressed at length before the ALJ.

Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-523-0002.

Issued: October 7, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-25122 Filed 10-21-85; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-201]

Certain Products With "Gremlin" Character Depictions; Commission Decision To Review and Reverse an Initital Determination Amending the Complaint and Notice of Investigation To Add a Count of Common-Law Trademark Infringement

AGENCY: International Trade Commission.

ACTION: Review and reversal of an initital determination amending the complaint and notice of investigation to add a count of common-law trademark infringement.

SUMMARY: The Commission has determined to review and reverse the administrative law judge's (ALJ's) initial determination (ID) (Order No. 12) in the above-captioned investigation granting the Commission investigative attorney's (IA's) motion to amend the complaint and notice of investigation to add a

count of common-law trademark infringement.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of General Counsel, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone 202–523–0499.

SUPPLEMENTARY INFORMATION: On July 25, 1984, complainant Warner Bros., Inc. (Warner), filed a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). On August 22, 1984, the Commission instituted an investigation under section 337 to determine whether there are unfair methods of competition and unfair acts in the importation of certain "Gremlin" character depictions into the United States, or in their sale, by reason of alleged: (1) Infringement of U.S. Copyright Reg. No. VAu 54–951; (2) infringement of U.S. Copyright Reg. No. VAu 54–592; and (3) infringement of U.S. Copyright Reg. No. PAu 214–201, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On Janary 23, 1985, the IA filed a motion requesting amendment of the complaint and notice of investigation to add a count of common-law trademark infringement. Complainant Warner opposed the motion. Before the presiding administrative law judge (ALJ) could rule on the motion, the Court of Appeals for the Federal Circuit stayed the Commission's investigation. After the stay was lifted on July 15, 1985, the ALJ on July 26, 1985, issued an ID granting the IA's motion to amend the compliant and notice of investigation. The Commission received no petitions for review of the ID from any party to the investigation or comments from any government agency.

On August 28, 1985, the Commission determined to review and reverse the ID amending the complaint and notice of investigation to add a count of common-law trademark infringement.

The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 and in Commission rules 210.55 and 210.56, 19 CFR 210.55 and 210.56.

Notice of this investigation was published in the **Federal Register** of August 30, 1984 (49 FR 34422).

Copies of the Commission's Action and Order 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, D.C. 20436, telephone 202–523–0161.

Issued: October 11, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–25121 Filed 10–21–85; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Vol. -5452]

Motor Carrier Applications to Consolidate, Merge or Acquire Control Under 49 U.S.C. 11343–11344

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. If the protest includes a request for oral hearing, the request shall meet the requirements of 49 CFR 1182.3 and shall include the required certification. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Findings

The findings for these applications are set forth at 49 CFR 1182.6.

MC–F–16712, filed September 12, 1985. Commuter Bus Line, Inc. (Commuter) (1515 Jefferson Street, Hoboken, NJ 07030)—Purchase (Portion)—Domenico Bus Service, Inc. (Domenico) (71 New Hook Access Road, Bayonne, NJ 07002). Representative: Sidney J. Leshin, 325 Fifth Avenue, New York, NY 10016. Commuter (MC—162133) seeks authority to purchase a portion of the operating authority of Domenico (MC–118648), specifically the regular route passenger authority contained in its Sub-No. 17 certificate. This certificate authorizes the transportation of passengers and their baggage (1) between Perth Amboy, NJ, and New York, NY: From Perth Amboy over Outerbridge Crossing to New York, and return over the same route; (2) between Bayonne, NJ, and New York, NY, serving all intermediate points: From Bayonne over Bayonne Bridge to New York, and return over the same route; and (3) between Staten Island, NY, and Keansburg, NJ, serving all intermediate points: From Staten Island over city streets via Perth Amboy, South Amboy, Morgan, Lawrence Harbor, Cliffwood Beach, Keyport, and Union Beach, NJ, to Keansburg, and return over the same route. The certificate also provides for incidental charter operations pursuant to the provision now codified at 49 U.S.C. 10932(c) and describes an alternate route for operating convenience only, between Sayreville, NJ, and Keyport, NJ, serving no intermediate points: From junction New Jersey Highways 35 and U.S. Highway 9 in Sayreville over access roads to Garden State Parkway, then over Garden State Parkway to access roads in Raritan Township, NJ, then over access roads and connecting roads to junction New Jersey Highway 35 and 36 in Keyport, and return over the same route. Frank Tedesco and Josephine Tedesco control Commuter by reason of their ownership of all of its common stock. In No. MC–F–15375, dated October 5, 1983, they were authorized to continue in control of Academy Bus Tours, Inc., Consolidated Bus Service, Inc., and New York—Keansburg—Long Beach Bus Co., Inc. (subsequently renamed Academy Lines, Inc.), holding authority respectively in No. MC–165004, No. MC–144124, and No. MC–106207.

Decided: October 16, 1985.

James H. Bayne,

Secretary.

[FR Doc. 85–25093 Filed 10–21–85; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30737]

The Baltimore and Ohio Railroad Co.; Trackage Rights Exemption; Seaboard System Railroad, Inc.

Seaboard System Railroad, Inc., will agree to grant overhead trackage rights to The Baltimore and Ohio Railroad Company between Hillsdale, IN and Danville, IL. The trackage rights will be effective upon the commencement date specified in the subject trackage rights agreement.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Decided: October 10, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-25094 Filed 10-21-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 92]

Southern Pacific Transportation Co.; Abandoment; Lassen County CA; Findings

The Commission has found that the public convience and necessity permit the Southern Pacific Transportation Company to abandon its 22.65 mile line of railroad between Wendel (milepost 359.50) and Susanville (milepost 382.15) in Lassen County, CA.

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 85-25096 Filed 10-21-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-10 (Sub-No. 33X)]

Wabash Railroad Co. Abandonment and Norfolk and Western Railway Co., Discontinuance of Operations in Adams County, IL; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903, *et seq.*, the discontinuance of operations and abandonment by, respectively, Norfolk and Western Railway Company and Wabash Railroad Company, of approximately 3.573 feet of main line and approximately 13,327 feet of side and other tracks at Quincy, Adams County, IL, subject to employee protective conditions.

DATES: This exemption will be effective on November 21, 1985. Petitions to stay must be filed by November 6, 1985, and petitions for reconsideration must be filed by November 18, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB-10 (Sub-No. 33X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423;

(2) Angelica D. Lloyd, 204 South Jefferson Street, Roanoke, VA 24042-0069.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: September 30, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85-25095 Filed 10-21-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket Nos. AB-72 (Sub-6); (AB-105 (Sub-No.6)]

Sacramento Northern Railway—Abandonment and Discontinuance of Service—In Sutter and Butte Counties, CA and the Western Pacific Railroad Co.—Discontinuance of Service—in Sutter and Butte Counties, CA

The Commission has found that the public convenience and necessity permit: (1) The abandonment by Sacramento Northern Railway of its lines of railroad between (a) milepost 140.28 at or near Yuba City and milepost 149.324 at Live Oak, and (b) between milepost 177.592 at Durham and milepost 185.76 at Chico, (2) the discontinuance of service by Western Pacific Railroad Company over the lines described above; and (3) the discontinuance of service by Sacramento Northern Railway and Western Pacific Railroad Company (a) between milepost 149.324 at Live Oak and milepost 177.592 at Durham, performed under a trackage rights agreement between Sacramento Northern Railway and the Southern Pacific Transportation Company and (b) between milepost 0.00 at Chico and milepost 2.68 at the Chico Municipal Airport, performed under a lease agreement between Sacramento Northern Railway and the Airport Commission of the City of Chico. The entire line known as the Chico Branch, consists of a total distance of 48.16 miles in Sutter and Butte Counties, CA.

A abandonment certificate will be issued authorizing this abandonment and discontinuance of service unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroads.

Any financial assistance offer must be filed with the Commission and the applicants no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail

service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 85-25242 Filed 10-21-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Software Productivity Consortium; Notification Filed Pursuant to the National Cooperative Research Act of 1984

Notice is hereby given, pursuant to section 6(a) of National Cooperative Research Act of 1984, Pub. L. No. 98-462 ("the Act"), that the Software Productivity Consortium has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Software Productivity Consortium and its general areas of planned activities are given below.

The Software Productivity Consortium consists of the following firms: Allied Corporation; The Boeing Company; Ford Aerospace and Communications Corporation; General Dynamics Corporation; Grumman Aerospace Corporation; Lockheed Missiles & Space Company, Inc.; McDonnell Douglas Corporation; Northrop Corporation; TRW Inc.; United Technologies Corporation; and Vitro Corporation. The purpose of the current effort is to undertake research and developmental engineering in advanced technologies relating to productivity tools and techniques to be used in the development of complex computer software.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-25189 Filed 10-21-85; 8:45 am]

BILLING CODE 4410-01-M

Plough, Inc.; Notification Filed Pursuant to the National Cooperative Research Act of 1984—Deet Joint Research Venture

Notice is hereby given pursuant to section 6(a) of the National Cooperative Research Act of 1984, Public Law No. 98-462 ("the Act"), that Plough, Inc. has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties to the Deet Joint Research Venture and (2) the nature and objectives of the Deet Joint Research Venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the Deet Joint Research Venture and its general areas of planned activities are provided below.

The parties to the Deet Joint Research Venture are as follows:

Airosol Company, Inc.;
Bayer AG;
Chemical Specialities Manufacturers Association, Inc.;
Fuller Brush Company;
Lehn & Fink Products Group, Sterling Drug, Inc.;
McLaughlin Gormley King Company;
Miles Laboratories, Inc.;
Mohawk Laboratories, Inc.;
Morflex Chemical Company, Inc.;
Mowatt Sporting Goods;
"Ole Time" Woodsman, Division Pete Rickard, Inc.;
Plough, Inc.;
S.C. Johnson and Son, Inc.;
Speer Products, Inc.;
Virginia Chemicals Inc., a subsidiary of Celanese Corp.;
Wisconsin Pharmacal, a division of Badger Pharmacal, Inc.

The objective of the Deet Joint Research Venture is to sponsor and conduct research on the pesticide ingredient N, N-Diethyl-metatoluamide and related isomers (more commonly referred to as "DEET") and to submit the results of the research to the United States Environmental Protection Agency ("EPA") in connection with EPA's amendment to the DEET Pesticide Registration Standard. This research on DEET, which is the active ingredient in certain commercially-available insert repellent products, will be conducted pursuant to the Notice and the Amended Notice issued by the EPA on December 22, 1980 and March 12, 1985, respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-25191 Filed 10-21-85; 8:45 am]

BILLING CODE 4410-01-M

Alexander & Baldwin, Ltd., et al.; Proposed Termination of Final Judgment

Notice is hereby given that Alexander & Baldwin, Inc. (formerly Alexander & Baldwin, Ltd.) (A&B), C. Brewer and Company, Ltd. (Brewer), Amfac, Inc. (formerly American Factors Ltd.) (Amfac), and Matson Navigation Company, Inc. (successor to Matson Navigation Company) (Matson) (moving defendants) have filed with the United States District Court for the District of Hawaii a motion to terminate the final judgment in *United States* v. *Alexander & Baldwin, Ltd., et al.*, Civil No. 2235; and the Department of Justice ("Department"), in a stipulation also filed with the Court, has consented to termination of the judgment, but has reserved the right to withdraw its consent for at least seventy (70) days after the publication of this notice. The complaint in the case, filed on January 20, 1964, alleged that the above-named defendants, as well as defendant Castle & Cooke, Inc. (C&C), had substantially lessened and restrained actual and potential competition. The judgment, entered on August 17, 1964, enjoins: (1) C&C, Brewer and Amfac from holding or acquiring any assets or stock of Matson; (2) A&B from selling any Matson stock to C&C, Brewer, Amfac, Theo. H. Davies & Co., Ltd. (Davies), the California and Hawaiian Sugar Company (formerly California and Hawaiian Sugar Refining Corporation) (C and H), any shipping line calling regularly at Hawaiian ports and any corporation regularly engaged in shipping pineapple from Hawaiian ports; (3) interlocking directors, officers or executive employees be prohibited (a) between C&C, Amfac, Brewer or their subsidiaries on the one hand and Matson or Davies on the other, (b) between Matson on the one hand and C and H, Davies, any American shipping line calling regularly at Hawaiian ports or any of their subsidiaries on the other, (c) among A&B, C&C, Amfac and Brewer and (d) between A&B and Davies; and (4) A&B from discussing with C&C, Brewer, Amfac or Davies which ocean carrier shall be used by C&C, Brewer, Amfac or Davies for their shipments of products or goods from or to the Hawaiian Islands.

The Department has filed with the Court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaint and final judgment, moving defendants' motion papers, the stipulation containing the government's consent, the Department's memorandum

and all further papers filed with the Court in connection with this motion will be available for inspection at the Legal Procedure Unit of the Antitrust Division, Room 7233, Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530 (telephone: 202/633–2481), and at the Office of the Clerk of the United States District Court for the District of Hawaii, U.S. Courthouse, 300 Ala Moana Boulevard, Room C–304, Honolulu, Hawaii 96850. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within sixty days, and will be filed with the Court. Comments should be addressed to Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, Department of Justice, P.O. Box 481, Washington, D.C. 20044 (telephone: (202) 724–6349).

Joseph H. Widmar,

Director of Operations, Antitrust Division

[FR Doc. 85–25190 Filed 10–21–85; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

The Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: November 12, 1985, 9:30 a.m., Rm. S4215 A&B Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitve and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523–6565.

Signed at Washington, D.C., this 16th day of October.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 85–25169 Filed 10–21–85; 8:45 am]

BILLING CODE 4510–28–M

Office of the Secretary

Negotiated Rulemaking Advisory Committee on 4,4'-Methylenedianiline (MDA); Establishment

In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. I), and after consultation with the General Services Administration (GSA), I have determined that the establishment of the Negotiated Rulemaking Advisory Committee on MDA is in the public interest in connection with the performance of duties imposed on the Department by the Occupational Safety and Health Act (OSH Act) (84 Stat. 1590, 29 U.S.C. 651 et seq.).

The Committee will advise the Secretary of Labor regarding the building of consensus by affected interests on issues associated with a proposed OSHA standard on MDA.

The Committee will consist of 15 members and proportionately include representatives of the following affected interests: manufacturers of MDA; primary users of MDA; secondary users of MDA; trade associations; labor organizations; public interest/consumer groups; state and/or local officials; and Federal safety and health officials.

The Committee will function solely as an advisory body and in compliance with the provisions of FACA. Accordingly, its charter will be filed 15 days from the date of this notice.

Interested persons who may wish to file comments or nominations for participation on the Committee are referred to a more lengthy notice published elsewhere in the notices section of today's **Federal Register.** This notice, published by OSHA, is entitled, "Notice of Intent to Form Negotiated Rulemaking Advisory Committee to Develop A Proposed Rule; Request for Representation." It discusses the substantive and procedural aspects of this Committee in greater detail including information regarding public participation.

Signed at Washington, D.C., this 16th day of October 1985.

William E. Brock,

Secretary of Labor.

[FR Doc. 85–25166 Filed 10–21–85; 8:45 am]

BILLING CODE 4510–26–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Advanced Hemstitching 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 eligibile 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 the Trade Adjustment Assistance, at the address shown below, not later than November 1, 1985.

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 November 1, 1985.

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 15th day of October 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Advanced Hemstitching (ILGWU)	New York, NY	10/7/85	9/20/85	TA-W-16,536	Womens blouses & jackets.
Arkwright Finishing Plant, United Merchants (company)	Fall River, MA	9/30/85	9/27/85	TA-W-16,537	Finish Griege fabrics.
Blue Circle Atlantic Inc. (workers)	Ravena, NY	10/8/85	9/25/85	TA-W-16,538	Portland cement.
Boris Smoler & Sons (workers)	Chicago, IL	10/10/85	10/9/85	TA-W-16,539	Ladies wearing apparel—mainly dresses.
Cascade Handle Co. (IWA)	Noth Bend, OR	9/30/85	9/25/85	TA-W-16,540	Wooden handles—for brooms, mops.
Eagle Manufacturing Co., Inc. (workers)	Hialeah, FL	10/4/85	9/20/85	TA-W-16,541	Womens shoes—casual.
Green River Steel Corp. (USWA)	Owensboro, KY	10/4/85	9/30/85	TA-W-16,542	Steel bloom, billts and bars.
Houze Glass Corp. (AFGW)	Point Marion, PA	10/7/85	9/27/85	TA-W-16,543	Decorate drinking glasses & coffee mugs.
Powell Enterprises, Inc. (workers)	McCleary, WA	9/30/85	9/26/85	TA-W-16,544	Cedar shakes and shingles.
Reynolds Metals Co. (USWA)	Corpus Christi, TX	10/7/85	10/4/85	TA-W-16,545	Aluminum ingots.
Ruff Mould & Machine (workers)	Lancaster, OH	10/3/85	9/30/85	TA-W-16,546	Glass moulds & equipment.
Columbian Cutlery Co., Inc. (company)	Reading, PA	10/4/85	9/27/85	TA-W-16,547	Hedge, shears and pruning shears.
AT&T Technology Systems (IBEW)	Reading, PA	9/30/85	9/26/85	TA-W-16,548	Linear bipolar integrated circuits, optoelectronic devices and magnetic bubble memories.
AT&T Technology Systems (IBEW)	Allentown, PA	10/7/85	9/30/85	TA-W-16,549	Electronic semiconductors.
Charland Sportswear, Inc. (workers)	Charleroi, PA	10/7/85	9/30/85	TA-W-16,550	Ladies skirts, slacks.
Compo Industries (company)	Moonachie, NJ	10/8/85	10/2/85	TA-W-16,551	Man made leather.
Connor Forest Industries (wood-workers Union)	Laona, WI	10/7/85	9/27/85	TA-W-16,552	Wood flooring, lumber, juvenile furniture.
Driver Harris Co. (USWA)	Harrison, NJ	10/8/85	10/3/85	TA-W-16,553	Speciality allow wire.
Elegant Sportswear Inc. (ILGWU)	Elizabeth, NJ	10/8/85	10/3/85	TA-W-16,554	Ladies, blouses, shirts, dresses.
Kimble Products Div. of Owens Illinois, Inc. (Glass Pottery & Allied Workers)	Pittston, PA	10/3/85	9/29/85	TA-W-16,555	Pharmaceutical glass—vials, ampules & cartridges.
Marion Power Shovel/Dresser	Marion, OH	9/30/85	9/20/85	TA-W-16,556	Carbon alloy steel casting.

[FR Doc. 85-25163 Filed 10-21-85; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance; Great Western Sugar Co., 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 October 7, 1985–October 11, 1985.

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, of 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-16,061; Great Western Sugar Co., Loveland, CO

TA-W-16,062; Great Western Sugar Co., Denver, CO

TA-W-16,105; Great Western Sugar Co., Fort Morgan, CO

TA-W-16,129; Great Western Sugar Co., Sterling, CO

TA-W-16,150; Great Western Sugar Co., Goodland, KS

TA-W-16,194; Great Western Sugar Co., Greeley, CO

TA-W-16,215; Great Western Sugar Co., Baynard, NE

TA-W-16,216; Great Western Sugar Co., Ovid, CO

TA-W-16,424; Great Western Sugar Co., Billings, MT

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-16,029; Butler County Mushroom Farm, Inc., Cabot, PA

Aggregate U.S. imports of fresh mushrooms are negligible.

TA-W-16,030; Butler County Mushroom Farm, Inc., Worthington, PA

Aggregate U.S. imports of fresh mushrooms are negligible.

TA-W-16,156; Anaconda Minerals Co., Nevada Moly Operations, Tonopah, NV

Aggregate U.S. imports of molybdenum compounds did not increase as required for certification.

Affirmative Determinations

TA-W-16,073; LTV Steel Co., Aliquippa Works, Aliquippa, PA

A certification was issued covering all workers of the firm engaged in the production of tin mill products and structural shaps separated on or after May 31, 1984. For all other workers of the firm except those producing hot rolled bars, a certification was issued covering all workers separated on or after March 23, 1985.

TA-W-16,166; Peerless Audio Manufacturing Corp., Leominster, MA

A certification was issued covering all workers of the firm separated on or after December 1, 1984.

TA-W-16,176; Martin Shirt Co., Inc., Shenandoah, PA

A certification was issued covering all workers of the firm separated on or after June 26, 1984.

TA-W-16,031; Damsel Manufacturing Co., Inc., West Hazleton, PA

A certification was issued covering all workers of the firm separated on or after December 1, 1984.

TA-W-16,088; Louisianna-Pacific Corp., Seaway Div., Mohawk, MI

A certification was issued covering all workers of the firm separated on or after September 1, 1984.

TA-W-16,076; Soule Steel Co., Carson, CA

A certification was issued covering all workers of the firm separated on or after May 31, 1984.

TA-W-16,051; Thomson Co., Parsons, TN

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,052; Thomson Co., Lexington, TN

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,153; Thomson Co., Eloy, AZ

A certification was issued covering all workers of the firm separated on or

after January 1, 1985.

I hereby certify that the aforementioned determinations were issued during the period October 7, 1985–October 11, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC during normal business hours or will be mailed to persons who write to the above address.

Dated: October 15, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85–25164 Filed 10–21–85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15,844]

Affirmative Determination Regarding Application for Reconsideration; Philips ECG, Inc., Seneca Falls, NY

The United Steelworkers after being granted a filing extension, requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Workers Adjustment Assistance on behalf of workers and former workers of Philips ECG, Inc., Seneca Falls, New York. The determination was published in the Federal Register on July 23, 1985 (50 FR 30032).

The application claims that Philips ECG's parent company will import by the end of this over half of its 1985 orders for 13 inch picture tubes for television sets.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore granted.

Signed at Washington, DC, this October 10, 1985.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 85–25165 Filed 10–21–85; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act: Migrant and Seasonal Farmworker Programs; Availability of Report

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of the availability of the Report of The Department of Labor's Interagency Task Force on Farmworker Population Data; request for comments.

SUMMARY: The Employment and Training Administration (ETA) is announcing the availability of the Interagency Task Force Report on Farmworker Population Data and is requesting comments. The Report is being reviewed by the Department of Labor to assist in determining what refinements or improvements, if any, should be considered in the current formula for allocating Job Training Partnership Act (JTPA) migrant and seasonal farmworker program funds.

DATE: Written comments on this Notice and the Report are invited from the public. Copies of the Report are available upon request. Requests for copies should be submitted in writing no later than November 21, 1985. Written comments must be received on or before December 6, 1985.

ADDRESS: Requests for copies of the Report should be submitted to: Leonard Gilman, Office of Special Targeted Programs, ETA, U.S. Department of Labor, Room 6122, Patrick Henry Building, 601 D Street, NW., Washington, DC 20213. Send written comments to: Paul A. Mayrand, Director, Office of Special Targeted Programs, ETA, U.S. Department of Labor, Room 6122, Patrick Henry Building, 601 D Street, NW., Washington, DC 20213.

FOR FURTHER INFORMATION CONTACT: Charles C. Kane, Chief, Division of Seasonal Farmworker Programs. Telephone: (202) 376–1226.

SUPPLEMENTARY INFORMATION: Section 162(a) of the Job Training Partnership Act (JTPA) requires that "All allotments and allocations under this Act shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to economically disadvantaged and low income persons shall be based on 1980 Census or later data."

To assist in determining whether refinements or improvements should be considered for the current data base, the Department of Labor formed an Interagency Task Force in November of 1983 to study relevant farmworker data questions and submit a report to the Department. The Report is the result of that effort. The next cycle for the allocation of JTPA section 402 funds will occur in Fiscal Year 1986 for JTPA Program Year 1986, which begins on July 1, 1986. The Report provides an overview of the historical background on data bases and allocation formulas used in previous years and examines participant eligibility as defined by legislation and regulations pursuant thereto. The Report identifies several issues related to the allocation formula methodology. These issues involve selection of the data base, income criterion, farm industries or occupations included in the data base, and the inclusion of dependents in the data base. The Report discusses various options related to these issues. The issues addressed in the Report are as follows:

1. Selection of the appropriate data base.

2. Inclusion or exclusion of farm operators, farm managers, and farmworker supervisors in or from the data base.

3. Use of Standard Occupational codes (SOC) or Standard Industrial Codes (SIC).

4. Use of Lower Level Standard Income Levels (LLSIL) versus Department of Health and Human Services (HHS) poverty index as the total income criterion.

5. Inclusion or exclusion of dependents in or from the data base.

Signed at Washington, DC, this October 16, 1985.

Paul A. Mayrand,

Director, Office of Special Targeted Programs.

[FR Doc. 85–25168 Filed 10–21–85; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

[Docket No. H-040]

Occupational Exposure to 4, 4'-Methylenedianiline (MDA)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of Intent To Form Negotiated Rulemaking Advisory Committee To Develop A Proposed Rule: Request for Representation.

SUMMARY: OSHA announces its intent to establish an MDA Negotiated Rulemaking Advisory Committee (the "Committee") under the Federal Advisory Committee Act (FACA) and section 7(b) of the Occupational Safety and Health Act (OSH Act) to negotiate issues associated with the development of a Notice of Proposed Rulemaking on MDA. The Committee will include representatives of the parties interested in, or affected by, the outcome of the proposed rule. OSHA also solicits interested parties to submit their nominations for membership or requests for representation on the Committee.

DATE: OSHA must receive written comments and requests for membership or representation by November 21, 1985.

ADDRESS: All written comments directed to OSHA Docket No. H–040 should be sent, in triplicate, to the following address: Docket Office, Rm N–3663, 200 Constitution Ave. NW., Washington, D.C., 20210; Telephone (202) 523–7894.

Requests for membership or representation on the Committee should be sent to Clarence Page, OSHA Division of Consumer Affairs, Rm. N–3662, 200 Constitution Ave. NW., Washington, D.C. 20210; Telephone: (202) 523–8024.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, OSHA, U.S. Department of Labor, Office of Public Affairs, Room N–3641, 200 Constitution Avenue, NW., Washington, D.C., 20210; Telephone: (202) 523–8151.

SUPPLEMENTARY INFORMATION:

I. Background

OSHA announced its intention to regulate workplace exposures to the MDA in an Advance Notice of Proposed Rulemaking (ANPR) (48 FR 42836; September 20, 1983). This effort was undertaken jointly by the Environmental Protection Agency (EPA) and OSHA. The comments and information received in response to the EPA ANPR were submitted to EPA Docket No. OPTS–64000A. All relevant materials from this docket are now a part of the OSHA Docket (H–040). OSHA has analyzed the material submitted in response to the ANPR, including the risk assessment performed by EPA and the technological and economic feasibility documents. As a result of this analysis, the Agency has preliminarily determined that a significant risk is associated with worker exposure to MDA. This determination is consistent with the evaluation of risk estimates by EPA. As a result of these preliminary assessments, the Agency has targeted MDA for rulemaking. In the fall of 1984, OSHA indicated that negotiated rulemaking would be used to assist in the development of a proposed rule for MDA.

In preparation for developing a rule for MDA, OSHA has initiated rulemaking activities which include the development of a risk assessment, a technological and economic feasibility analysis, a health effects summary, and a summary of the components needed in a proposed standard. This material is being generated for use by the Committee, although OSHA will also be relying on this information for rulemaking activities.

On July 5, 1985, EPA published a **Federal Register** notice, in accordance with EPA's section 9 TSCA provisions (50 FR 27674) which described the risks of MDA and requested that OSHA respond to EPA within 180 days of the publication of this notice. Under section 9(a)(1) of the Toxic Substances Control Act (TSCA) provisions, EPA is prohibited from taking any regulatory action pending a response to the report from the other Federal Agency (OSHA, in this case). OSHA may take one of five possible actions: (1) Issue an "order" within the EPA deadline stating that the activities EPA has described do not present the "unreasonable risk" EPA has attributed to them; (2) "initiate" within 90 days of its response to EPA action to "protect against" the risk identified by EPA; (3) determine that its law does not authorize action to prevent or reduce the unreasonable risk to a sufficient extent; (4) explicitly defer to EPA despite the existence of adequate authority on its part, presumably on the ground that action by EPA is preferable on practical or public policy grounds; (5) do nothing, in which case EPA, once the deadline has expired, remains free to act as before (50 FR 27676).

OSHA has begun to prepare a formal response to EPA's **Federal Register** notice and expects to publish its decision within the 180 days requested by EPA. OSHA also intends to offer negotiated rulemaking as one of the regulatory options which the Agency is pursuing.

This notice announces OSHA's intent to use negotiated rulemaking to develop a proposed MDA rule. This notice also sets forth the basic concepts of negotiated rulemaking and outlines the participant selection criteria which OSHA expects to use. This notice allows 30 days for interested parties to request appointment to the Committee. If a sufficient number of individuals do not express a desire to participate in negotiated rulemaking activities or if the Mediator believes that the parties expressing interest do not adequately represent the issues herein described, OSHA will set aside the negotiated rulemaking approach and continue with traditional rulemaking activities.

A. *The Concept of Negotiated Rulemaking.* The Administrative Conference of the United States (ACUS), in its recent Recommendation 82–4 addressing problems associated with traditional rulemaking, noted:

> Experience indicates that if the parties in interest were to work together to negotiate the text of a proposed rule, they might be able in some circumstances to identify the major issues, gauge their importance to the respective parties, identify the information and data necessary to resolve the issues, and develop a rule that is acceptable to the respective interests, all within the contours of the substantive statute. (47 FR 30708, June 18, 1982; 1 CFR 305.82–4).

OSHA notes that other regulatory agencies, such as the Federal Aviation Administration and EPA, have made effective use of negotiated rulemaking. OSHA is announcing its intent to begin this "Negotiated Rulemaking" project to explore the extent to which negotiations among interested parties could serve as a useful supplement to its current rulemaking process.

OSHA is optimistic that this process can result in the development of sound workplace regulation by using all parties' resources more productively and by fostering cooperation among the affected parties. The Agency has requested the assistance of the Federal Mediation and Conciliation Service (FMCS) to guide in this consensus building effort.

In selecting MDA as a potential substance for negotiated rulemaking, OSHA considered the criteria used by other regulatory agencies, which recommend that a subject should have certain characteristics to be a candidate for regulatory negotiation (See 49 FR 17576, 17579; April 24, 1984). Specifically, the ideal candidate must:

- Be at the pre-proposal stage of development;
- Have a relatively small number of identifiable parties representing the interests of all affected parties who will negotiate in good faith;
- Present specific issues for which sufficient information/technology, etc., is at hand for resolution; and
- Have a time factor which lends some urgency to the issuance of the proposed regulation.

Having carefully evaluated the suggested candidates in light of these selection criteria, the Agency has chosen MDA as an item suitable for negotiation.

Further, unless it is inconsistent with our statutory requirements or is otherwise unjustified, OSHA plans to use the consensus reached through the negotiation process as the basis for its NPRM for MDA.

While the Committee's work product will likely serve as the basis for a proposed rule, it will not negate the need for adherence to traditional rulemaking procedures. This negotiated rulemaking procedure is supplemental to the normal section 6(b) rulemaking procedures specified in the OSH Act and is intended to aid OSHA in developing a proposed standard for occupational exposure to MDA.

Following publication in the **Federal Register**, interested parties will retain their rights of notice and comment, participation in an informal hearing (if requested), and judicial review. OSHA anticipates, however, that the pre-proposal consensus built by this Committee will effectively narrow the issues in the subsequent rulemaking to only those which truly remain in controversy.

B. *Reasons for Selecting MDA as a Candidate for Negotiated Rulemaking.* MDA has been identified by the National Toxicology Program (NTP) as an animal carcinogen. Animal studies, epidemiological evidence, structure-activity relationships, and mutagenicity studies all indicate that MDA is a potential human carcinogen. Several thousand workers may be at risk due to dermal and respiratory exposure to MDA in the workplace.

MDA is manufactured and converted to methylene diphenyl diisocyanate (MDI) in a liquid state in an enclosed system. Little or no dermal exposure is expected in this instance, although respiratory exposure occurs through inhalation of vapor. When MDA is used to make other products, the chemical is handled in dry form. In these work settings, dermal exposure is of principal concern although respiratory exposure may occur through inhalation of MDA dust. OSHA has promulgated no regulation which sets a permissible exposure limit for MDA.

OSHA believes that MDA meets the selection criteria for negotiated rulemaking for the following reasons. It is at the pre-proposal phase of development; affected interests are limited in number and readily identifiable; it is likely that parties involved would negotiate this item in good faith; and sufficient information is available to resolve the key issues.

C. *Negotiating Consensus.* OSHA wishes to stress that it approaches this negotiated rulemaking project as a consensus-building effort. In enacting the OSH Act of 1970, Congress stated:

> The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents . . ., shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity. . . . (section 6(b)(5), 29 U.S.C. 655, 84 Stat. 1594)

OSHA believes that a standard can be promulgated which is consistent with the duties imposed by the OSH Act and which reflects the consensus views of affected interests. By bringing together, at the earliest point in the development of a standard, representatives of affected interests who will participate collaboratively in collecting data, analyzing issues and drafting regulatory language, OSHA expects to produce a valid, effective standard without undue delay.

As noted above, OSHA is confident that consensus is attainable. OSHA will provide the Committee with background material covering information which is already in the MDA docket and with typical requirements for OSHA health standards. The participants—including OSHA—will consider the health risks associated with specific exposure levels, the technological and economic feasibility considerations associated with specific control measures, and other related issues. Guided by an experienced Mediator from the FMCS, the participants will work to resolve issues, rank priorities and identify acceptable solutions. Committee meetings would be conducted in accordance with FACA, as amended (5 U.S.C. App. I), which provides for open meetings, filing of written statements by interested persons before or after meetings, presentation of oral statements where time permits, and retention of meeting records.

Ultimately, OSHA anticipates that, through the consensus-building process, the Committee would produce the regulatory text and supporting rationale for a proposed standard for occupational exposoure to MDA.

D. *Some Key Issues for Negotiation.* OSHA expects that key issues to be addressed as part of these negotiations will include:

1. Scope and Application of the Standard. Should a regulation be established for both primary and secondary users of MDA? Should different provisions be set for those dermally exposed from those exposed through inhalation? Are suitable substitutes available for MDA?

2. Definitions. What, if any, definitions would be necessary for establishing a regulation for MDA? For example, should a definition of MDA include its salts?

3. Permissible Exposure Limits. Should exposure limits be established for both inhalation and dermal exposure? What exposure levels present a significant occupational cancer risk? What exposure levels result in hepatic or cardiac disorders? What PEL should be set by the standard? Are action levels necessary? Are ceiling limits appropriate?

4. Exposure Monitoring. Are there adequate methods for monitoring airborne concentrations of MDA? Are the sampling procedures now available accurate and readily useable? Are the monitoring results representative of the total employee exposure? Do they take into consideration dermal exposure? With what frequency should additional monitoring be done? Should biological monitoring be done? When is it not necessary to monitor?

6. Compliance Program. What compliance method(s) should be used to control employee exposure? Should a work practice program be established? Should shower provisions be included? Are rigid hygiene practices necessary? Should regulated areas be established, with only authorized personnel admitted?

7. Respiratory Protection. Is the use of respirators needed? What type? At what point should respirators be donned? What are the limitations of use? What effectiveness can be expected?

8. Protective Clothing. What type of protective clothing should be worn when handling MDA? What procedures should be used in disposing of the MDA contaminated clothing? Are there glove types which are impervious to MDA? How frequently should protective clothing be changed?

9. Emergency Situations. What defines an emergency situation with respect to MDA exposure? What procedures should be followed when an emergency situation occurs?

10. Medical Surveillance. Is medical surveillance necessary? Which employees should be covered by the medical surveillance provisions? Who should perform the necessary examinations? What types of examinations or testing are necessary for employees exposed to MDA? Is urinary cytology appropriate? How frequently should medical examinations be given?

11. Information and Training. What training program should be provided for worker exposed to MDA? What information should be conveyed to workers to enable them to protect themselves?

12. Feasibility. What is the feasibility of complying with an established permissible exposure limit solely through the use of engineering controls and work practices? Would supplementary respiratory use also be needed?

13. Risk. Are available cancer risk assessments of workers exposed to MDA based on reasonable assumptions?

The Committee may consider other issues as they arise during the negotiations or in response to comments on this announcement.

II. Negotiation Procedures

The following proposed procedures and guidelines based on 29 CFR Part 1912 would apply to this process. They may be augmented as a result of comments received in response to this notice or during the negotiation process.

A. *Notice of Intent to Establish An MDA Negotiated Rulemaking Advisory Committee.* Committees which are established by U.S. government action or affirmatively supported and "utilized" by the federal government through institutional arrangements which amount to the adoption of the groups as preferred sources of advice on specific issues or policies are subject to the requirements of FACA. A Negotiated Rulemaking Advisory Committee is such a "preferred source" and, thus, is subject to FACA. Accordingly, OSHA announces its intent to establish this Committee in accordance with the requirements of FACA, Section 7(b) of the OSH Act, and 29 CFR Part 1912.

B. *Committee Notice.* After evaluating the comments on this announcement and the requests for representation, OSHA will issue a committee notice. That notice will announce the establishment of the Committee and the membership of the Committee unless, after reviewing the comments, it is determined that such an action is inappropriate. The negotiation process will begin once the Committee membership roster is published in the Federal Register.

C. *Interests Involved.* The following interests have been tentatively identified which might be represented in these negotiations:

- Manufacturers;
- Primary Users;
- Secondary Users;
- Trade associations;
- The Federal Government;
- Public interest/consumer groups;
- State and/or local Government officials; and
- Labor organizations.

One purpose of this notice is to determine whether the regulations would substantially affect interests which are not listed above. OSHA invites comments and suggestions on this list of interests. OSHA does not believe that each potentially affected group must participate directly in the negotiations, nevertheless each affected interest must be adequately represented. Furthermore, even though the above list appears to enumerate more industry interests than labor interests, the actual constitution of the Committee must have balanced representation.

D. Participants. The negotiating group will not exceed 15 participants, including the Mediator. A larger number than this would make it difficult to conduct effective negotiations.

Requests for appointment to membership on the Committee are solicited. The Committee has been established under section 7(b) of the OSH Act of 1970 to advise the Secretary of Labor on matters relating to occupational exposure to MDA. The Committee in this instance will be attempting to reach consensus on several regulatory issues that can serve as the basis for the notice of proposed rulemaking. Therefore, it is expected that individual participants will have substantial expertise and will ably represent the viewpoints of their respective interests. Those who wish to be appointed as members of the Committee should submit a request to OSHA, detailing the interest they represent and how that interest would be affected by the rule. They should also attach a statement listing their title/position, organizational affiliation, address, telephone number, experience and qualifications.

OSHA has also allocated funds which are to be used as per diem and travel expenses by any member who qualifies for funding.

Following is a list of potential participants who have been tentatively identified by OSHA and the Mediator:

- Chemical Manufacturers Association
- The Society of the Plastics Industry, Inc.
- International Isocyanate Institute
- United Steel Workers of America
- Oil, Chemical and Atomic Workers International Union
- International Chemical Workers Union
- AFL/CIO
- UAW
- Environmental Protection Agency
- National Institute for Occupational Safety and Health

This list of potential parties is not presented as a complete or exclusive list from which committee members will be selected, nor does inclusion on the list of potential parties mean that a party on the list has agreed to participate. The list merely indicates parties that OSHA and the mediator have tentatively identified as having an interest in the outcome of the MDA negotiated rulemaking process. It is the very purpose of this notice to inform additional potential participants of this process and afford them the opportunity to request representation in the negotiations. Comments and suggestions on this tentative list are invited.

E. Good Faith Negotiation. Since participants should be willing to negotiate in good faith and have authority to do so, each organization should designate a senior official to represent its interests.

F. *Mediator.* This individual will not be involved with the substantive development of the regulation. The Mediator's role is to:

- Help the negoatiation process run smoothly;
- Help participants define and reach consensus;
- Chair the actual negotiations; and
- Determine the feasibility of negotiating particular issues.

OSHA has accepted the appointment of Mr. James R. Williams, National Representative, FMCS, to serve as Mediator.

G. *OSHA Representative.* The OSHA representative will be a full and active participant in the consensus building negotiations. The representative will meet regularly with various senior OSHA officials, briefing them on the negotiations and receiving their input, in order to effectively represent the Agency's position regarding the issues before the Committee. Additionally, the OSHA representative will present the negotiators with aggregated record evidence on an issue by issue basis for their consideration. The Committee may also consult OSHA's representative with regard to the Agency's regulatory needs, appropriate boundaries of consideration, or technical information. Such information could include the areas of economic and technological feasibility, health implications, or principles of industrial hygiene. The OSHA representative, together with the Mediator, will also be responsible for coordinating the administrative and committee support functions to be performed by OSHA's Division of Consumer Affairs.

H. *Tentative Schedule.* Once the Committee has been selected, OSHA will publish a schedule of the meetings. The first meeting will focus largely on procedural matters. These will include agreement on: dates, times, and locations of future meetings; and identification of, and determination of how best to address the principal issues for resolution.

To prevent delays which might postpone timely issuance of the proposal, OSHA intends to terminate the Committee's activities if it does not reach consensus within six months of the first meeting. The process may end earlier if the Mediator so recommends.

I. *Committee Procedures.* Under the general guidance and direction of the Mediator, and subject to any applicable legal requirements including 29 CFR Part

1912, the Committee will establish the detailed procedures for committee meetings which it considers most appropriate.

J. *Record of Meetings.* In accordance with FACA's requirements, OSHA will keep a record of all committee meetings. This record will be placed in the public docket for this rulemaking. Committee meetings will be announced in the **Federal Register** and will generally be open to the public.

K. *Definition of Consensus.* The goal of the negotiating process is consensus. OSHA expects the participants to establish their own working definition of the term.

L. *Feasibility of Consensus.* OSHA and the Mediator have examined the issues and interests involved and have made a preliminary inquiry among representatives of the identified interests to determine whether it is possible to reach agreement on:

- Individuals to represent those interests;
- The preliminary scope of the issues to be addressed; and
- A schedule for developing a NPRM.

(Currently identified issues and interests are listed above.) On the basis of this preliminary inquiry, the Mediator and OSHA believe that negotiation can be successful on this rule and that the participants can adequately represent the affected interests. In the event the Committee is unable to reach consensus on a proposal, OSHA will promptly develop its own proposal.

M. *Agency Action.* As noted above, the Agency intends to use the Committee's consensus as the basis for the NPRM. OSHA expects to issue the proposed rule developed by the Committee, unless the consensus is inconsistent with OSHA's statutory authority or is not appropriately justified. In that event, the Agency will explain the reason for its decision.

Public Participation

Requests for participation should be submitted to Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3662, 200 Constitution Avenue, N.W., Washington, D.C. 20210, no later than November 21, 1985.

All other written comments, including comments on the appropriateness of using negotiated rulemaking to develop a proposed rule of MDA, should be directed to OSHA Docket No. H-040, and sent in triplicate to the following address: OSHA Docket Office, U.S. Department of Labor, Rm N-3663, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone (202) 523-7894.

This Notice was prepared under the direction of Patrick R. Tyson, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210. It is issued pursuant to section 6(b) and 7(b) of the Occupational Safety and Health Act (84 Stat. 1593; 29 U.S.C. 655, 656) Secretary's Order No. 9-83 (48 FR 35736) and 29 CFR Part 1912.

Signed at Washington, D.C., this 17th day of October 1985.

Patrick R. Tyson,

Acting Assistant Secretary of Labor.

[FR Doc. 85-25167 Filed 10-21-85; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given of the fortieth meeting of the National Commission for Employment Policy at the Hyatt Regency Crystal City Hotel, 2799 Jefferson Davis Highway, Arlington, Virginia.

DATES: November 21, 1985—9:00 a.m.-3:45 p.m.; November 22, 1985-9:00 a.m.-11:30 a.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE DISCUSSED: The main agenda item on Thursday morning will be a Commission discussion of a draft policy statement and supporting staff report on "Computers in the Workplace." The discussion will be concluded Thursday afternoon; undates on other projects will then be presented. Friday morning's session will be concerned with a briefing on the final phase of a study of JTPA implementation, which has been coponsored by NCEP and three private foundations, an update on proposed legislation, and future meeting plans.

FOR FURTHER INFORMATION, CONTACT: Ms. Patricia W. McNeil, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy is authorized by the Job Training Partnership Act (Pub. L. 97-300). The act gives the Commission the broad responsibility of advising the President and public. Handicapped individuals wishing to attend should contact Velada Waller of the Commission Staff so that appropriate accommodations can be made.

People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least 5 days before the meeting or not more than 7 days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least 5 days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written statement.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of fact and views and shall not include any questioning of the Commissioners or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials perpared for it will be available for public inspection at the Commission's offices, 1522 K Street, NW., Suite 300, Washington, DC 20005.

Signed in Washington, DC, this 11th day of October 1985.

Patricia W. McNeil,

Director.

[FR Doc. 85-25170 Filed 10-21-85; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities, Arts and Artifacts Indemnity Panel; Advisory Committee Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, in Room 714, from 9:00 a.m. to 5:30 p.m., on November 26, 1985.

The purpose of the meeting is to review applications for certificates of indemnity submitted to the Federal

Council on the Arts and the Humanities for exhibitions beginning after January 1, 1986.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 16, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552(b), and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Stephen J. McCleary, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, or call 202/786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85-25162 Filed 10-21-85; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel on Decision and Management Science;

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting.

Name: Advisory Panel on Decision and Management Science

Date/Time: November 7—8, 1985, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G St., Washington, DC 20550, Room 628

Contact Person: Dr. Robert M. Thrall (202) 357-7569 or Dr. Vincent T. Covello (202) 357-7417, Program Directors, National Science Foundation, Room 335

Purpose of Advisory Panel: To provide advice and recommendation concerning research in Decision and Management Science

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 17, 1985.

[FR Doc. 85-25179 Filed 10-21-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Integrative Neural Systems; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, The National Science Foundation announces the following meeting:

Name: Advisory Panel for Integrative Neural Systems.

Date & Time: November 6, 7, & 8, 1985: 9:00 a.m. to 5:00 p.m. each day.

Place: National Science Foundation, 1800 G St. NW., Washington, DC. Meeting is to be held in the conference room 523.

Type of Meeting: Closed.

Contact Person: Dr. Nathaniel G. Pitts, Program Director for Integrative Neural Systems, Room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7041.

Purpose of Meeting: To provide advice and recommendation concerning support for research in the Integrative Neural Systems Program.

Agenda: Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522B(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 17, 1985.

[FR Doc. 85-25181 Filed 10-21-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Memory and Cognitive Processes; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Memory and Cognitive Processes.

Date & Time: November 7 and 8, 1985; 9:00 a.m.-5:00 p.m. each day.

Place: Lombardy Towers Conference Room, 2019 Eye Street, NW., Washington, DC 20006.

Type of Meeting: Closed.

Contact Person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, DC 20550, (202) 357-9898.

Purpose of Meeting: To provide advice and recommendations concening support for research in memory and processes or scientific discipline.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Managment Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

October 17, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-25178 Filed 10-21-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Molecular and Cellular Neurobiology Program; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Molecular and Cellular Neurobiology Program.

Date & Time: November 6, 7, and 8, 1985; 9:00 a.m.—5:00 p.m. each day.

Place: National Science Foundation, 1800 G. Street, NW., Room 1242B, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Stephen Morris, Program Director for Molecular and Cellular Neurobiology Program, National Science Foundation, Room 320, Washington, DC 20550, Telephone (202) 357-7471.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Neurobiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of the

proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. of 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

October 17, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-25180 Filed 10-21-85; 8:45 am]

BILLING CODE 7555-01-M

Earth Sciences Proposal Review Panel; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Earth Sciences Proposal Review Panel.

Date and time: November 6, 7, and 8, 1985; 8:30 a.m. to 5:00 p.m. each day.

Place: The National Science Foundation, Room 543, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, DC 20550 Telephone: (202) 357–7958.

Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

October 17,1985.

[FR Doc. 85-25177 Filed 10-21-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

State of Iowa; Staff Assessment of Proposed Agreement Between the NRC and the State of Iowa

Note.—This document was originally published in the issue of October 1, 1985 at 50 FR 40078. It is reprinted at the request of the Nuclear Regulatory Commission.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Proposed Agreement with State of Iowa.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission is publishing for public comment the NRC staff assessment of a proposed agreement received from the Governor of the State of Iowa for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed program for control over sources of radiation is set forth below as supplementary information to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Iowa regulations, is available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, DC. Exemptions from the Commission's regulatory authority, which would implement this proposed agreement, have been published in the **Federal Register** and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

DATES: Comments must be received on or before October 31, 1985.

ADDRESSES: Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC. 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joel O. Lubenau, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301–492–9887.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Iowa Program to Regulate Certain Radioactive Materials Pursuant to section 274 of the Atomic Energy Act of the 1954, as amended.

The Commission has received a proposal from the Governor of Iowa for the State to enter into an agreement with the NRC whereby the NRC would relinquish and the State would assume certain regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Section 274e of the Atomic Energy Ac: of 1954, as amended, requires that the terms of the proposed agreement be published for public comment once each week for four consecutive weeks. Accordingly, this notice will be published four times in the **Federal Register**.

I. Background

A. Section 274 of the Atomic Energy Act of 1954, as amended, provides a mechanism whereby the NRC may transfer to the States certain regulatory authority over agreement materials[1] when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, section 274j provides that the Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.

B. In a letter dated August 22, 1985, Governor Terry E. Branstad of the State of Iowa requested that the Commission enter into an agreement with the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended, and proposed that the agreement become effective on January 1, 1986. The Governor certified that the State of Iowa has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State of Iowa desires to assume regulatory responsibility for such materials. The text of the proposed agreement is shown in Appendix A and the narrative portion of the program description is shown in Appendix B.

[1] A. Byproduct materials as defined in 11e(1); B. Byproduct materials as defined in 11e(2); C. Source materials; and D. Special nuclear materials in quantities not sufficient to form a critical mass.

The specific authority requested is for (1) byproduct material as defined in section 11e(1) of the Act, (2) source material and (3) special nuclear material in quantities not sufficient to form a critical mass. The State does not wish to assume authority over uranium milling activities nor the commercial disposal of low-level radioactive waste. The State, however, reserves the right to apply at a future date to NRC for an amended agreement to assume authority in these areas. The nine articles of the proposed agreement cover the following areas:

I. Lists the materials covered by the agreement
II. Lists the Commission's continued authority and responsibility for certain activities
III. Allows for future amendment of the agreement
IV. Allows for certain regulatory changes by the Commission
V. References the continued authority of the Commission for common defense and security for safeguards purposes
VI. Pledges the best efforts of the Commission and the State to achieve coordinated and compatible programs
VII. Recognizes reciprocity of licenses issued by the respective agencies
VIII. Sets forth criteria for termination or suspension of the agreement
IX. Specifies the effective date of the agreement

C. Section 136C, the Code, H.F. 2110 authorizes the State Department of Health to issue licenses to, and perform inspections of, users of radioactive materials under the proposed agreement and otherwise carry out a total radiation control program. Iowa radiation control regulations, Health Department (470) Chapters 38 to 41, adopted by the Iowa State Board of Health on May 8, 1985 under authority of Section 136C.3, The Code, provides standards, licensing, inspection, enforcement and administrative procedures for agreement and non-agreement materials. Pursuant to 470–39.53, the regulations are not applicable to agreement materials until the effective date of the agreement. The regulations provide for the State to license and inspect users of naturally-occurring and accelerator-produced radioactive materials.

D. The environmental radiation activities with which the Department has been involved in conjunction with the University of Iowa Hygienic Laboratory include a general environmental surveillance program and a radiological surveillance program for the Duane Arnold power reactor site under contract with NRC. The State has the capability of developing site specific environmental surveillance programs when needed and has authority to charge its licensees a fee to recover the costs of such programs.

The Department has also been involved in registration and inspection of x-ray uses since 1980 including restrictions on healing arts x-ray screening practices and involvement in the U.S. FDA studies such as the Dental Exposure Normalization Technique (DENT). In 1983, Iowa established minimum training standards for diagnostic radiographers.

II. NRC Staff Assessment of Proposed Iowa Program for Control of Agreement Materials

Reference: Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.[2]

Objectives

1. *Protection.* A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

Based upon the analysis of the State's proposed regulatory program the staff believes the Iowa proposed regulatory program for agreement materials is adequately designed to protect the health and safety of the public against radiation hazards.

Radiation Protection Standards

2. *Standards.* The State regulatory program shall adopt a set of standards for protection against radiation which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

Statutory authority to formulate and promulgate rules for controlling exposure to sources of radiation is contained in section 136C, The Code. In accordance with that authority, the State adopted radiation control regulations on May 8, 1985 which include radiation protection standards which would apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass upon the effective date of an agreement between the State and the Commission pursuant to section 274b of the Atomic Energy Act of 1954, as amended.

Reference: Iowa State Department of Health radiation control regulations 470–38 to 41.

3. *Uniformity in Radiation Standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity of maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by 10 CFR Part 20 of the NRC regulations based on officially approved radiation protection guides.

Technical definitions and terminology contained in the Iowa Radiation Control Regulations including those related to units of measurement and radiation doses are uniform with those contained in 10 CFR Part 20.

Reference: Iowa 470–38.2, 39.2.

4. *Total Occupational Radiation Exposure.* The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

The Iowa regulations cover all sources of radiation within the State's jurisdiction and provide for consideration of the total radiation exposure of individuals from all sources of radiation in the possession of a licensee or registrant.

Reference: Iowa 470–40.1, 40.5.

5. *Surveys, Monitoring.* Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

The Iowa requirements for surveys to evaluate potential exposures from sources of radiation and the personnel monitoring requirements are uniform with those contained in 10 CFR Part 20.

References: Iowa 470–40.8 and 40.9.

6. *Labels, Signs, Symbols.* It is desirable to achieve uniformity in labels, signs, and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

The prescribed radiation labels, signs, and symbols are uniform with those contained in 10 CFR Parts 20, 30 thru 32 and 34.

The Iowa posting requirements are also uniform with those of Part 20.

References: Iowa 470–39.23, 39.25, 39.36, 39.40, 40.9, and 41.4.

7. *Instruction.* Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR Part 19, § 19.16 and to be represented during

[2] NRC Statement of Policy published in the **Federal Register** January 23, 1981 (46 FR 7540–7546), a correction was published July 16, 1981 (46 FR 36969) and a revision of Criterion 9 published in the **Federal Register** July 21, 1983 (48 FR 33376).

inspections as specified in § 19.14 of 10 CFR Part 19.

The Iowa regulations contain requirements for instructions and notices to workers that are uniform with those of 10 CFR Part 19.

Reference: Iowa 470–40.21.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

The Iowa regulations contain a requirement for security of stored radioactive material.

Reference: Iowa 470–40.12.

9. *Radioactive Waste Disposal.* (a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR Part 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR Part 61.

(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR Part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (Section 151(a)(2), Pub. L. 97–425).

Iowa Radiation Control Regulations contain provisions relating to the disposal of radioactive materials into the air, water and sewer and burial in soil which are essentially uniform with those of 10 CFR Part 20. In a letter dated August 8, 1985 to NRC the Department committed to adopting certain clarifying amendments to their regulations to conform them more closely to 10 CFR Parts 20 and 61 and, in the interim, will impose license conditions to ensure uniformity with these Parts. Iowa, at this time, does not propose to regulate the commercial land disposal of low-level radioactive waste.

References: Iowa 470–40.7, 40.14 to 40.17, 40.19 and letter dated August 8, 1985 from J. Eure, Director, Environmental Health Section, Iowa Department of Health to J. Lubenau, NRC.

10. *Regulation Governing Shipment of Radioactive Materials.* The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactve materials must be compatible with 10 CFR Part 71.

The Iowa regulations are uniform with those contained in NRC regulations 10 CFR Part 71.

References: Iowa 470–39.76 to 39.39.

11. *Records and Reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

The Iowa regulations require the following records and reports by licensees and registrants:

(a) Records covering personnel radiation exposures, radiation surveys, and disposals of materials.

(b) Records of receipt and transfer of materials.

(c) Reports concerning incidents involving radioactive materials.

(d) Reports to former employees of their radiation exposure.

(e) Reports to employees of their annual radiation exposure.

(f) Reports to employees of radiation exposure in excess of prescribed limits.

Reference: Iowa 470–38.4, 40.20, 40.21.

12. *Additional Requirements and Exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases and circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

The Iowa Department of Health is authorized to impose upon any licensee or registrant, by rule, regulation, or order such requirements in addition to those established in the regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

Reference: Iowa 470–38.7.

The Department may also grant such exemptions from the requirements of the regulations as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

Reference: Iowa 470–38.3.

Prior Evaluation of Uses of Radioactive Matterials

13. *Prior Evaluation of Hazards and Uses, Exceptions.* In the present state of Knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing board use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the use of radioactive materials, the Iowa Department of Health will require the submission of information on, and will make an evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: Iowa 470–39.1 to 39.3, 39.28 to 39.56; Iowa Program Description, "Licensing and Registration."

Provision is made for the issuance of general licenses for byproduct, source and special nuclear materials in situations where prior evaluation of the licensee's qualifications, facilities, equipment and procedures is not required. The regulations grant general licenses under the same circumstances as those under which general licenses are granted in the Commission's regulations.

References: Iowa 470–30.12 to 39.26, 39.57, 39.58, 39.79 to 39.85.

14. *Evaluation Criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

In evaluating a proposal to use agreement materials, the Iowa Department of Health will determine that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the prupose requested in accordance with the regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; and

(3) The issuance of the license will not be inimical to the health and safety of the public.

Other special requirements for the issuance of specific licenses are contained in the regulations.

References: Iowa 470–39.30 to 39.45.

15. *Human Use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

The Iowa regulations require that the use of radioactive material (including sealed sources) on or in humans shall be by a physician having substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients.

Reference: Iowa 470–39.31.

Inspection

16. *Purpose, Frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

Iowa materials licensees will be subject to inspection by the Department of Health. Upon instruction from the Department, licensees shall perform or permit the Department to perform such reasonable tests and surveys as the Department deems appropriate or necessary. The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent as inspections of similar licenses by NRC.

References: Iowa 470–38.5 and 38.6; Iowa Program Description, "Inspection Program."

17. *Inspections Compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

Iowa regulations state that licensees shall afford the Department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

Reference: Iowa 470–38.5.

18. *Notification of Results of Inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

Following Department inspections, each licensee will be notified in writing of the results of the inspection. The letters and written notices indicate if the licensee is in compliance and if not, list the areas of noncompliance.

Reference: Iowa Program Description, "Compliance and Enforcement."

Enforcement

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The Iowa Department of Health is equipped with the necessary powers for prompt enforcement of the regulations. Where conditions exist that create a clear preseence of a hazard to the public health that requires immediate action to protect human health and safety, the Department may issue orders to reduce, discontinue or eliminate such conditions. The Department actions mayalso include impounding of radioactive material, imposition of a civil penalty, revocation of a license, and requesting County Attorney or Attorney General to seek injunctions and convictions for criminal violations.

References: Iowa 470–38.7, 38.8, 38.9, 38.11; Iowa Program Description, "Compliance and Enforcement."

Personnel

20. *Qualifications of Regulatory and Inspection Personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. The person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately

two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories, proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the difference disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

a. Number of Personnel

There are approximately 170 NRC specific licenses in the State of Iowa. Under the proposed agreement, the State would assume responsibility for about 155 of these licenses. The Department's Radiological Health Program is currently staffed with six professional persons. Five individuals will be assigned line and supervisory duties in the materials program. We estimate the State will need to apply between 1.6 to 2.1 staff-years of effort to the program. The present personnel together with their assigned responsibilities are as follows:

John A. Eure: Director, Environmental Health Section. Responsible for administration and supervision of Environmental Health Section.

Donald A. Flater: Coordinator, Radiological Health Program. Responsible for administration and supervision of the radiological health program.

David Russell Myers: Environmental Specialist III. Supervises field inspection staff and conducts inspections.

Bruce W. Hokel: Environmental Specialist II. Currently conducts inspections and under consideration as lead person for licensing.

Richard L. Welke: Environmental Specialist I. Currently conducts inspections.

Paul E. Koehn: Environmental Specialist I. Currently in training.

Total personnel time devoted to radioactive materials is expected to be at least 2 person-years.

b. Training

The academic and specialized short course training for those persons involved in the administration, licensing and inspection of radioactive materials is shown below.

Donald A. Flater—B.S. Radiological Sciences and Administration, George Washington University.

Transportation of Radioactive Materials, November 1984, U.S. Nuclear Regulatory Commission.

Advanced Medical Imaging Technology Workshop, September 1984, Conference of Radiation Control Program Directors, Inc.

Inspection Procedures, July 1984, U.S. Nuclear Regulatory Commission.

Principles of Epidemiology, March, 1984, Centers for Disease Control.

Applied Epidemiology, February 1984, Centers for Disease Control and Iowa State Department of Health.

Orientation Course in Licensing Practices and Procedures for State Regulatory Personnel, September 1983, U.S. Nuclear Regulatory Commission.

Radiological Defense Officer Course, June 1983, Iowa Office of Disaster Services.

Radiological Monitoring Home Study Course, May 1983, Federal Emergency Management Agency.

Medical Use of Radionuclides, April 1983, U.S. Nuclear Regulatory Commission.

Radiological Emergency Planning Course, March 1981, Federal Emergency Management Agency.

Radiological Emergency Response Operations for Radiological Emergency Response Teams, January 1981, U.S. Nuclear Regulatory Commission.

Dose Projection Accident Assessment and Protective Action Decision Making for Radiological Emergency Response, March 1980, U.S. Nuclear Regulatory Commission.

David Russell Myers—B.S. Biology, Grandview College.

Computed Tomography Dosimetry Training Course, May 1985, University of Missouri, Kansas City School of Medicine, Food and Drug Administration Center for Medical Devices and Radiological Health.

FDA Regional Training, September 1984, Mayo Clinic.

Inspection Procedures, July 1984, U.S. Nuclear Regulatory Commission.

Health Physics and Radioactive Materials, June 1984, Oak Ridge Associated Universities.

Medical Use of Radionuclides, June 1984, Oak Ridge Associated Universities.

Principles of Epidemiology, March 1984, Centers for Disease Control and Iowa State Department of Health.

Applied Epidemiology, February 1984, Centers for Disease Control and Iowa State Department of Health.

Emergency Management Institute Radiological Accident Assessment Course, August 1982, National Emergency Training Center.

Radiological Defense Officer Course, May 1982, Federal Emergency Management Agency.

Radiological Emergency Response Operations Course, January 1981, U.S. Nuclear Regulatory Commission.

Diagnostic X-Ray Survey Training Program, June 1980, U.S. Army Academy of Health Sciences.

Bruce W. Hokel—B.S., Fisheries and Wildlife, Iowa State University.

Introduction to Licensing Practices and Procedures, U.S. Nuclear Regulatory Commission.

Nuclear Transportation for State Regulatory Personnel, U.S. Nuclear Regulatory Commission.

Principles of Licensing, one week on-the-job training with staff of NRC, Region III.

Safety Aspects of Industrial Radiography for State Regulatory Personnel, U.S. Nuclear Regulatory Commission.

Orientation Course in Licensing Practices, U.S. Nuclear Regulatory Commission.

Health Physics and Radiation Protection, Oak Ridge Associated Universities.

Basic Radiological Health, University of Texas Health Center.

X-Ray Compliance Testing, Fort Sam Houston.

Radiological Incidents Emergency Response, Nuclear Test Site—Mercury, Nevada.

Principles of Epidemiology, Centers for Disease Control.

Applied Epidemiology, Centers for Disease Control.

Richard L. Welke—B.A. Biology, University of Minnesota.

Medical Use of Radionuclides, June 1985, U.S. Nuclear Regulatory Commission.

FEMA Nuclear Power Plant Off-Site Radiological Accident Assessment Course, November 1985.

FDA Training Course for Diagnostic X-Ray Compliance Surveys, September 1984.

NIOSH Non-Ionizing-Ionizing Radiation 583/584, April 1984.

Paul E. Koehn—B.S. Science, Upper Iowa University.

Fundamental Course for Radiological Response Teams, March 1985.

Fundamental Course for Radiological Monitors, March 1985.

c. *Experience*

Since receiving a Bachelor of Science in Sanitary Engineering from the University of Illinois in February, 1957, Mr. Eure has been actively engaged as an Environmental Health Engineer in the field of public health. His experience has been primarily in the areas of radiological health and water supply and pollution control from a technical, administrative and supervisory aspect.

In July, 1960, he was accepted into the Regular Corps of the U.S. Public Health Service and was reassigned to the University of Texas for graduate training in Sanitary Engineering. In September of 1961, he received a Master of Science Degree in Sanitary Engineering with a minor in Bacteriology and was subsequently assigned to the Occupational Health Division of the Texas Department of Health as a resident in radiological health.

In March, 1964, he was assigned to the New York City Office of Radiation Control. A number of potentially hazardous situations were investigated during this assignment including lost radioactivity sources, sale of radium pills for internal use and high energy accelerator accident involving excessive exposure to employees. During the course of another occupational health investigation it was determined that television receivers intended for household use were emitting high levels of x-radiation. This finding and subsequent investigation efforts identified the need for Federal control of Electronic Products and resulted in Congressional enactment of the Radiation Control for Health and Safety Act of 1968—Pub. L. 90-602.

In July 1968, he was assigned to the Bureau of Radiological Health headquarters in Rockville, Maryland. Here he was engaged in emergency planning activities and developed a model plan which has served as a guide for the development of many State emergency plans, engaged in regulatory activities associated with the Radiation Control for Health and Safety Act, and was assigned successively more responsible positions and management of a national program of surveillance of electronic products.

In July, 1979, he retired from the USPHS, and was appointed as the Director of Radiological Health at the Iowa State Department of Health. Here he established a comprehensive program in Radiological Health which is now fully operational. In October, 1981, he was appointed as Director of Environmental Health within this Department and assumed the responsibility of administering programs in public health engineering including sanitation, consumer safety and work related disease in addition to radiation protection. He is currently engaged in expanding the work related disease functions of his section.

His professional certifications include Licensed Professional Engineer-Texas, Diplomate American Academy of Environmental Engineers and Fellow of the American Public Health Association.

Mr. Flater has been employed by the Department of Health since 1980 in increasingly reasonable positions. Prior to coming to Iowa, he was employed by the FDA Bureau of Radiological Health where he received two "Commendable Service Awards."

Mr. Myers has been with the Iowa radiation control program since 1980.

Mr. Hokel has been with the program since 1983.

Mr. Koehn joined the program in February, 1985.

Reference: Iowa Program Description, Apendix IV, B.

21. *Conditions Applicable to Special Nuclear Material, Source Material and Tritium.* Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material and tritium and (2) periodic inventory data.

The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.

Reference: Iowa 470-38.1 and 38.3.

22. *Special Nuclear Material Defined.* The definition of special nuclear material in quantities not sufficient to form a critical mass, as contained in the Iowa Radiation Control Regulations, is uniform with the definition in 10 CFR Part 150.

Reference: Iowa 470-38.2, Definition of Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

Administration

23. *Fair and Impartial Administration.* The Iowa statute and regulations provide for administrative and judicial review of actions taken by the Department of Health.

Reference: Section 136C, The Code, Iowa 470-38.9, 38.12, 39.56, 40.21.

24. *State Agency Designation.* The Iowa Department of Health has been designated as the State's radiation control agency.

References: Section 136, The Code.

25. *Existing NRC Licenses and Pending Applications.* The Department has made provision to continue NRC licenses in effect temporarily after the transfer of jurisdiction. Such licenses will expire either 90 days after receipt from the Department of a notice of expiration or on the date of expiration specified in the Federal license, whichever is earlier.

Reference: Iowa 470-39.53.

26. *Relations with Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

The proposed agreement declares that the State will use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of like materials.

Reference: Governor Branstad's letter dated August 26, 1985, Proposed Agreement between the State of Iowa and the Nuclear Regulatory Commission, Article VI.

27. *Coverage, Amendments, Reciprocity.* The proposed Iowa agreement provides for the assumption of regulatory authority over the following categories of materials within the State:

(a) Byproduct materials, as defined by Section 11e(1) of the Atomic Energy Act, as amended.

(b) Source materials.

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Reference: Proposed Agreement, Article I.

Provision has been made by Iowa for the reciprocal recognition of licenses to permit activities within Iowa of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR Part 150.

Reference: Iowa 470–39.57.

28. *NRC and Department of Energy Contractors.* The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: Iowa 470–38.3.

III. Staff Conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states:

"The Commission shall enter into an agreement under subsection b of this section with any State if:

[1] The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

[2] The Commission finds that the State program is in accordance with the requirements of subsection o. and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed amendment."

The Staff has concluded that the State of Iowa meets the requirements of section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. Since the State is not seeking authority over uranium milling activities, subsection o. is not applicable to the proposed Iowa agreement.

Dated at Bethesda, Maryland, this 24th day of September 1985.

For the U.S. Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

Appendix A

Proposed Agreement Between the United States Nuclear Regulatory Commission and the State of Iowa for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

WHEREAS, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in sections 11e. (1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of Iowa is authorized under Chapter 136C, Code of Iowa, to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of Iowa certified on ———, 1985, that the State of Iowa (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on ———, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials as defined in section 11e.(1) of the Act;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;

E. The land disposal of source, byproduct and special nuclear material received from other persons; and

F. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area(s) specified in Article II, paragraph E or F, whereby the State can exert regulatory control over the materials stated herein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulations, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss of diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection agains hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules, and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the material listed in Article I licensed by the other party of by an Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j. of the Act, temporarily suspend all or part of this agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article IX

This Agreement shall become effective on ———, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in triplicate, this — day of ———, 1986.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino, *Chairman.*

Done at Des Moines, Iowa, in triplicate, this —— day of ———, 1985.

For the State of Iowa.

Terry E. Branstad, *Governor.*

Appendix B—The Iowa Radiation Control Program

Foreword

The State of Iowa, while recognizing that the scientific medical and industrial usage of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is committed to attain the highest practicable degree of protection for the public health from the harmful effects of all types of radiation, the second session of the 70th Iowa General Assembly (1984) enacted H.F. 2110 which is an act relating to the regulation of radiation machines and radiation material.

Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the United States Nuclear Regulatory Commission (NRC) to enter into an agreement with the Governor of a state, for purposes of enabling that state to assume regulatory responsibility for licensing and regulatory control of byproduct, source and less than critical quantities of special nuclear material.

Section 136C.11 of 1984 Iowa Act, H.F. 2110, authorizes the Governor, on behalf of the Iowa State Department of Health (ISDH), Division of Disease Prevention, Environmental Health Section, Radiological Health Program, to enter into an agreement with the NRC. This agreement would provide for the discontinuance of certain responsibilities of the NRC relating to ionizing radiation and the assumption of such responsibilities by the State. A copy of the subject legislation is contained in Appendix I.D.

Radiation Protection in Iowa

Prior to 1979 there was no comprehensive regulation of x-ray or radium within the State of Iowa. Enactment of legislation entitled, "Radiation Emitting Equipment," which became effective January 1, 1979, enabled the ISDH to assure the safe installation, operation, and use of radiation emitting equipment through the process of rulemaking, registration, and inspection. Radiation emitting equipment includes sources of ionizing radiation, such as x-ray machines, accelerators, radium and other radioactive material not under the jurisdiction of the NRC.

In implementing this law, the ISDH established a radiation control program in July 1979 and promulgated rules which became effective July 1, 1980. Although Iowa has made a belated appearance on the radiation control regulatory scene, it has been able to profit from the knowledge gained by other Federal, state, and local programs who have been actively engaged in this activity for many years. In particular, the rules which Iowa adopted were directly extracted from those recommended by the National Conference of Radiation Control Program Directors, Inc., and reflect several decades of experience by other radiation control programs. These rules basically address safety requirements associated with equipment, but also include stipulations regarding maximum exposure levels, operating procedures, safety instructions, warnings, and personnel and patient protection.

Registration and Inspection

On July 1, 1980, the Environmental Health Section's Radiological Health Program (RHP) initiated its registration program for equipment. As of January 1, 1984, approximately 2400 possessors of almost 5000 healing arts x-ray machines have registered their equipment with the Department. This number includes all healing arts users including hospitals, educational institutions, industries, and

state and local agencies. In addition, there are approximately 80 facilities employing non-healing arts x-ray and 20 possessors, of radium registered as are the possessors of 15 particle accelerators. Ninety percent of the registered facilities fall into the healing arts categories.

In addition to registration, the RHP also is conducting comprehensive inspections throughout the State. The radiation emitting equipment inspected to date almost entirely consists of diagnostic x-ray machines employed in the healing arts. As of April 1, 1985, the RHP has inspected over 47 percent of the x-ray tubes and two radium users. Although a wide variety of units were inspected, including newly installed equipment, major emphasis was given to equipment which might pose the greatest risk to public health either because of its antiquity or improper use. Locations of the units and information used in prioritizing were obtained from the registration program.

Approximately 17 percent of the units inspected thus far have been found to possess major items of non-compliance such as the absence of a means to limit the useful beam of the x-ray to the portion of the patient's body which is of clinical interest or the absence of an adequate means of protecting the operator from radiation exposure. An additional 67 percent of the units inspected were found to not conform with aspects of the rules of lesser public health concern. In most cases these minor non-compliances can be rectified by establishment of safety procedures and other instructional guidance to the operator or by adjustment and calibration of equipment. All non-compliance equipment has either been corrected or is in the process of being corrected.

Special Provisions

The 1979 Iowa law and subsequent rules, while diligently following the pathway blazed by other states, does incorporate several new provisions not embarked on by most of the other state programs. These new avenues toward reducing radiation exposure involve the following areas:

(1) Restricting healing arts screening practices;

(2) Establishing operator training requirements;

(3) Maintaining human exposure to radiation at levels which are as low as reasonably achievable; and

(4) Funding a radiation control program from registration/inspection fees paid by possessors of radiation emitting equipment.

Healing Arts Screening

Healing arts screening can be defined as the intentional exposure of individuals to x-ray for diagnostic purposes without the specific and individual order of a licensed practitioner of the healing arts. The Iowa Administrative Code only permits that such screening practices be conducted with the approval of the ISDH. Until the promulgation of these rules there was no legal restriction against the indiscriminate x-raying of persons in the State without involving a licensed practitioner. A number of large industrial employers were regularly hiring out-of-state mobile x-ray services to conduct annual chest x-ray examinations which were in some cases required by the employer or in one instance an employee benefit included in the labor contract. The degree of scrutiny given to analyzing the x-ray films obtained from these screening practices or of assuring the provision of the diagnostic information retrieved from the individuals' personal physicians is highly suspect. Implementation of these regulatory provisions has significantly decreased the observed instances of unwarranted healing arts screening.

These rules are intended to minimize, if not preclude, the screening which is conducted randomly and arbitrarily, and without appropriate pre-selection. Such pre-selection would include the identification of positive reactors to tuberculin skin tests, or other individuals who have a demonstrated increased risk to disease for which x-ray diagnosis is appropriate. For instance, ISDH approval can be and has been justified for chest x-ray screening of workers exposed to asbestos or silicon dusts.

X-ray examination at the discretion and prerogative of an examining licensed practitioner who needs such radiographic information for diagnostic purposes would not, of course, be healing arts screening and, therefore, not subject to restriction. This requirement would hopefully serve to reduce unnecessary x-ray exposure to the public by reducing the number of x-rays taken for purposes of legal liability, insurance claims, workman's compensation, or otherwise where the probability of receiving healing arts benefits is extremely remote.

Operator Training Requirements

January 12, 1983, is the effective date for the State "Minimum Training Standards for Diagnostic Radiographers" (470–42.1(136C)). This rule applies to operators of diagnostic x-ray equipment employed in the healing arts other than dentistry or veterinary medicine. Licensed practitioners in medicine, osteopathy, chiropractic or podiatry also are not covered under the rules. The standard establishes training requirements for two categories of diagnostic radiographers, General and Limited.

General diagnostic radiographers are those who may apply x-ray to any portion of the human body to obtain a radiograph. Successful completion of a two-year training program identical to that which is necessary to obtain national certification is required for the General category.

The Limited category would include those individuals who only radiograph specific portions of the human body, such as chests, extremities or in the practice of chiropractic or podiatry. The training programs for Limited diagnostic radiographers must be specifically recognized by the ISDH and are not expected to exceed approximately 80 hours total class time.

The Conditional diagnostic radiographer category would be made available only by special exemption from these rules and would be temporary in nature. Typically such an exemption may be provided to afford a short, but reasonable period of time, for an individual to commence an acceptable training program. It is difficult to conceive of a situation in which a long-term exemption permitting a Conditional diagnostic radiographer could be justified. Hopefully, this exemption will enable the timely training of operators without undue interference with the provision of healing arts services.

As Low As Reasonably Achievable

As an adjunct to its compliance program, the ISDH is participating in a radiological health initiative with the Food and Drug Administration's (FDA) Bureau of Radiological Health by disseminating educational material on unnecessary radiation exposure in the healing arts. This information has been provided to practitioners and other healing arts facilities for distribution to patients.

This program involves the distribution of consumer information packets to all types of healing arts facilities including medical doctors, osteopathic doctors, chiropractors, dentists, hospitals, clinics, and numerous specialty type facilities such as podiatry, gynecology, urology, internal medicine, neurology and surgery. The program is scheduled to continue indefinitely with radiation inspectors and other field personnel

distributing the packets. The information being disseminated is not new. It has long been recognized in the field of radiation protection. The new aspect of this program is that it emphasizes the role of the consumer in protection effects.

Since this program so very directly relates to diagnostic x-rays, a valuable tool of the healing arts, it seems only appropriate that dissemination of this information be closely associated with healing arts facilities.

The ISDH also is cooperating with the FDA in its "Dental Exposure Normalization Technique"

This activity is primarily directed towards reducing patient exposure through quality assurance programs at dental facilities. The Iowa Dental Association has expressed its support of this program and is actively nurturing cooperation within the dental community.

Further emphasis towards encouraging reduction in patient exposure from medical x-ray procedures through voluntary quality assurance program emphasis is contemplated for the future. Physical demonstration of financial, as well as patient exposure savings, is expected to be an effective method of obtaining cooperation from the community.

The activities of the RHP are supported, to a large degree, from fees paid by registrants of radiation emitting equipment. This method of fiscal support is based on the statutory requirement for fees in amounts sufficient to defray the cost of administering this program. The apportionment of fees approximates as closely as possible the ISDH resources necessary to administer this program in relation to each registrant. In developing the fee, we attemped to maintain consistency with fees other states were charging for equipment as well as the method employed in assessing these fees. The fee schedule as it now exists is our best estimate of what is needed to defray the cost of this regulatory program. The variation in the fees reflects differences in equipment complexity and potential public health impact moderated by an equalizing tendency of an overall registration program. The person having legal possession of radiation emitting equipment is considered the registrant of that equipment and the person responsible for paying the fee. Fees range from $20.00 for an individual industrial x-ray unit to a maximum of $250.00 for facilities possessing 16 or more medical x-ray machines.

Other Activities

Basically the Iowa RHP is similar to those being implemented in most other states, with the slight exception of the features described above. Currently, major emphasis is being given to reducing exposure from diagnostic x-ray because of its overall contribution to that total populations's exposure from man-made radiation sources.

In addition to fulfilling its responsibilities under the Radiation Emitting Equipment Act, the Agency also serves to provide State government with radiological health expertise, particularly in the event of nuclear emergencies. This activity involves consulting with other agencies on such subjects as transportation of radioactive material, low-level radioactive waste disposal, radioactive contamination, protective action guides for radioactively contaminated agriculture products and medical radiological response. In the unlikely event of a nuclear emergency in Iowa, personnel from the Environmental Health Section would report to the State Emergency Operations Center and primarily perform the following functions:

1. Receive and interpret data regarding radioactivity releases to the environment or the potential for such releases;

2. Perform calculations to ascertain the resultant levels of radioactivity affecting persons;

3. Evaluate the impact of these radioactivity levels of the public health; and

4. Translate this health physics evaluation to the decision makers and assist them in making protective action decisions.

In addition to this formalized response, the agency also provides consultative and training services to the public and regulated sectors relating to radiation safety. Investigations of complaints, minor accidents and suspected radiation problems are conducted on request as staff and resource limitations permit.

New Legislation

The second session of the 70th Iowa General Assembly (1984) passed H.F. 2110 (Appendix I,D). This legislation provides the authority for the Governor to enter into an agreement for the assumption of certain licensing and regulatory functions of the NRC. Rules which will facilitate the transition of authority from the NRC to the State radiation control group have been promulgated. We are aware of the need to periodically update rules to maintain compatibility. Work is underway to address appropriate revisions of the current rules. Draft rule changes will be submitted to NRC for review and comment.

Organization, Functions and Responsibility

The 18th General Assembly of Iowa established a State Board of Health in March 1880. The purpose of the Board was to provide for collecting vital statistics, to assign certain duties to local boards of health, and to punish neglect of duties. The Board consisted of nine members which included the State Attorney General, one civil engineer, and several physicians.

The State Board of Health and State Department of Health first appeared in the Iowa Code in 1897. The current legislation for this Board and Department is:

1. Chapter 136, The Code, stipulates that the Board is the policy making body for the Department of Health having powers and duties to:

a. Consider and study the entire field of legislation and administration concerning public health, hygiene and sanitation.

b. Advise the Department relative to:

i. The causes of disease and epidemics and the effect of locality, employment and living conditions upon public health

ii. The sanitary conditions in the educational, charitable, correction and penal institutions in the State

iii. Communicable and infectious disease including zoonotic diseases, quarantine and isolation, venereal diseases, antitoxins and vaccines, housing and vital statistics

c. Establish policies governing the performance of the Department in the discharge of any duties imposed on it by law.

d. Establish policies for the guidance of the Commissioner in the discharge of his duties.

e. Investigate the conduct of the work of the Department and for this purpose it shall have access at any time to all books, papers, documents and records of the Department.

f. Advise or make recommendations to the Governor or General Assembly relative to public health, hygiene and sanitation.

g. Adopt, promulgate, amend and repeal rules and regulations consistent with law for the protection of public health and for the guidance of the Department. All rules which have been or are hereafter adopted by the Department shall be subject to approval by the Board.

2. Chapter 135, The Code, stipulates that the Commissioner of Public Health is the head of the State Department of Health having the power and duties to:

a. Exercise general supervision over the public health, promote public hygiene and sanitation and, unless otherwise provided, enforce the laws relating to same.

b. Conduct campaigns for the people in hygiene and sanitation.

c. Issue monthly health bulletins containing fundamental health principles and other data deemed of public interest.

d. Make investigations and surveys with respect to the causes of disease and epidemics and the effect of locality, employment, and living conditions on the public health.

e. Make inspections of the sanitary conditions in the educational, charitable, correctional, and penal institutions in the State.

f. Make inspections of the sanitary conditions in any locality of the State upon written petition of five or more citizens from said locality and issue directions for the improvement of the same which shall be executed by the local board.

g. Establish, publish, and enforce a code of rules governing the installation of plumbing in cities.

h. Exercise general supervision of the administration of the housing law and give aid to the local authorization in the enforcement of the same.

i. Enforce the law relative to the "Practice of Certain Professions Affecting the Public Health."

j. Establish and maintain such divisions in the Department as are necessary for the proper enforcement of the laws administered by it including a division on contagious and infectious disease, a division of venereal disease, a division of vital statistics and a division of examinations and licenses; but the various services of the Department shall be so consolidated as to eliminate unnecessary personnel and make possible the carrying on of the functions of the Department under the most economical methods.

k. Establish, publish and enforce rules not inconsistent with law for the enforcement of the provisions of this title and for the enforcement of the various laws, the administration and supervision of which are imposed upon the Department.

l. Establish standards for issuing permits and exercise control over the distribution of venereal disease prophylactics distributed by methods not under the direct supervision of a licensed physician under Chapters 148, 150 or 150A or a pharmacist license under 147. Any person selling, offering for sale or giving away any venereal disease prophylatic in violation of the standards established by the Department shall be fined not exceeding five hundred dollars and the Department shall revoke this permit.

m. Administer the statewide public health nursing and homemaker-home health aide programs by approving grants of state funds to the local boards of health and county boards of supervisors and by providing guidelines for the approval of the grants and allocations of the State funds.

The Department has two assistants to the Commissioner who are responsible for (1) Central Administation and Professional Licensure, and (2) Health Planning and Development. There are also four division directors responsible for (1) Health Facilities, (2) Disease Prevention, (3) Personal and Family Health, and (4) Community Health. A chart showing the present organization of the Department of Health is contained in Appendix IIA.

Funding for the Department is both State and Federal. Federal Block Grants are used to fund many of the Department's programs. Funds for the RHP are 19 percent Federal contract money, 40 percent from registration fees and 41 percent state funds.

Although our legislation to regulate radiation producing machines and radioactive materials does not mandate the appointment of an advisory committee, such a committee has been appointed by the Commissioner of Health and is called the Ad Hoc Committee on Rules for Radiation Emitting Equipment. The current committee is made up of 20 individuals representing engineering, diagnostic radiography, nuclear medicine, dentistry, veterinary medicine, chiropractic, podiatry, manufacturers, industry, allied health organizations and public interest groups. Appendix III is a list of the membership of the present committee. This committee's responsibilities are to act as a techincal resource and a review mechanism for rules promulgated by the Department. The committee is strictly advisory and final decisions are reserved for the Commissioner based on staff recommendations. Any conflict of interest on the part of the advisory committee would be taken into consideration in the staff review. The RHP of the Environmental Health Section has the authority to regulate the use of all sources of ionizing radiation, except those it may exempt or are under the jurisdiction of the Federal government. A chart showing the organization of the Environmental Health Section is shown in Appendix IIB.

All members of the RHP staff have experience in health physics and are in the process of receiving specialized training relating to radioactive materials. Professional staff including both new and existing personnel will continue attending NRC training courses as they become available to attain and maintain a high level of technical competency. Responsibilities, background and experience of radiation control personnel are given in Appendix IV.

The RHP is within the Environmental Health Section of the Division of Disease Prevention. The Section Director is responsible for signing licenses and overall general supervision of the Program. The Coordinator of the RHP will be responsible for supervising the review of license applications and the justification and writing of all licenses. This individual will also review all inspection reports and be responsible for corresponding with licensees to advise them of items of non-compliance found during inspections and eliciting compliance. The Coordinator will spend one-third of a person-year on agreement state program activities. A senior staff member of the RHP will be responsible for conducting license application review and preparation of licenses. He will have lead responsibility for inspection of licensees and investigation of incidents pertaining to radioactive materials. This staff person will also be an integral part of all emergency response efforts. It is anticipated that a major portion of this individual's time will be spent on the agreement state program. Prior to consummation of the agreement a position will be estabished to provide secretarial support for this program. It is also anticipated that the RHP professional staff will be trained and used in the radioactive materials program to do routine inspections. It is expected that the total personnel time devoted to the radioactive materials program will be at least two-person-years.

Within Iowa the Departments of Health, Water, Air and Waste Management, Transportation and the Bureau of Labor also have authority regarding radioactive materials. To avoid duplication of effort, promote coordiation of radiation protection activities and assure uniform regulation and timely investigation of all potentially hazardous situations resulting from radioactive material, appropriate interagency agreements are necessary. The Iowa Code (Appendix

IB) permits state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilitate with other agencies and to cooperate in other ways of mutual advantage. To consolidate the radiological health activities the Iowa State Department of Health has entered into 28E Agreements with the Department of Water, Air and Waste Management, the Department of Transportation and the Bureau of Labor. Appendix IB.1, 2 and 3 contains copies of the subject legislation and a copy of each of the 28E agreements.

Scope of Activities

The RHP administers the regulatory program associated with licensing of radio-active materials and registration of radiation machines, special projects and emergency response. Chapter 136C, The Code, (Attachment I, D) outlines the Department's duties. General laboratory services for the State are provided by the University Hygienic Laboratory (UHL) at the University of Iowa, Iowa City. Laboratory analysis needed by the RHP would be provided by the UHL through a contractual agreement to be established prior to the signing of the NRC agreement. Also, as part of this contractual agreement we will make provision to obtain environmental surveillance data generated by UHL.

Base on a review of NRC licensees in Iowa it would appear that there is not an immediate need for the RHP to have environmental surveillance capabilities. As we progress into the agreement state program, should the need arise, we will take whatever action is necessary to verify environmental surveillance data provided by a licensee or to conduct environmental surveillance activities to determine if a public health problem exists and to determine the extent of such a problem.

Within Iowa there are 5,251 registered radiation machine tubes which includes 2,752 dental tubes, 1,822 medical tubes, 398 chiropractic tubes, 68 podiatry tubes, and 195 tubes used for non-healing arts purposes. These tubes are all contained in 2,451 registered facilities. There are 27 linear accelerators registered with the Program. Eighteen are used for medical therapy purposes and nine are used for industrial purposes. We also have 24 facilities registered who use NARM products. As of March 1, 1985, there are 172 NRC licenses in Iowa. It is anticipated that the State will assume approximately 170 of these licenses.

At this time, the State does not wish to assume authority over uranium milling activities or the commercial disposal of low-level radioactive waste. The State, however, reserves the right to apply at a future date to NRC for an amended Agreement to assume authority in these areas.

Regulatory Procedures and Policy

Licensing and Registration

Chapter 136C, The Code, requires licensing of all radioactive materials and radiation machines except for sources of radiation which are specifically exempted by rule. Fees are charged for radiation machine registration as set forth in 470-38.13(1) of our Radiation Emitting Equipment Rules, Title IV. 470-38.13(2) sets forth the provision that a license and inspection fee for radioactive materials will be based on the provisions of 10 CFR Part 170.

Licensing procedures are being developed and will be consistent with those of the NRC. A draft licensing application and sample forms contained in Appendix V will be used in conjunction with licensing and regulatory guides patterned after NRC documents.

General licenses are provided by rule without filing an application with the Department or the issuance of a licensing document. General licenses will be issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public health and safety. Specific licenses or amendments thereto will be issued upon review and approval of an application. A specific license will be issued only to named persons or facilities under the supervision of a named person and will incorporate appropriate conditions and expiration date. A pre-licensing inspection will be conducted when appropriate.

The Department will establish a subcommittee of our Ad Hoc Committee on Rules for Radiation Emitting Equipment and seek its advice and consultation regarding all applications for non-routine medical use of radioactive materials. Appropriate research protocols will be required as a part of such an application. The Department will maintain knowledge of current developments, techniques and procedures for medical use applicable to the licensing program through continuing contact and information exchange with the NRC, other agreement states and the medical profession.

The registration and inspection program for radiation producing machines will continue and the use and inspection of NARM will be phased into the radioactive materials program.

Inspection Program

The Department has an inspection/compliance program for radiation machines which is similar to that which will be established for the radioactive materials program. Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate rules and provisions of licenses will be conducted as scheduled or in response to requests or complaints. Inspection frequency will be based upon the extent of the potential hazard and experience with the particular facility. Inspection priorities may be changed on a case-by-case basis consistent with current NRC practices. It is anticipated that the state inspection of licensees will be conducted in accordance with the following inspection frequency chart.

License type	Inspection frequency
Industrial Radiography	1 year.
Broad Medical	2 years.
Broad Academic	2 years.
Nuclear Pharmacy	2 years.
Research and Development	3 years.
Broad Industrial (A & B)	3 years.
Nuclear Medicine	3 years.
Teletherapy	3 years.
Broad Industrial (C)	5 years.
Non-Medical Group	5 years.
Mobile Gauges	5 years.
Limited Industrial	6 years.
Academic (not covered above)	6 years.
Gauges, Calibrators, etc.	Initial.[1]

[1] As needed.

All license type/inspection frequency not covered above will be inspected based on NRC criteria.

Inspections will be conducted on an unannounced basis unless the Department determines that an announced inspection is more appropriate. Written inspection procedures developed with NRC guidance will be followed in conducting inspections and preparing reports.

The RHP has personnel trained in regulatory practice and procedures. Additionally, program personnel continue to accompany NRC inspectors during their field inspections in Iowa to gain a higher degree of competency in evaluating radiation safety and to determine compliance with appropriate regulations and license provisions. Inspections will include the observation of pertinent facilities, operators and equipment; a review of the pertinent records and of radioactive materials—all as appropriate to the scope of the activity, conditions of the license and applicable rules. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be

made at management levels whenever possible. Following the inspection, results will be discussed with management. Prompt investigations and reports will be made of all reported or alleged incidents to determine the cause, the steps to be taken for correction, and the prevention of similar incidents in the future.

Compliance and Enforcement

Compliance with rules and license conditions will be determined by inspections and evaluation of inspection reports. When there are items of non-compliance, the licensee or registrant will be informed at the time of inspection as follows:

1. When the items are minor and the licensee or registrant agrees at the time of inspection to correct them, written inspection findings will be prepared which will list the items of non-compliance, confirm any corrections made during the inspection, and require acknowledgment by the person interviewed. The licensee or registrant will be informed that a review of any corrective action items will be conducted at the time of the next regular inspection or by a reinspection.

2. When the non-compliance is considered serious, the person interviewed will be informed at the time of the inspection. Written notification of inspection findings will be sent to the licensee or registrant which will delineate the items of non-compliance and require a written response within 30 days of the written notification date. The response from the license or registrant shall include a correction action plan and a timetable which will outline the completion dates for correcting all non-compliance items.

3. If no reply is received to the initial written notification within the specified time, a regulatory letter will be sent to management. This letter will order compliance and advise that if corrective action is not initiated, the Department will seek appropriate penalties and direct remedial relief.

4. Continued non-compliance as determined by a reinspection, if appropriate, or by failure to respond within five days of the regulatory letter could result in Departmental action as outlined in 470–38.9(5) of our Radiation Emitting Equipment Rules, Title IV. The Departmental action may include one or a combination of the following:

a. Impound or order the impounding of radioactive material in accordance with Iowa Code, Section 136C.5 Subsection 5.

b. Impose an appropriate civil penalty.

c. Revoke a radioactive materials license.

d. Request the County Attorney or the Attorney General to seek court action to enjoin violations and seek conviction for a simple misdemeanor.

e. Take enforcement action that the Department feels appropriate and necessary and is authorized by law.

The Department uses its best efforts to attain compliance through cooperation and education prior to initiating the formal legal procedures outlined above.

Upon request by a licensee or upon the determination by the Department, the terms and conditions of a license may be amended, consistent with our legislation or rules, to meet changing conditions in operations or to remedy technicalities of non-compliance.

Effective Date of License

Any person who possesses a license for agreement materials issued by the NRC, on the effective date of the agreement with the NRC, shall be deemed to possess a like license issued by the Department which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Administrative Procedures

The basic standards of procedures for administrative agencies in the State of Iowa are set forth in Chapter 17A, The Code (copy in Attachment IA). The Department will follow the provisions of this Chapter, Chapter 136C, The Code, which is the act relating to the Regulation of Radiation Machines and Radioactive Material and the Department's Radiation Emitting Equipment Rules, Title IV, with respect to hearings, issuance of orders and judicial review of findings.

Compatibility and Reciprocity

In promulgating the present Radiation Emitting Equipment Rules, Title IV, the Department has, insofar as practicable, maintained compatibility with NRC and agreement state regulations, has avoided requiring dual licensing and has provided for reciprocal recognition of other agreement states and Federal licensees.

Through these rules the State has adopted radiation protection standards and will strive to maintain compatibility with NRC and other agreement states. The Department will also cooperate with NRC and other agreement states in interchanging information and statistics relating to control of radioactive materials.

Interagency Agreements

Interagency agreements are provided for in Chapter 28E, The Code, (copy in Appendix IB). Currently the ISDH has 28E Agreements with the Iowa Bureau of Labor, the Iowa Department of Transportation, and the Iowa Department of Water, Air and Waste Management. (Copies of each agreement are attached to appropriate legislation in Appendix IB.1, 2 and 3.) The purpose of each is to avoid duplication of effort and to promote coordination of radiation protection activities; assure uniform regulation of the use, manufacture, production, distribution, sale, transport, transfer, installation, repair, receipt, acquisition, ownership and possession of radioactive materials from a radiological health and safety standpoint relating to the exposure of individuals, and to assure timely investigation of all potentially hazardous situations resulting from radioactive material.

Radiation Laboratory Services

The RHP has or will be obtaining the equipment to have the capability of evaluating samples collected during routine inspections and for making independent measurements. The current equipment the program has is listed in Appendix VI. We have included in our 1985–86 budget request $10,500.00 for new equipment which will include additional ion chambers, alpha detection process, a neutron measurement device, audible personnel monitoring devices, etc. We have a good working relationship with Iowa State University (ISU), the University of Iowa (U of I), and the University (State) Hygienic Laboratory (UHL). These institutions have very good radiation measurement inventories and in the past we have been able to borrow equipment as the need arises. All instruments used for inspection and emergency response will be calibrated on the basis recommended by NRC.

Iowa has an environmental surveillance program. It is conducted by the State University Hygienic Laboratory (UHL) and includes radiological analyses of air, surface and drinking waters and milk samples taken State-wide. The UHL also conducts a radiological surveillance program around the Duane Arnold power reactor site under contract with NRC. If, in the future, the State licenses a facility having a potential for a significant radiological impact upon the environment, the State has the capability to develop a site-specific environmental surveillance program.

The Iowa enabling legislation empowers the State to charge the licensee a fee to recover the costs of such a program.

The three institutions mentioned above have the capability to do gamma spectroscopy and gross alpha-beta counting of environmental sample. In most cases UHL will be used because it is the agency which provides laboratory services for the State of Iowa. If the UHL is unable to perform necessary tests, assistance will be requested from the appropriate Federal agency.

Emergency Response

The RHP has technically trained personnel and specialized equipment to investigate and evaluate incidents involving ionizing radiation. The program continues to prepare for such response by providing the following:

1. Trained staff for advisement required to meet any given situation.
2. Trained and equipped staff for emergency field activities. If the magnitude to the incident would be too great, assistance could be obtained from the three state emergency response teams which are located at ISU, U of I and UHL.
3. Transportation to the incident site via private auto or by any type of state mode of transportation which would be necessary for prompt response.
4. Established liaison with appropriate Federal officials.
5. Training of key personnel of other State/local agencies.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup are provided by the Department. All program personnel will be maintained at an operation-ready level of training. This will be accomplished by training received in house and from Federal agencies.

Appendix VIIA is the portion of the Nuclear Power Plant Emergency Plant Response criteria of the Iowa Emergency Plan which relates to the ISDH activities. The Plan addresses only off-site releases from fixed nuclear facilities. Upon review you will note that it is the responsibility of the Department to advise the Iowa Office of Disaster Services (ODS) of the extent of the hazard to the public health and safety and recommend protective actions as necessary.

In Appendix VIIB is the portion of Annex E of the Iowa Emergency Plan which outlnies the telephone procedure for a radioactive material incident. This Annex is currently being revised to address State actions to be taken regarding radioactive material spills, overexposures, transportation accidents, fires or explosions, theft, etc., and to update the guidance materials incorporated into the plan. All licensees will be given a copy of Annex E and instructed in the proper method of reporting incidents.

[FR Doc. 85-23305 Filed 9-30-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published September 24, 1985 (50 FR 38727). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the November 1985 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3265, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Joint Waste Management and Metal Components, October 24 and 25, 1985, Washington, DC. The Subcommittees will review NRC's: (1) High-Level Radioactive Waste Program: Programmatic Overview and Approach—Products, Activities and Schedules; (2) Definition of High-Level Radioactive Wastes; (3) General Technical Approach to Indentify Licensing Information Needs—Overview of Performance Assessment Methodologies and Issues; (4) Final Waste Form Package Reliability Generic Technical Position; and (5) High-Level Radwaste Form and Container Materials Research and Technical Assistance Programs.

Beaver Valley Power Station Unit 2, November 1, 1985, Coraopolis, PA. The Subcommittee will review the application of the Duquesne Light Company for an operating license for Beaver Valley Unit 2.

Regulatory Policies and Practices, November 1, 1985, Washington, DC. The Subcommittee will discuss SECY-85-208 and recommendations made by Judge Cotter of the ASLBP and OPE related to the establishment of an incident investigation organization within NRC.

Reactor Operations, November 4, 1985, Washington, DC. The Subcommittee will review recent operating experience.

CE/Palo Verde, November 5, 1985, Washington, DC. The Subcommittee will review: (1) Arizona Nuclear Power's test program experience on Unit 1, and (2) portions of CE's design of decay heat removal system.

Long Range Plan for NRC, November 6, 1985, Washington, DC. The Subcommittee will continue discussions on developing comments on a long range plan for the NRC. Topics to be discussed are primarily technical issues related to the regulations of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Joint Reliability and Probabilistic Assessment and Safety Philosophy, Technology, and Criteria, November 6, 1985 (tentative), Washington, DC. The Subcommittees will: (1) Continue the review to the two-year trial use of the Proposed Safety Goal Policy, (2) review the NRC Staff proposed resolution for USI A-17, "System Interactions in Nuclear Power Plants," and (3) review the status of the ongoing NRC Staff work on steam generator overfill.

Millstone Point Units 1-3, November 18, and 19, 1985, Waterford, CN. The Subcommittee will review the Northeast Nuclear Energy Company's application for conversion of the Provisional Operating License to a Full-Term Operating License for Unit 1.

Emergency Core Cooling Systems, November 22, 1985, Washington, DC. The Subcommittee will continue its review of the proposed revision of 10 CFR 50.46 and Appendix K.

Human Factors, November 25 and 26, 1985, Washington, DC. The Subcommittee will complete its review of current reactor operator requalification procedures and initiate review of proposed final rulemaking on 10 CFR Part 55 and three related Regulatory Guides.

Decay Heat Removal Systems, December 2 (tentative) and 3, 1985,

Washington, DC. On December 2 the Subcommittee will discuss the issue of AFW reliability, and on December 3 the Subcommittee will continue the review of the NRR resolution position for USI A-45, "Shutdown Decay Heat Removal Requirement."

Qualification Program for Safety-Related Equipment, December 4, 1985, Washington, DC. The Subcommittee will discuss resolution and implementation of USI A-46.

Emergency Core Cooling Systems, December 10 and 11, 1985, Palo Alto, CA. The Subcommittee will continue the review of the joint NRC/B&WOG/EPRI/B&W joint IST Program. A visit is planned to the EPRI-sponsored facilities supporting this Program and the Stanford Research Institute and Science Applications, Inc.

Quality and Quality Assurance In Design and Construction, December 13, 1985, Washington, DC. The Subcommittee will discuss with the NRC Staff such programs at CAT, IDVP, IDI, and readiness review to ensure quality in nuclear plant design and construction. Further, a discussion with the Staff of their program to deal with allegations at the OL stage (i.e., Comanche Peak). Emphasis should be on comparing the resources required by the various programs and the effectiveness of the programs in assuring quality of plant design, construction and readiness for operation.

Safety Research Program, February 12, 1986 (tentative), Washington, DC. The Subcommittee will continue its review of the NRC Safety Research program and budget and will also discuss a final draft of the ACRS report to the Congress.

Fort St. Vrain, Date to be determined (November/December), near Longmont, CO. The Subcommittee will tour the facility, explore technical problems addressed during the recent extended outage, and discuss management changes made as a result of the licensee's independent assessment of management controls.

Human Factor, Date to be determined (December), Washington, DC. The Subcommittee will explore methods for deciding what actions should be automated in nuclear power plant operations.

Reliability and Probabilistic Assessment, Date to be determined (Fall, tentative), Washington, DC. The Subcommittee will review the probabilistic risk assessment for Millstone 3.

South Texas Units 1 and 2, Date to be determined (January), Washington, DC. The Subcommittee will review Houston Lighting and Power Company's application for an operating license.

Scram Systems Reliability, Date to be determined, Washington, DC. The Subcommittee will discuss scram breaker reliability for B&W and CE plants and continue its review of the ATWS Rule implementation effort.

CE Nuclear Plants, Date to be determined, Washington, DC. The Subcommittee will discuss the issue of rapid depressurization for CE plants without PORVs.

ACRS Full Committee Meeting

November 7-9, 1985: Items are *tentatively* scheduled.

*A. *Palo Verde Nuclear Station*—Discuss results of the startup test program of Unit 1.

*B. *NRC Committee to Review Generic Requirements*—Briefing regarding the activities of the CRGR.

*C. *General Electric Standard Safety Analysis Report (GESSAR-II)*—Discuss proposed ACRS report to the NRC regarding the FDA request for this system.

*D. *Meeting with NRC Commissioners (tentative)*—Discuss ACRS reports to NRC regarding consideration of extreme environmental phenomena in emergency planning.

*E. *Reactor Pressure Vessel Thermal Shock*—Discuss recommendations of ACRS consultant report on reactor pressure vessel thermal shock.

*F. *Recent Operating Events at Nuclear Plants*—The ACRS will discuss the report of its subcommittee and presentations by representatives of the regulatory staff regarding recent incidents and accidents at nuclear power plants.

*G. *NRC Outage Inspection Program*—Briefing by representatives of the NRC Staff regarding proposed activities in connection with the NRC outage inspection program at nuclear plants.

*H. *Beaver Valley Nuclear Power Station Unit 2*—Consider the requested operating license for this unit.

*I. *Proposed NRC Safety Goal Policy Statement*—Discuss proposed NRC policy statement regarding use of quantitative safety goals in the NRC regulatory process.

*J. *Future ACRS Activities*—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

*K. *Nuclear Power Plant Operator Training*—Discuss proposed establishment of a national academy for the training of nuclear power plant operators.

*L. *Nuclear Accident Source Term*—Discuss proposed radioactive source term for nuclear power plant accidents and incidents.

*M. *Selection of Nuclear Power Plant Operators*—Discuss proposed ACRS comments regarding the methods used for selection of nuclear power plant operators.

*N. *Seismic Margin in Nuclear Power Plants*—Discuss proposed ACRS comments regarding NRC activities related to better definition of the seismic margin in nuclear power plants.

*O. *New ACRS Member*—Discuss qualifications requried for new ACRS member.

*P. *ACRS Subcommittee Activities*—Discuss reports of ACRS subcommittees and subcommittee chairmen regarding status of ongoing subcommittee activities.

December 5-7, 1985—Agenda to be announced.

January 9-11, 1986—Agenda to be announced.

Dated: October 17, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85-25188 Filed 10-21-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Beaver Valley Power Station Unit 2; Meeting

The ACRS Subcommittee on Beaver Valley Power Station Unit 2 will hold a meeting on November 1, 1985, at the Holiday Inn Airport Hotel, 1406 Beers School Road, Coraopolis, PA.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, November 1, 1985—8:30 a.m. Until the Conclusion of Business

The Subcommittee will review the application of the Duquesne Light Company for an operating license.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be

present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Duquesne Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 16, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–25184 Filed 10–21–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Policies and Practices; Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on November 1, 1985, Room 1046, 1717 H Street, NW., Washington, D.C.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, November 1, 1985—8:30 a.m. Until 5:00 p.m.

The Subcommittee will discuss SECY–85–208 (Incident Investigation Program) and recommendations made by ASLBP and OPE related to the establishment of an Incident Investigation Organization within NRC.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Anthony Cappucci (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the aboved named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 16, 1985.

Morton W. Libarkin,

Assistant, Executive Director for Project Review.

[FR Doc. 85–25185 Filed 10–21–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on Monday, November 4, 1985, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, November 4, 1985—1:00 p.m. Until the Conclusion of Business

The Subcommittee will review recent operating experience.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 16, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–25186 Filed 10–21–85; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–269, 50–270 and 50–287]

Duke Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, issued to Duke Power Company (the licensee), for operation of the Oconee Nuclear Station, Units 1, 2 and 3, located in Oconee County, South Carolina.

The amendments would revise Technical Specifications (TSs) of the operating licenses to establish a degraded mode of operation if a core flood tank boron concentration decreases below the current requirement of 1835 ppm. Presently, the Oconee Nuclear Station, Units 1, 2 and 3, TSs require plant shutdown in 12 hours if the boron concentration in each core flood tank falls below 1835 ppm boron. The change proposed by the licensee would allow the boron concentration in one core flood tank to decrease below the current minimum of 1835 ppm for up to 48 hours while the

boron concentration is restored to the acceptable limit. If the concentration cannot be restored within the 48-hour time limit, a reactor shutdown will be performed. The proposed changes are in accordance with the licensee's application for amendment dated September 12, 1984.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 21, 1985 the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 amendments 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 John F. Stolz: (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, D.C. 20555, and to J. Michael McGarry, III, Bishop, Liberman, Cook, Purcell, and Reynolds, 1200 17th Street, NW., Washington, DC 20036, 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)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 12, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Dated at Bethesda, Maryland, this 9th day of October, 1985.

For the Nuclear Regulatory Commission.

John F. Stolz,

Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 85-25182 Filed 10-21-85; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Services Policy Advisory Committee; Meeting and Determination of Closing of Meeting

The meeting of the Services Policy Advisory Committee (the Advisory Committee) to be held Tuesday, November 5, 1985, from 2:00 p.m. to 5:00 p.m. in Washington, D.C., will involve a review and discussion of the current issues involving the trade policy of the United States. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code, I have determined that this meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 85-25144 Filed 10-21-85; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-23863; 70-5513]

The Columbia Alaskan Gas Transmission Corp. et al.; Notice of Proposal to Recapitalize Subsidiary

October 11, 1985.

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and its subsidiary, Columbia Alaskan Gas Transmission Corporation ("Alaskan"), 20 Montchanin Road, Wilmington, Delaware 19807, have filed a post-effective amendment to their declaration in this proceeding, pursuant to sections 9(a), 10 and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 46 thereunder.

By prior Commission order, Columbia was authorized to acquire up to 40,000 shares of Alaskan's common stock, $25 par value per share, to enable it to participate in various projects designed to deliver gas from Alaska to the lower 48 states. (HCAR No. 18534, August 16, 1984). By subsequent order, Alaskan received authority to acquire a partnership interest to construct and operate the Alaskan Natural Gas Transportation System ("ANGTS"), and to sell common stock, $25 par, and notes to Columbia. (HCAR No. 21793, November 18, 1980).

As economic conditions changed, the completion date of ANGTS was extended beyond 1989, causing Alaskan and Columbia to record impairment reserves totalling $23 million or a consolidated basis. As a result to the tax deductions from the writedowns of Alaskan's investment in the ANGTS project, it has had significant tax losses, and as a result significant cash payments have been made to Alaskan through the System's tax agreement. As of the end of June 1985, Alaskan had excess cash investments in the System money pool of approximately $8.9 million. Approximately $8.5 million of this cash is now considered permanent excess capital investment in Alaskan. It is proposed that most of this cash be returned to Columbia.

To reduce Columbia's permanent excess investment in Alaskan, it is proposed that Alaskan repurchase shares of its common stock held by Columbia. However, Alaskan's significant write-down of its investments has resulted in negative retained earnings, and a net equity of less than $25 per share. To recognize the impact of these losses, Alaskan desires to reduce the par value of its authorized common stock from $25 to $1 per share through an amendment to Alaskan's Certificate of Incorporation. The reduction of the par value of Alaskan's common stock to $1 per share will reduce the value of the common stock account from $19,205,000 to $768,200 and increase amounts paid, in excess of par by $18,436,800, which has been authorized by the Board of Directors to be used to offset the negative retained earnings of approximately $11,180,000. The amounts paid in, in excess of pay over negative retained earnings, will remain as amounts paid, in, in excess of pay, until paid as a capital dividend.

The final part of the transaction is the proposed sale, at par, by Columbia to Alaskan of up to 686,200 shares of Alaskan common stock, $1 par value; and the payment of a capital dividend by Alaskan of an amount, which will reduce the amount paid in, in excess of par account to zero. Neither of these transactions nor the reduction of the par value of Alaskan's common stock to $1 per share will impair Alaskan's ability to meet its current or projected obligations. Alaskan assets of approximately $1.3 million remaining after the completion of the proposed transaction will be sufficient to meet Alaskan's anticipated expenses and liabilities.

The amended declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 4, 1985 to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and serve a copy on the declarants at the addresses specified above. Proof of service by affidavit or, in case of an attorney at law, by certificate, should be filed with the request. Any request for a 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 this matter. After said date the declaration, as filed or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25109 Filed 10-21-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23864; 71-7156]

Georgia Power Co.; Proposal To Finance Pollution Control Facilities; Request for Exception From Competitive Bidding

October 11, 1985.

Georgia Power Company ("Georgia"), a subsidiary of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to sections 6(b) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 44(b)(3) and 50(a)(5) thereunder.

In connection with the refinancing, on or before December 31, 1986, of the cost of certain pollution control, sewage and solid waste disposal facilities located at generating plants in various Georgia counties, the Development Authority of each county ("Authority") will issue its revenue bonds ("Revenue Bonds") for the purpose of making loans to Georgia to finance or refinance the costs of the pollution control facilities located in its county ("Project"). It is presently estimated that the aggregate principal amount of Revenue Bonds to be issued from time to time by the Authorities will not exceed $150 million. While the actual amount of Revenue Bonds to be issued by each Authority has not yet been determined, it will be based upon the cost of the Project located in its county.

Georgia proposes to enter into a Loan Agreement ("Agreement") with the Authority relating to each issue of the Revenue Bonds. Under the Agreement, the Authority will loan to Georgia the proceeds of the sale of the Authority's Revenue Bonds, for which Georgia will issue a non-negotiable promissory note ("Note"). The proceeds will be deposited with a Trustee ("Trustee") under an indenture to be entered into between the Authority and the Trustee ("Trustee Indenture"), pursuant to which the Revenue Bonds are to issued and secured, and will be applied by Georgia to the Cost of Construction ("Cost", as defined in the Agreement) of the Project, or to refund short-term Pollution Control Revenue Bonds Anticipation Notes. The Notes will provide for payments to be made at times and in amounts, which shall correspond to the payments with respect to the principal of, premium, if any, and interest on the Revenue Bonds, whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or declaration or otherwise.

The Agreement will provide for the assignment to the Trustee of the Authority's interest in, and of the

monies receivable by the Authority under the Agreement and the Note. The Agreement will also obligate Georgia to pay the fees and charges of the Trustee, and will provide that Georgia may at any time, so long as it is not in default thereunder, prepay the amount due under the Note, including interest thereon, in whose or in part. The payment will be sufficient to redeem or purchase the outstanding Revenue Bonds in the manner and to the extent provided in the Trust Indenture.

The Trust Indenture will provide that the Revenue Bonds issued thereunder will be redeemable (i) at any time on or after a date not later than 10 years from the date of issuance (or the date on which the Revenue Bonds begin to bear interest at a fixed rate, if such Revenue Bonds bear interest initially at a fluctuating rate) in whole or in part, at the option of Georgia, initially with a premium of up to 3% of the principal amount, and declining by not less than ½ of 1% annually thereafter, and (ii) in whole, at the option of Georgia, in certain other cases of under burdens or excessive liabilities imposed with respect to the related Project, its destruction or damage beyond practicable or desirable repairability, or condemnation or taking by eminent domain, or if operation of the related plant is enjoined and Georgia determines to discontinue operation. Redemptions of all outstanding Revenue Bonds will be at the principal amount thereof, plus accured interest, but without premium. It is proposed that the Revenue Bonds will mature from one to thirty years from the first day of the month in which they are initially issued and may, in the case of a maturity of 15 to 30 years, and if it is deemed advisable for purposes of the marketability of the Revenue Bonds, be entitled to the benefit of a mandatory redemption sinking fund calculated to retire a portion of the aggregate principal amount of the issue prior to maturity.

The Trust Indenture and the Agreement may give the holders of the Revenue Bonds the right, during such time as the Revenue Bonds bear interest at a fluctuating rate, to require Georgia to purchase the Revenue Bonds from time to time, and arrangements may be made for the remarketing of any such Revenue Bonds through a remarketing agent. Georgia also may be required to purchase the Revenue Bonds, or the Revenue Bonds may be subject to mandatory redemption at any time, if the interest thereon is determined to be subject to federal income tax. Also in the event of taxability, interest on the Revenue Bonds may be effectively converted to a higher variable or fixed rate, and Georgia also may be required to indemnify the bondholders against any other additions to interest, penalties, and additions to tax.

In order to obtain the benefit of ratings for the Revenue Bonds equivalent to the rating of Georgia's outstanding first mortgage bonds, Georgia may, determine to secure its obligations under the Note by delivering to the Trustee, to be held as collateral, a series of its first mortgage bonds ("Collateral Bonds") in principal amount either (i) equal to the principal amount of the Revenue Bonds, and at interest rate equal to that of the Revenue Bonds or (ii) equal to the sum of such principal amount of the Revenue Bonds plus interest payments for a specified period.

As an alternative to or in conjunction with Georgia's securing its obligations through the issuance of the Collateral Bonds as above described, Georgia may cause an irrevocable Letter of Credit ("Letter of Credit") of a bank ("Bank") to be delivered to the Trustee. The Letter of Credit would be an irrevocable obligation of the Bank to pay to the Trustee, upon request, up to an amount necessary to pay principal of and accrued interest on the Revenue Bonds when due. As a further alternative to, or in conjunction with, securing its obligations under the Agreement and Note, and in order to obtain a "AAA" rating for the Revenue Bonds, Georgia may purchase a policy of insurance guaranteeing the payment when due of the principal of and interest on such series of the Revenue Bonds.

It is contemplated that the Revenue Bonds will be sold by the Authority pursuant to arrangements with one or more purchasers or underwriters. In accordance with the laws of the State of Georgia, the interest rate to be borne by the Revenue Bonds will be determined by the Board of Directors of the Authority and will be either a fixed rate, which fixed rate may be convertible to a rate which will fluctuate in accordance with a specified prime or base rate or rates, or a fluctuating rate, which fluctuating rate may be convertible to a fixed rate. While Georgia may not be party to the purchase or underwriting arrangements for the Revenue Bonds, such arrangements will provide that the terms of the Revenue Bonds and their sale by the Authority shall be satisfactory to Georgia. Georgia has been advised that the interest rates on tax exempt obligations have recently been, and can be expected at the time of issue of the Revenue Bonds to be, approximately two to three percentage points lower than the rates on taxable obligations of like tenor and comparable quality.

Although the issuance of the Notes and Collateral Bonds may be subject to Rule 50, Georgia requests a finding of the Commission that competitive bidding is inappropriate under the circumstances described herein inasmuch as the Notes and Collateral Bonds are to be issued and pledged solely to evidence and secure Georgia's obligations to the Authorities and no public offerings by Georgia of the Notes or Collateral Bonds is to be made.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 4, 1985 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service by affidavit or, in case of an attorney at law, by certificate, should be filed with the request. Any request for a 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 this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25110 Filed 10-21-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22527; File No. 4-281]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Consolidated Quotation Plan Relating to Changes in Operating Hours of the CQS

The participants in the Consolidated Quotation Plan ("CQ Plan") on October 7, 1985 submitted copies of an amendment [1] to the Plan governing the operation of the consolidated quotation reporting system ("CQS").[2]

[1] This amendment was submitted pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act").

[2] The CQ Plan and subsequent amendments are contained in File No. 4-281. The Commission approved the CQ Plan in Securities Exchange Act

Continued

I. Description of the Amendment

The purpose of the amendment is to amend section IX(c) of the CQ Plan to change the normal operating hours of the CQS to comport with the decision of each CQ Plan participant to open its market for trading at 9:30 a.m. eastern time commencing September 30, 1985. Prior to September 30, 1985 the normal trading hours of the CQS were 9:30 a.m. to 4:00 p.m., eastern time. Each CQ Plan participant market opens for trading at 10:00 a.m. eastern time. During the period 9:30 a.m. to 10:00 a.m., CQS was utilized by the National Association of Securities Dealers, Inc. ("NASD") for dissemination of quotations. In order that the NASD may have the same one-half hour opportunity to disseminate quotations through the CQS prior to the opening of participant markets for trading at 9:30 a.m. eastern time, the amendment provides that the normal operating hours of the CQS commence at 9:00 a.m. eastern time.

The amendment also provides that the CQ Operating Committee may specify, by affirmative vote of all its members, the normal operating hours of the CQS. This second change is intended to provide the Operating Committee the flexibility to accommodate future changes in the CQS participants' trading hours without need to amend the CQ Plan. The equivalent result already occurs under the Consolidated Tape Association ("CTA") Plan, since its hours are automatically set in relation to participant trading hours (CTA Plan Section x(b)). In addition, the additional hours provision of section IX(c) of the CQ Plan permits participants to cause the CQS to operate outside its normal operating hours without need to amend the CQ Plan.

The Commission believes that the amendment represents a positive enhancement to the CQ Plan that creates opportunities for more efficient and effective market operations.[3] In light of this conclusion, and because the CQ Plan participants have stated in their filing that the amendment involves solely technical and ministerial matters related to conforming the operating hours of the CQS to the participants trading hours, the amendments has become effective pursuant to paragraph (C)(3)(iii) of the Rule. At any time within 60 days of the filing of the amendment, the Commission may summarily abrogate the amendment and require that it be refiled in accordance with paragraph (b)(1) and reviewed in accordance with paragraph (c)(2) of the Rule, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the Act.

II. Request for Comment

Interested persons are invited to submit written comments on the amendment. Persons submitting comments should file six copies with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission and related items, 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 Room, 450 Fifth Street, N.W., Washington, D.C. All communmications should refer to File No. 4–281 and should be sumbitted by November 21, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(29).

Dated: October 11, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25111 Filed 10-21-85; 8:45 am]

BILLING CODE 8010-01-M

[Relaease No. 34–22534; File No. SR–MSRB–85–17]

Self-Regulatory Organizations; Order Approving Rule Change by Municipal Securities Rulemaking Board

The Municipal Securities Rulemaking Board ("MSRB") on August 14, 1985 submitted a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange act of 1934 ("ACT") to amend MSRB Rules G–12 on uniform practice and G–15 on confirmation, clearance, and settlement of customer transactions to provide a standard procedure for the handling of interest payment claims based on deliveries of registered and bearer securities prior to the record date of the securities.[1]

The amendments to MSRB Rule G–12 which sets forth certain requirements concerning confirmation, clearance, and settlement of transactions in municipal securities between brokers, dealers, or municipal securities dealers, establish the interest payment claim procedures to be used among dealers. Under amended Rule G–12, a claimant could file a claim, and the dealer receiving such claim would be required to respond with a check or draft for the amount of the interest payment (or a statement of the basis for denying the claim) within 10 business days or, if the claim relates to an interest payment made more than 60 days prior to the date of the claim, within 20 business days. The rule change establishes separate procedures for making claims based on deliveries of registered securities where the registered owner is or is not a dealer, and on deliveries of bearer securities and deliveries on which an interest payment check has been errroneously attached.

The amendments to MSRB Rule G–15, which sets forth certain requirements regarding confirmation, clearance, and settlement of transactions between dealers and customers, establish the interest payment claim procedures to be used between dealers and customers. Under amended Rule G–15, dealers must respond to claims for interest payments made by customers within 10 business days if the claim is not more than 60 days old, or within 20 business days if the claim is more than 60 days old.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 22372 (50 FR 36689; September 9, 1985). One commest on the proposed rule change was received. The commentator suggested that dealers receiving claims for interest initiated more than two years after the payable data should be subject to a general obligation of prompt payent instead of a 20 business day time limit. The Commission notes that the MSRB considered this concern prior to filing these amendments to Rule G–12 and G–15 with the Commission. The MSRB found that, while researching cliams sometimes may involve manual searches through records and could require information to be obtained from clearing agents, the 10/20 business day time limits provide a sufficient but not an excessive amount of time to research the validity of such claims. The Commission agrees that the 10/20 business day time limits should be adequate, and notes that the MSRB has

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Release No. 16518 (January 22, 1980), 45 FR 6528. The CQ Plan participants indicate that although they refer to the instant amendment as the "Thirteenth Amendment," the amendment is actually the eleventh amendment to the CQ Plan filed with the Commission. This reflects the pendency of two other amendments not yet filed with the Commission.

[3] *See* Section 11A(a)(1)(B) of the Act.

[1] Rule G–12(e)(xiv)(6) only requires the attachment of an interest payment check for the amount of the security's next interest payment to an interdealer delivery of a registered municipal security if the delivery occurs after the record date of the security.

indicated that it would consider additional amendments to Rules G–12 and G–15 if industry experience with the interest payment claims procedure demonstrates that the time limits are too long or too short.

The Commission finds that the proposed rule change is consistent with the requriements of the Act and rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved. The rule change will become effective 30 days after the publication of this order in the Federal Register.

For the Commission, by the Division of Market Regulation, purusant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: October 16, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–25112 Filed 10–21–85; 8:45 am]

BILLING CODE 8010–01–M

[Released No. IC 14753; File No. 812–6196]

Thomson McKinnon Investment Trust and Thomsom McKinnon U.S. Government Fund; Application for an Order Permitting Quarterly Distributions of Long-Term Capital Gains

October 11, 1985.

Notice is hereby given that Thomson McKinnon Investment Trust (the "Trust") and Thomsom McKinnon U.S. Government Fund (the "Fund" and collectively, the "Applicants"), One New York Plaza, New York, NY 10004, filed an application on September 3, 1985, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from the provisions of Section 19(b) of the Act and Rule 19b–1 thereunder to the extent necessary to permit the Fund to distribute quarterly its long-term capital gains from certain options transactions and transactions in futures contracts and options on futures contracts. All interested persons are referred to the application on file with the Commission for a statement of the repesentations therein, and to the Act and the rules thereunder for the text of their relevant provisions.

According to the application, the Trust is registered under the Act as an open-end, series management investment company and the Fund is one of such series. Applicants state that the Fund is designed for investors who seek high current income, consistent with preservation of capital, by investing in securities issued or guaranteed as to principal and interest by the United States Government, its agencies, authorities or instrumentalities ("Government Securities"), and by engaging in transactions in options, futures contracts and options on futures contracts, all involving Government Securities.

According to the application, the Fund will pay dividends from net investment income monthly and will distribute net short-term capital gains quarterly. The Fund further proposes to distribute net quarterly capital gains from options transactions and transactions in futures contracts and options on futures contracts. Distributions of any net long-term capital gains realized on other investments will be distributed annually.

Applicants assert that an order granting the Fund an exemption from Section 19(b) of the Act and Rule 19b–1 thereunder will enable the Fund to make quarterly distributions of its long-term capital gains from transactions in options on certain Government Securities and futures contracts and options on futures contracts with respect thereto. Applicants believe that such exemption would be appropriate, in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Applicants state that the addition of section 1256 to the Internal Revenue Code ("Code") altered significantly the tax treatment of capital gains and losses. Applicants further represent that under Section 1256, 60% of the gain or loss realized by the Fund with respect to options, futures contracts and options on futures contracts is treated as long-term capital gain or loss and 40% as short-term capital gain or loss. Applicants note that Section 1256 of the Code was intended to eliminate certain tax abuses relating to the realization of short-term capital losses and deferral of gain through transactions in futures contracts, options on futures contracts and options on certain securities. Applicants state that there is no evidence that Congress intended the adoption or amendment of section 1256 to limit the frequency with which registered investment companies might distribute capital gains from options transactions, futures contracts and options on futures contracts. Nevertheless, Applicants argue that the characterization of 60% of the gain from options transactions as long-term capital gain brings into play section 19(b) of the Act and Rule 19b–1 thereunder, which operate to prevent the Applicant from distributing such 60% of the gain to its shareholders as long-term capital gain moe frequently than annually.

Applicants contend that none of the purposes of section 19(b) and Rule 19b–1 will be served by application of these provisions with respect to that portion of the Fund's capital gains generated by transactions in options, futures contracts and options on futures contracts that is treated as long-term capital gain. Applicants state that section 19(b) and Rule 19b–1 were devised to stop investment companies from churning their portfolios in contravention of their stated investment objective of long-term capital appreciation. Applicants state that the characterization of 60% of the capital gain that derive from transactions in options, futures contracts and options on futures contracts is not expected to affect the investment decisions or distribution practices of the Fund since it has an investment objective of high current income, consistent with preservation of capital, and not one of long-term capital appreciation. Applicants note that one of its policies, as stated in its prospectus, is to seek to realize such gains from options transactions. According to the application, the Fund will utilize futures contracts and options on futures contracts only to further its objective of preserving its capital by hedging against adverse movements in the market price of its portfolio securities and securities it intends to acquire. Thus, Applicants believe that quarterly distribution of long-term gains on options, futures contracts and options on futures contracts will not contravene the stated objective and policies of the Fund, or lead the Fund to churn its portfolio in order to realize and distribute capital gains it would not otherwise seek to realize.

Applicants represent that the Fund will in any event distribute short-term gains on transactions in options, futures contracts and options on futures contracts on a quarterly basis, and that merely to include long-term gains in these quarterly distributions would not lead shareholders to confuse the quarterly distributions with the Fund's regular monthly dividend distributions of net interest income. Moreover, Applicants state that the Fund will clearly differentiate between capital gains distributions and distributions out of net interest income in the notice to shareholders that will accompany each distribution. In addition, Applicants submit that quarterly distribution of

long-term gains on options, futures contracts and options on futures contracts would be more fair and beneficial to the Fund's shareholders than would a single annual distribution of such gains. Applicants also submit that the quarterly distribution of long-term capital gains from options transactions and transactions in futures contracts would not increase administrative expenses because the Fund plans, in any event, to make quarterly distributions of short-term capital gains.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than November 5, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25113 Filed 10-21-85; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area #2212]

Rhode Island; Declaration of Disaster Loan Area

The Counties of Kent and Washington and the adjacent Counties of Bristol, Newport, Providence, and Providence Plantation in the State of Rhode Island constitute a disaster area because of damage caused by Hurricane Gloria which occurred on September 27, 1985. Applications for loans for physical damage may be filed until the close of business on December 16, 1985, and for economic injury until the close of business on July 15, 1986, at the address listed below: Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fair Lawn, NJ 07410, or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Business (EIDL) without credit available elsewhere	4.000
Other (non-proft organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 221208 for physical damage and for economic injury the number is 634800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 15, 1985.

James C. Sanders,

Administrator.

[FR Doc. 85-25066 Filed 10-21-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/891]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Advisory Committee on International Investment, Technology, and Development on November 15, 1985 from 10:00 a.m. to 1:00 p.m. The meeting will be held in the Loy Henderson Conference Room of the Department of State, 2201 "C" Street, NW., Washington, DC 20520.

The meeting will begin with the introduction of William Milam, Deputy Assistant Secretary for International Finance and Development followed by discussion of the following topics: (1) Multilateral Investment Guarantee Agency; (2) recent developments in the OECD Committee on International Investment and Multinational Enterprises; (3) Bilateral Investment Treaties update; (4) United Nations' Code of Conduct for Transnational Corporations and Centre on Transnational Corporations; and, (6) OECD Guidelines for Multinational Enterprises, future organization of U.S. National Contact Point.

Access to the State Department is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs, (202) 632-2728, in order to arrange admittance. Please use the "C" street entrance.

The Chairman will, as time permits, entertain comments from members of the public at the meeting.

Dated: October 11, 1985.

Walter B. Lockwood, Jr.,

Executive Secretary.

[FR Doc. 85-25147 Filed 10-21-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/890]

Advisory Committee on International Investment, Technology, and Development; Subcommittee on Food, Hunger, and Agriculture in Developing Countries; Meeting

The Department of State will hold a meeting of the Subcommittee on Food, Hunger, and Agriculture of the Advisory Committee on International Investment, Technology, and Development on November 14, 1985 from 1:00 p.m. to 5:00 p.m. The meeting will be held in room 1406 of the Department of State, 2201 "C" Street, NW., Washington, DC 20520.

The purpose of the meeting will be to discuss the draft recommendations and report on the private sector role in combatting hunger, and to prepare the summary progress report for the full Advisory Committee.

Access to the State Department is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs, (202) 632-2728, in order to arrange admittance. Please use the "C" street entrance.

The Chairman of the Subcommittee will, as time permits, entertain comments from members of the public at the meeting.

Dated: October 16, 1985.

Robert S. Luke,

Acting Executive Secretary.

[FR Doc. 85-25146 Filed 10-21-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/899]

Advisory Committee on International Investment, Technology, and Development; Subcommittee on Transborder Data Flows; Meeting

The Department of State will hold a meeting of the Subcommittee on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development on November 8, 1985 from 10:00 a.m. to noon. The meeting will be held in the Loy Henderson Conference Room of the Department of State, 2201 "C" Street, NW., Washington, D.C., 20520.

The purpose of the meeting will be to review the results of the October 1–3 meeting of the OECD's Committee on Information, Computer, and Communications Policy (ICCP), to discuss the plans for the Special Session of the ICCP scheduled for November 18–20, and to discuss the treatment of services under the GATT.

Access to the State Department is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs, (202) 632–2728, in order to arrange admittance. Please use the "C" street entrance.

The Chairman of the Subcommittee will, as time permits, entertain comments from members of the public at the meeting.

Dated: October 15, 1985.

Robert S. Luke,

Acting Executive Secretary.

[FR Doc. 85–25148 Filed 10–21–85; 8:45 am]

BILLING CODE 4710–07–M

Office of the Secretary

[CM–6/892]

Establishment of Advisory Committee on South Africa

At the President's request, Executive Order No. 12532 of September 9, 1985 directed that the Secretary of State establish an Advisory Committee on South Africa. The Committee is being established to provide recommendations on measures to encourage peaceful change in South Africa. The Committee will consist of twelve distinguished Americans appointed by the Secretary of State. The Committee will follow procedures prescribed in the Federal Advisory Committee Act.

The Committee will offer advice to the Secretary of State on how United States policy can be most effective in influencing peaceful change and promoting equal rights in South Africa. Such counsel would not otherwise be available to the Department of State through existing channels of policy-making. The operation of the Advisory Committee will serve the public interest in helping to build a national consensus on the means by which the United States can best encourage constructive change and the elimination of apartheid in South Africa.

For further information, contact: F. Allen Harris, Deputy Director, Office of Southern African Affairs, (202) 632–8252; Lynda Clarizio, Office of the Legal Adviser, (202) 632–3736.

Jeffrey Davidow,

Director, Office of Southern African Affairs.

[FR Doc. 85–25145 Filed 10–21–85; 8:45 am]

BILLING CODE 4710–26–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 150—Minimum System Performance Standards for Vertical Separation above Flight Level 290; Meeting

Pursuant to secton 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 150 on Minimum System Performance Standards for Vertical Separation above Flight Level 290 to be held on November 13–15, 1985, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Committee Meeting Held on July 16–18, 1985; (3) Review of Task Assignments from the Previous Meeting; (4) Status Report on European Organization for Civil Aviation Electronics (EUROCAE) data Collection Activities; (5) Status Report on Canadian data Collection Activities; (6) Briefing on Military Problems Associated with Lowering Vertical Separation Above Flight Level 250; (7) Review of Comments Received on the Committee's Initial Altitude Data Collection Report; (8) FAA Report on Data Analysis Activity; (9) Review and Discuss Committee Progress and Plan Future Activities; and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC on October 11, 1985.

Karl F. Bierach,

Designated Officer.

[FR Doc. 85–25059 File 10–21–85; 8:45 am]

BILLING CODE 4901–13–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1985 Rev., Supp. No. 4]

Surety Companies Acceptable on Federal Bonds; Skandia America Reinsurance Corporation

Notice is hereby given that the Certificate of Authority issued by the Treasury to Skandia America Reinsurance Corporation, on July 1, 1979, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective today.

A new Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to Skandia America Reinsurance Corporation under sections 9304 and 9308 of Title 31 of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1985 Revision, on page 27131 to reflect this addition:

Skandia America Reinsurance Corporation. Business Address: 280 Park Avenue, New York, New York 10017. Underwriting Limitation [b]: *$7,349,000.* Surety Licenses [c]: All except AL, AR, CT, GU, HI, ID, KY, LA, ME, MN, NV, NM, NC, ND, OR, PR, RI, SD, TN, VI, WV. INCORPORATED IN: Delaware. Federal Process Agents [d].

Certificates of Authority expire on June 30 each year, unless renewed prior to that date or revoked. The certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to Underwriting Limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20226.

Dated: October 10, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85-25131 Filed 10-21-85; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1985 Rev., Supp. No. 5]

Surety Companies Acceptable on Federal Bonds; Universal Surety of America

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 9304 to 9308 Title 31 of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1985 Revision, on page 27135 to reflect this addition:

Universal Surety of America. Business Address: 1812 Durham, Houston, Texas 77007. Underwriting Limitation [b]: *$225,000.* Surety Licenses [c]: TX. Incorporated IN: Texas. Federal Process Agents [d].

Certificates of Authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20226.

Dated: October 10, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85-25132 Filed 10-21-85; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 204
Tuesday, October 22, 1985

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).

CONTENTS

1

FEDERAL ENERGY REGULATORY COMMISSION

October 16, 1985.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-4109), 5 U.S.C. 552b:

TIME AND DATE: Approximately 1:00 p.m., October 23, 1985 (following open meeting).

PLACE: 825 North Capitol Street, NE., Washington, DC 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Mesa Petroleum Company
(2) Emory M. Spencer, Docket No. CS72-80-000
(3) Amoco Production Company, Docket No. RI77-32-000
(4) Williston Basin Interstate Pipeline Company, Docket No. CP85-534-000
(5) James W. Lacey, et al.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-25215 Filed 10-18-85; 10:35 am]

BILLING CODE 6717-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 50, Page No. 41619, Date Published—Friday, October 11, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, DC.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open meeting scheduled Friday, October 25, 1985, at 10:30 a.m.

Redeemable Preferred Stock.

Jeff Sconyers,

Secretary

No. 25, October 17, 1985.

[FR Doc. 85-25173 Filed 10-17-85; 4:36 pm]

BILLING CODE 6720-01-M

3

[USITC SE-85-45]

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 10:00 a.m. on Thursday, October 31, 1985.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints: a. Certain "Cabbage Patch Kids" dolls (Docket No. 1248).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-25284 Filed 10-18-85; 4:01 pm]

BILLING CODE 7020-02-M

4

POSTAL SERVICE

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 42249, October 18, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE: 8:30 a.m., Tuesday, November 5, 1985.

CHANGES IN THE MEETINGS:

Deletion of the following agenda item:
"9. Capital Investments:
b. Richmond, Virginia, site for GMF Expansion."

CONTACT PERSON FOR MORE INFORMATION: Mr. David F. Harris, Secretary of the Board, (202) 268-4800.

David F. Harris,

Secretary.

[FR Doc. 85-25263 Filed 10-18-85; 2:20 pm]

BILLING CODE 7710-12-M

Federal Register

Tuesday
October 22, 1985

Part II

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Urban Development Action Grants; Revised Minimum Standards for Small Cities; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-85-1553; FR 2157]

Urban Development Action Grants; Revised Minimum Standards for Small Cities

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR 570.452(b)(1), the Department is providing notice of the most current minimum standards of physical and economic distress for small cities for the Urban Development Action Grant program.

This Notice revises the Notice published February 13, 1984 (49 FR 5418).

The minimum standards of distress have changed generally as a result of applying new data from the Bureau of the Census, and the Employment Training Administration within the Department of Labor.

This Notice contains four lists: One list (see Part II of this Notice) identifies all those cities which qualify as distressed communities based upon the new minimum standards; a second list (see Part III of this Notice) identifies those cities which did not qualify when the February 13, 1984 list was published but which do qualify now; a third list (see Part IV of this Notice) identifies those cities which were classified as distressed on the February 13, 1984 list, but which no longer qualify under the new minimum standards; finally, a fourth list (see Part V of this Notice) identifies those towns and townships which qualify as distressed communities based upon the new minimum standards.

EFFECTIVE DATE: October 22, 1985.

FOR FURTHER INFORMATION CONTACT: Frank Ridenour, Office of Urban Development Action Grants, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Telephone: 202/755-6784. For information on minimum distress standards or the data used to determine whether a community qualifies as distressed contact: Wendy Mellinger, Telephone: 202/755-7390.

SUPPLEMENTARY INFORMATION: A Notice published by the Department on February 13, 1984 provided the minimum standards of physical and economic distress which were applicable up to the effective date of this Notice for small cities which met the standards published at that time.

Part I of this Notice specifies the new minimum standards of physical and economic distress. Part II through V contain the lists enumerated in the Summary section of this Notice. Part II of this Notice contains a revised list of all the small cities which meet the new standards. Part III of this Notice lists those small cities which, based upon the new minimum standards, appear on the list in Part II but did not qualify when the February 13, 1984 list was published. Part IV is a list of those cities which were classified as distressed on the February 13, 1984 list but which no longer qualify under the new minimum standards. These cities listed in Part IV have a period of time, as specified in Part IV, during which they may submit Action Grant applications. Part V is a revised list of eligible towns and townships.

The new minimum standards are based on updated data from the Bureau of the Census and the Department of Labor/Employment Training Administration as of Fiscal Year 1985. The data cover units of government incorporated through June 1984. The updated Census data are 1982 population, 1981 per capita income, 1980 housing and poverty (adjusted for boundary changes through 1982) and 1982 retail and manufacturing jobs (which reflect the change over the period from 1977 to 1982, instead of 1972 to 1977). The previous Census data were 1980 population, 1979 per capita income, 1980 housing and poverty (reflecting boundary changes through the 1980 Census) and 1972 retail and manufacturing jobs. The updated data from the Employment Training Administration are Labor Surplus Areas designated as of October 1, 1984. A list of eligible labor surplus areas was published in the **Federal Register** on September 26, 1984 (49 FR 37865). The previous Labor Surplus Areas were designated as of October 1, 1983.

This Notice is published pursuant to 24 CFR 570.452(b)(1).

Part I

A small city must pass three minimum standards of physical and economic distress for the categories appropriate to their size, except that if the percentage of poverty is less than half the minimum standard, the city must pass four standards. The most current minimum standards of physical and economic distress are:

A. *Age of Housing.* At least 29.6 percent of the applicant's year-round housing units must have been constructed prior to 1940, based on 1980 U.S. Census data, in order to meet this minimum standard;

B. *Per Capita Income Change.* The net increase in per capital income for the period of 1969–1981 must have been $5,467 or less, based on U.S. Census data, in order to meet this minimum standard;

C. *Population Growth Lag/Decline.* For the period 1970–1982 the percentage rate of population growth (based on corporate boundaries as of 1982) must have been 3.4 percent or less, based on U.S. Census data, in order to meet this minimum standard;

D. *Job Lag/Decline.* The rate of growth in retail and manufacturing employment for the period 1977–1982 must have increased by 3.4 percent or less, based on U.S. Census data, in order to meet this minimum standard. The standard is only applicable to cities of 25,000 population or more. For communities where only retail data were available, a job lag percentage for the retail sector was computed. For communities where only manufacturing data were available, a job lag percentage for the manufacturing sector was computed. The retail job lag threshold is 8.3 percent and the manufacturing job lag threshold is 0.0 percent. If neither data source is available this standard will not be considered.

E. *Poverty.* The percentage of persons within the applicant's jurisdiction at or below the poverty level just be 12.3 percent or more, based on 1980 U.S. Census data, in order to meet this minimum standard;

F. *Labor Surplus Area.* The small city must either be entirely within or partially within an area which meets the criteria for designation as a Labor Surplus Area as of October 1984. These areas include counties or county balances (after excluding cities with populations of 50,000 or more) with an unemployment rate of 10 percent or more for calendar years 1982–1983.

Part II

The following small cities meet the current minimum standards of physical and economic distress appropriate to their class.

Alabama

Abbeville	Anderson
Addison	Ardmore
Akron	Ariton
Albertville	Arley
Alexander City	Ashford
Aliceville	Ashland
All Good	Ashville
Altoona	Athens
Andalusia	Atmore

Attalla
Auburn
Autaugaville
Baileyton
Banks
Bay Minette
Bayou La Batre
Bear Creek
Beatrice
Beaverton
Belk
Benton
Berry
Billingsley
Black
Blountsville
Blue Mountain
Blue Springs
Boaz
Boligee
Bon Air
Brantley
Brent
Brewton
Bridgeport
Brighton
Brilliant
Brookside
Brundidge
Calera
Camden
Camp Hill
Carbon Hill
Cardiff
Carolina
Carrollton
Castleberry
Cedar Bluff
Centre
Centreville
Chatom
Chickasaw
Childersburg
Citronelle
Clanton
Claybatchee
Clayton
Cleveland
Clio
Coffee Springs
Coffeeville
Collinsville
Colony
Columbia
Columbiana
Coosaua
Cordova
Cottonwood
County Line
Courtland
Crossville
Cuba
Dadeville
Daleville
Daphne
Daviston
Dayton
Decatur
Demopolis
Detroit
Dora
Double Springs
Dozier
Dutton
East Brewton
Eclectic
Edwardsville
Elba
Elberta
Eldridge
Elkmont
Emelle
Enterprise
Epes
Eufaula
Eundla
Eutaw
Evergreen
Excel
Fairfield
Fairview
Falkville
Fennsdale
Fayette
Five Points
Flomaton
Florala
Foley
Forkland
Fort Deposit
Fort Payne
Franklin
Frisco City
Fruithurst
Fulton
Fyffe
Gainesville
Gantt
Gantts Quarry
Garden City
Gaylesville
Geiger
Geneva
Georgiana
Geraldine
Gilbertown
Glen Allen
Glenwood
Goldville
Good Hope
Goodwater
Gordo
Gordon
Goshen
Graysville
Greensboro
Greenville
Grimes
Grove Hill
Guin
Guntersville
Gurley
Guwin
Hackleburg
Haleburg
Haleyville
Hamilton
Hammondville
Hanceville
Harpersville
Hartford
Hartselle
Hayden
Hayneville
Headland
Heath
Heflin
Hillsboro
Hobson City
Hodges
Holly Pond
Hollywood
Hurtsboro
Jackson
Jackson's Gap
Jacksonville
Jasper
Jemison
Kansas
Kennedy
Killen
Kinsey
Kinston
Lafayette
Lakeview
Lanett
Langston
Leighton
Lester
Level Plains
Lexington
Libertyville
Lincoln
Linden
Lineville
Lipscomb
Lisman
Livingston
Loachapoka
Lockhart
Louisville
Lowndesboro
Loxely
Luverne
Lynn
McKenzie
McMullen
Madrid
Maplesville
Margaret
Marion
Maytown
Memphis
Mentone
Midland City
Midway
Millbrook
Millport
Milry
Monroeville
Montevallo
Mooresville
Morris
Mosses
Moulton
Moundyville
Mountainboro
Mount Vernon
Mulga
Myrtlewood
Napier Field
Nauvoo
Nectar
Needham
Newbern
New Brockton
New Site
Newton
Newville
North Courtland
North Johns
Northport
Notasulga
Oak Grove
Oak Hill
Oakman
Odenville
Ohatchee
Oneonta
Onycha
Opp
Orrville
Ozark
Paint Rock
Parrish
Pell City
Pennington
Petrey
Phenix City
Phil Campbell
Pickensville
Piedmont
Pinckard
Pine Apple
Pine Hill
Pine Ridge
Pisgah
Pollard
Powells Crossroads
Prichard
Providence
Ragland
Rainsville
Red Bay
Red Level
Reform
Repton
Ridgeville
River Falls
Riverside
Riverview
Roanoke
Robertsdale
Rockford
Rogersville
Roosevelt City
Rosa
Russellville
Rutledge
Samson
Sanford
Sardis City
Section
Selma
Sheffield
Shilo
Silas
Silverhill
Sipsey
Slocomb
Snead
Somerville
South Vinemont
Springville
Steele
Stevenson
Sulligent
Sumiton
Summerdale
Susan Moore
Sweetwater
Sylacauga
Sylvania
Talladega
Talladega Springs
Tallassee
Tarrant City
Taylor
Thomaston
Thomasville
Thorsby
Town Creek
Toxey
Trafford
Triana
Troy
Tuscumbia
Tuskegee
Union
Union Grove
Union Springs
Uniontown
Valley City
Valley Head
Vernon
Vina
Vincent
Vredenburgh
Wadley
Waldo
Walnut Grove
Warrior
Waterloo
Waverly
Webb
Wedowee
West Blocton
West Point
Wetumpka
Whitehall
Whites Chapel
Wilmer
Wilsonville
Wilton
Woodland
Woodville
York

Alaska

Akhiok
Akiak
Akolmiut
Akutan
Alakanuk
Allakaket
Anaktuvuk Pass
Angoon
Aniak
Anvik
Atmautluak
Brevig Mission
Buckland
Chefornak
Chevak
Chuathbaluk
Clark's Point
Deering
Diomede
Eagle
Eek
Ekwok
Elim
Emmonak
Fairbanks
Fortuna Ledge
Fort Yukon
Gambell
Goldvin
Goodnews Bay
Grayling
Holy Cross
Hoonah
Hooper Bay
Hughes
Huslia
Hydaburg
Kaltag
Kasaan
Kasigluk
King Cove
Kivalina
Kobuk
Kotlik
Koyuk
Koyukuk
Kwethluk
Lower Kalskag
Mekoryuk
Mountain Village
Napakiak
Napaskiak
Nenana
New Stuyahok
Newtok
Nightmute
Nikolai
Noorvik
Nulato
Old Harbor
Pilot Station
Port Alexander
Port Lions
Quinhagak
Ruby
Russian Mission
St. Michael
Savoonga
Scammon Bay
Selawik
Seldovia
Shageluk
Shaktoolik
Sheldon Point
Shishmaref
Stebbins
Tanana
Teller
Tenakee Springs
Togiak
Toksook Bay
Tuluksak
Tununak
Unalakleet
Upper Kalskag
Wales
White Mountain

Arizona

Apache Junction
Avondale
Benson
Bisbee
Casa Grande
Clarkdale
Clifton
Coolidge
Douglas
Duncan
Eagar
El Mirage
Eloy
Flagstaff
Florence
Fredonia
Globe
Guadalupe
Hayden
Holbrook
Jerome
Mammoth
Miami
Nogales
Patagonia
Payson
Pima
Safford
St Johns
San Luis
Show Low
Somerton
South Tucson
Superior
Surprise
Thatcher
Tombstone
Wellton
Wilcox
Williams
Winkelman
Winslow

Arkansas

Adona
Alicia
Allport
Alma
Almyra
Alpena
Altheimer
Altus
Amagon
Amity
Antoine
Arkadelphia
Arkansas City
Ash Flat
Atkins
Aubrey
Augusta
Avoca
Bald Knob
Banks
Barling
Bassett
Batesville
Bauxite
Bearden
Beaver
Beebe
Beedeville

Belleville
Ben Lomond
Berryville
Bigelow
Big Flat
Biggers
Black Oak
Black Rock
Black Springs
Blevins
Blue Eye
Blue Mountain
Bluff
Blytheville
Bodcaw
Bonanza
Booneville
Bradford
Bradley
Branch
Brinkley
Buckner
Burdette
Caldwell
Cale
Calico Rock
Calion
Camden
Campbells Station
Caraway
Carlisle
Carthage
Casa
Caulksville
Cave City
Cave Springs
Charleston
Cherry Valley
Chester
Chidester
Clarendon
Clarksville
Clinton
Coal Hill
College City
Colt
Concord
Corinth
Corning
Cotter
Cotton Plant
Cove
Coy
Crawfordsville
Crossett
Cushman
Daisy
Damascus
Datto
Delaplaine
Delight
Dell
Denning
De Queen
Dermott
Des Arc
De Valls Bluff
De Witt
Diaz
Dierks
Dover
Dumas
Dyer
Dyess
Earle
Edmondson
Elaine
El Dorado
Elkins
Emerson
Emmet
England
Enola
Eudora
Eureka Springs
Evening Shade
Everton
Fifty Six
Fisher
Fordyce
Foremen
Forrest City
Fountain Hill
Fourche
Franklin
Biscoe Town
Friendship
Fulton
Garfield
Garland
Garner
Gateway
Gentry
Gilbert
Gillett
Gilmore
Glenwood
Gosnell
Gould
Grady
Grannis
Gravette
Green Forest
Greenway
Greenwood
Greers Ferry
Griffithville
Grubbs
Guion
Gum Springs
Gurdon
Guy
Hackett
Hamburg
Hardy
Harrell
Harrisburg
Hartford
Hatfield
Havana
Haynes
Hazen
Heber Springs
Hector
Helena
Hermitage
Hickory Ridge
Higden
Higginson
Holly Grove
Horatio
Hot Springs
Houston
Hoxie
Hughes
Humnoke
Humphrey
Hunter
Huntington
Imboden
Jacksonport
Jasper
Jerome
Johnson
Joiner
Jonesboro
Judsonia
Junction City
Keiser
Kensett
Keo
Kibler
Kingsland
Knobel
Lafe
Lake View
Lake Village
Lamar
Leachville
Leola
Lepanto
Leslie
Letona
Lewisville
Lexa
Lincoln
Lockesburg
London
Lonsdale
Louann
Luxora
Lynn
McCrory
McDougal
McGehee
McNeil
McRae
Madison
Magazine
Magness
Magnolia
Malvern
Mammoth Spring
Manila
Mansfield
Marianna
Marie
Marked Tree
Marmaduke
Marshall
Marvell
Maynard
Mena
Menifee
Midland
Minturn
Mitchellville
Monette
Monticello
Montrose
Moro
Morrilton
Morrison Bluff
Mountainburg
Mountain Pine
Mountainview
Mount Ida
Mount Vernon
Mulberry
Murfreesboro
Nashville
Newark
Newport
Nimmons
Norfolk
Norman
Norphlet
Oak Grove
Oak Grove Heights
Oden
Ogden
Oil Trough
O'Kean
Okolona
Ola
Omaha
Oscedla
Oxford
Ozan
Ozark
Palestine
Pangburn
Paragould
Paris
Parkdale
Parkin
Patmos
Patterson
Peach Orchard
Perla
Perry
Perryville
Piggott
Plainview
Plumerville
Pocahontas
Pollard
Portia
Porland
Pottsville
Powhatan
Prairie Grove
Prattsville
Prescott
Pyatt
Quitman
Ratcliff
Ravenden
Ravenden Springs
Reader
Rector
Reed
Reyno
Rison
Rockport
Roe
Rondo
Rose Bud
Rosston
Rudy
Russel
Russellville
St Charles
St Francis
St Paul
Salem
Scranton
Searcy
Sherrill
Shirley
Sidney
Smackover
Smithville
South Lead Hill
Sparkman
Stamps
Star City
Stephens
Strawberry
Strong
Stuttgart
Subiaco
Success
Sulphur Springs
Summit
Sunset
Swifton
Thornton
Tillar
Tollette
Trumann
Tuckerman
Tupelo
Turrell
Tyronza
Ulm
Valley Springs
Van Buren
Vandervoort
Victoria
Vilonia
Viola
Wabbaseka
Waldenburg
Waldo
Waldron
Walnut Ridge
Warren
Washington
Watson
Weiner
Western Grove
West Helena
West Point
Wheatley
Wickes
Widener
Wiederkehr
Williford
Willisville
Wilmar
Wilmot
Wilson
Winchester
Winslow
Winthrop
Wooster
Wrightsville
Wynne
Yellville
Zinc

California

Adfianto
Alturas
Amador
Anderson
Angels
Arcata
Arvin
Avenal
Banning
Barstow
Bell
Bell Gardens
Riggs
Blue Lake
Blythe
Brawley
Calexico
Calipatria
Chino
Clearlake
Coachella
Coalinga
Colfax
Colton
Colusa
Corcoran
Corning
Crescent City
Cudahy
Delando
Dinuba
Dorris
Dos Palos
Dunsmuir
East Palo Alto
Etna
Eureka
Exeter
Farmersville
Ferndale
Firebaugh
Fort Bragg
Fort Jones
Fowler
Gonzales
Grass Valley
Greenfield
Gridley
Hanford
Hollister
Hughson
Huntington Park
Huron
indio
Industry
Ione
Irwindale
Isleton
King City
Lake Elsinore
La Puente
Lawndale
Lincoln
Lindsay
Live Oak
Livingston
Loma Linda
Los Banos
Loyalton
McFarland
Madera
Maricopa
Marina
Marysville
Mendota
Merced
Montague
Mount Shasta
Needles
Nevada City
Orange Cove
Orland
Oroville
Pacific Grove
Paramount
Parlier
Patterson
Perris
Placerville
Plymouth
Point Arena
Portola
Red Bluff
Reedley
Rio Dell
Riverbank
S ND City
San Gabriel
Sanger
San Jacinto
San Joaquin
San Pablo
Santa Paula
Selma
Soledad
Sonora
Susanville
Sutter Creek
Tehama
Tracy
Tulelake
Wasco
Waterford
Watsonville
Weed
Westmorland
Wheatland
Williams
Willits
Willows
Winters
Woodlake
Yreka

Colorado

Aguilar
Akron
Alamosa
Alma
Antonito
Arriba
Ault
Blanca
Bonanza City
Boone
Branson
Brookside
Brush
Buena Vista
Calhan
Campo
Canon City
Cedaredge
Center
Central City
Cheraw
Coal Creek
Cokedale
Collbran

Commerce City
Creede
Crested Butte
Crestone
Cripple Creek
Crowley
Del Norte
Delta
Dinosaur
Dolores
Eckley
Elizabeth
Flagler
Fleming
Florence
Fort Lupton
Fowler
Frederick
Fruita
Garden City
Genoa
Granada
Grand Junction
Parachute
Grover
Gunnison
Hartman
Haswell
Holly
Holyoke
Hooper
Hotchkiss
Hugo
Ignacio
Iliff
Johnstown
Julesburg
Kennesburg
Kim
Kiowa
Kit Carson
La Jara
La Junta
Lamar
Las Animas
La Veta
Limon
Manassa
Mancos
Manitou Springs
Manzanola
Moffat
Monte Vista
Naturita
Nucla
Nunn
Oak Creek
Olathe
Olney Springs
Ophir
Orchard City
Ordway
Otis
Ouray
Ovid
Pagosa Springs
Palisade
Paoli
Paonia
Peetz
Pierce
Pitkin
Poncha Springs
Pritchett
Prospect Heights
Ramah
Raymer
Red Cliff
Rico
Ridgway
Rockvale
Rocky Ford
Romeo
Rosedale
Rye
Saguache
Salida
Sanford
San Luis
Sawpit
Sedgwick
Seibert
Sheridan Lake
Silt
Silver Cliff
Silver Plume
Silverton
Simla
Springfield
Starkville
Sugar City
Superior
Swink
Telluride
Trinidad
Two Buttes
Victor
Vilas
Walsenburg
Walsh
Ward
Westcliffe
Wiggins
Wiley
Williamsburg
Yampa
Yuma

Connecticut

Ansonia
Bantam
Colchester
Danielson
Jewett City
Naugatuck
Stafford Springs
Torrington

Delaware

Bethel
Blades
Bowers
Bridgeville
Cheswold
Clayton
Delaware City
Delmar
Ellendale
Farmington
Frankford
Frederica
Georgetown
Greenwood
Harrington
Laurel
Leipsic
Lewes
Little Creek
Magnolia
Milford
Milton
New Castle
Odessa
Seaford
Smyrna
Townsend
Woodside
Wyoming

Florida

Alachua
Alford
Altha
Apalachicola
Arcadia
Archer
Auburndale
Avon Park
Bartow
Bay Lake
Belle Glade
Blountstown
Bonifay
Bowling Green
Branford
Bronson
Brooksville
Bunnell
Bushnell
Callahan
Campbellton
Carrabelle
Caryville
Cedar Grove
Cedar Key
Center Hill
Century
Chattahoochee
Chiefland
Chipley
Cinco Bayou
Coleman
Cottondale
Crescent City
Crestview
Cross City
Davenport
De Funiak Springs
De Land
Dundee
Eatonville
Esto
Everglades
Fanning Spring
Fellsmere
Florida City
Fort Meade
Fort White
Frostproof
Graceville
Grand Ridge
Greensboro
Greenville
Greenwood
Gretna
Groveland
Haines City
Hastings
Havana
Hawthorne
High Springs
Homestead
Horseshoe Beach
Interlachen
Jasper
Jennings
Key West
Labelle
La Crosse
Lady Lake
Lake City
lake Hamilton
Lake Helen
Lake Wales
Laurel Hill
Lawtey
Lee
Leesburg
Live Oak
Madison
Malone
Marianna
Marineland
Mascotte
Mayo
Micanopy
Minneola
Monticello
Moore Haven
Mount Dora
Mulberry
Noma
Oak Hill
Oakland
Okeechobee
Opalocka
Otter Creek
Palatka
Paxton
Perry
Pierson
Polk City
Pomona Park
Ponce De Leon
Port St Joe
Quincy
Reddick
St Augustine
St Leo
St Marks
Sebring
Sneads
Sopchoppy
South Bay
Springfield
Starke
Umatilla
Vernon
Waldo
Wauchula
Wasau
Webster
Weeki Wachee Springs
Welaka
Westville
Wewahitchka
White Springs
Wildwood
Worthington Springs
Zolfa Springs

Georgia

Abbeville
Adairsville
Adrian
Ailey
Alamo
Alapaha
Aldora
Allenhurst
Allentown
Alma
Alston
Ambrose
Americus
Andersonville
Arabi
Aragon
Arcade
Argyle
Arlington
Ashburn
Attapulgus
Auburn
Avera
Baconton
Bainbridge
Ball Ground
Barnesville
Bartow
Barwick
Baxley
Between
Bibb City
Bishop
Blackshear
Blairsville
Blakely
Blue Ridge
Bluffton
Boston
Bostwick
Bowdon
Bowersville
Bowman
Braselton
Bremen
Brinson
Bronwood
Brooklet
Brooks
Broxton
Brunswick
Buchanan
Buckhead
Buena Vista
Buford
Butler
Byromville
Byron
Cadwell
Cairo
Calhoun
Camak
Camilla
Canon
Canton
Carl
Carlton
Carnesville
Cartersville
Cave Spring
Cecil
Cedartown
Chatsworth
Chauncey
Chester
Clarkesville
Claxton
Clermont
Climax
Cobbtown
Cochran
Cohutta
Colbert
Coleman
Collins
Colquitt
Comer
Commerce
Concord
Coolidge
Cordele
Corinth
Covington
Crawford
Crawfordville
Cusseta
Cuthbert
Daisy
Dallas
Damascus
Danielsville
Danville
Darien
Davisboro
Dawson
Dawsonville
Dearing
Decatur
Denton
De Soto
Dexter
Doerun
Du Pont
East Ellijay
Eastman
East Point
Eatonton
Edge Hill
Edison
Elberton
Ellaville
Ellenton
Ellijay
Emerson
Enigma
Ephesus
Eton
Euharlee
Fairmount
Fitzgerald
Flemington
Flovilla
Flowery Branch
Folkston
Forsyth
Fort Gaines
Fort Valley
Franklin
Garfield
Gay
Geneva
Georgetown
Gibson
Gillsville
Girard
Glennville
Glenwood
Gordon
Grantville
Greensboro
Greenville
Griffin
Guyton
Hahira
Hampton
Harlem
Harrison
Hartwell
Hawkinsville
Helena
Higgston
Hilltonia
Hoboken
Hogansville
Homer
Homerville
Ideal
Ila
Iron City
Irwinton
Jackson
Jacksonville
Jeffersonville
Jenkinsburg
Jersey
Jesup
Jonesboro
Junction City
Kingston
Kite
La Grange
Lakeland
Lake Park
Lavonia
Leary
Leesburg
Lenox
Leslie
Lexington
Lilly
Lincolnton
Linwood
Lithonia
Locust Grove
Lone Oak
Louisville
Lovejoy
Ludowici
Lula
Lumber City
Lumpkin
Luthersville

Lyerly
Lyons
McCaysville
McDonough
McRae
Madison
Manassas
Manchester
Mansfield
Marshallville
Maxeys
Meansville
Meigs
Menlo
Metter
Midville
Milan
Millen
Milner
Mineral Bluff
Mitchell
Molena
Monroe
Montezuma
Monticello
Montrose
Morgan
Morganton
Morven
Moultrie
Mount Airy
Mount Vernon
Nahunta
Naylor
Nelson
Newborn
Newington
Newman
Newton
Nicholls
Norman Park
Norwood
Oak Park
Ochlocknee
Ocilla
Odum
Oglethorpe
Oliver
Omaha
Omega
Parrott
Patterson
Pavo
Payne
Pearson
Pelham
Pembroke
Pinehurst
Pine Mountain
Pineview
Pitts
Plains
Plainville
Portal
Porterdale
Poulan
Preston
Pulaski
Quitman
Ranger
Rayle
Rebecca
Register
Remerton
Rentz
Resaca
Rest Haven
Reynolds
Rhine
Riceboro
Richland
Riddleville
Riverside
Roberta
Rochelle
Rockmart
Rocky Ford
Rome
Rossville
Russell
Rutledge
Sale City
Sandersville
Sardis
Sasser
Scotland
Screven
Sendia
Shady Dale
Sharon
Sharpsburg
Shellman
Shiloh
Siloam
Smithville
Social Circle
Soperton
Sparks
Sparta
Stapleton
Statesboro
Stillmore
Summertown
Summerville
Sumner
Sunny Side
Surrency
Swainsboro
Sycamore
Sylvania
Sylvester
Talbotton
Talking Rock
Tallapoosa
Tallulah Falls
Tarrytown
Taylorsville
Tennille
The Rock
Thomaston
Thomasville
Thomson
Tiger
Tignall
Toomsboro
Trion
Turin
Twin City
Ty Ty
Unadilla
Union Point
Uvalda
Valdosta
Varnell
Vidalia
Vienna
Villa Rica
Wadley
Waleska
Walnut Grove
Walthourville
Warm Springs
Warrenton
Warwick
Washington
Waverly Hall
Waycross
Waynesboro
Weston
West Point
Whigham
White
White Plains
Whitesburg
Willacoochee
Williamson
Winder
Woodbine
Woodbury
Woodland
Woodville
Wrens
Wrightsville
Yatesville
Young Harris

Idaho

Aberdeen
Acequia
Albion
American Falls
Arco
Ashton
Athol
Atomic City
Bancroft
Bellevue
Blackfoot
Bloomington
Bonners Ferry
Buhl
Caldwell
Cambridge
Cascade
Castleford
Challis
Clark Fork
Clayton
Clifton
Coeur D'Alene
Cottonwood
Council
Craigmont
Crouch
Dalton Gardens
Dayton
Donnelly
Downey
Drummond
Dubois
East Hope
Elk River
Emmett
Fernan Lake
Georgetown
Glenns Ferry
Gooding
Grand View
Grangeville
Greenleaf
Hagerman
Hailey
Harrison
Hauser Lake
Hayden
Hollister
Hope
Huetter
Idaho City
Jerome
Juliaetta
Kamiah
Kellogg
Kendrick
Kooskia
Kootenai
Lapwai
Lava Hot Springs
Leadore
McCall
McCammon
MacKay
Malad City
Malta
Melba
Menan
Middleton
Midvale
Minidoka
Montpelier
Moscow
Moyie Springs
Mud Lake
Mullan
Nampa
Newdale
New Meadows
New Plymouth
Nezperce
Notus
Oakley
Oldtown
Onaway
Orofino
Oxford
Paris
Parma
Payette
Pinehurst
Placerville
Pocatello
Ponderay
Preston
Priest River
Rathdrum
Reubens
Rexburg
Rigby
Riggins
Ririe
Roberts
Rockland
Rupert
St Anthony
St Charles
St Marie's
Salmon
Sandpoint
Shoshone
Smeiterville
Spencer
Spirit Lake
Stites
Tensed
Teton
Tetonia
Twin Falls
Victor
Wallace
Wardner
Warm River
Weippe
Weiser
Wendell
Weston
White Bird
Wilder
Worley

Illinois

Abingdon
Adeline
Albers
Alhambra
Allendale
Allerton
Alma
Alorton
Alpha
Alsey
Altamont
Altona
Alto Pass
Alvin
Amboy
Andover
Apple River
Arlington
Armington
Aroma Park
Ashely
Ashmore
Ashton
Assumption
Astoria
Atlanta
Augusta
Ava
Aviston
Avon
Baldwin
Banner
Bannockburn
Bardolph
Barry
Bartelso
Basco
Bath
Baylis
Bay View Gardens
Beardstown
Beaverville
Beckemeyer
Beecher City
Belgium
Belknap
Belle Prairie City
Belle Rive
Belleflower
Belvidere
Bement
Benlo
Bently
Benton
Berlin
Bethany
Biggsville
Bingham
Birds
Bishop Hill
Blandinsville
Blue Island
Blue Mound
Bluffs
Bluford
Bonnie
Bowen
Bradford
Braidwood
Bridgeport
Broadlands
Broadwell
Brocton
Brooklyn
Brookport
Broughton
Browing
Brownstown
Brussels
Buckner
Buda
Bulpitt
Buncombe
Bunker Hill
Bureau Junction
Burnt Prairie
Bush
Bushnell
Cabery
Cahokia
Cairo
Calhoun
Cambria
Cambridge
Camden
Camp Point
Canton
Capron
Carbondale
Carlinville
Carlyle
Carriers Mills
Carrollton
Carterville
Casey
Caseyville
Cave-in-Rock
Central City
Centralia
Centreville
Chandlerville
Charleston
Chebanse
Chester
Chesterfield
Chrisman
Christopher
Cisco
Cisne
Cissna Park
Claremont
Clay City
Clayton
Coalton
Coatsburg
Cobden
Coffeen
Colchester
Coleta
Collinsville
Colp
Columbus
Congerville
Coulterville
Cowden
Creal Springs
Creston
Cuba
Cutler
Cypress
Dahlgren
Dallas City
Dalzell
Dana
Danforth
Danville
Davis Junction
Deer Grove
De Kalb
De Land
Depue
Detroit
Dix
Dixmoor
Dixon
Dongola
Donnellson
Dorchester
Dover
Dowell
Du Bois
Dunfermline
Dupo
Du Quoin
Durand
Eagarville
Earlville
East Alton
East Carondelet
East Chicago Heights
East Dubuque
East Gillespie
East Moline
Easton
Eddyville
Edgewood
Edinburg
Edwardsville
El Dara
Eldorado
Eldred
Elizabethtown
Elkville
Elliott
Ellis Grove
El Paso
Elsah
Elvaston
Emden
Energy
Enfield
Equality
Exeter
Fairfield
Fairmont City
Fairmount
Fairview
Farina
Farmer City
Farmington

Fayetteville
Feris
Fidelity
Fieldon
Fillmore
Fithian
Flat Rock
Flora
Florence
Forest City
Forest Park
Forreston
Franklin Grove
Freeburg
Freeman Spur
Freeport
Galatia
Galesburg
Garrett
Gays
Georgetown
Germantown
Gillespie
Girard
Gladstone
Glasford
Glasgow
Godley
Golconda
Golden
Golf
Goreville
Gorham
Grafton
Grand Tower
Grandview
Grantfork
Greenfield
Greenup
Greenville
Griggsville
Hainesville
Hamburg
Hamilton
Hamletsburg
Hammond
Hanaford
Hanna City
Hanover
Hardin
Harmon
Harrisburg
Hartford
Hartsburg
Harvel
Harvey
Havana
Henning
Herrick
Herrin
Hettick
Hidalgo
Hillsboro
Hillview
Hindsboro
Hodgkins
Homer
Hoopeston
Hooppole
Hopedale
Hull
Hume
Hurst
Hutsonville
Ina
Indianola
Iola
Iroquois
Irving
Irvington
Iuka
Ivesdale
Jacksonville
Jeffersonville
Jeiseyville
Jerseyville
Jewett
Johnston City
Jonesboro
Joppa
Joy
Junction
Junction City
Kampsville
Kane
Kangley
Kansas
Karnak
Keenes
Keensburg
Keithsburg
Kell
Kewanee
Keyesport
Kilbourne
Kincaid
Kinderhook
Kingston Mines
Kinmundy
Kinsman
Kirkwood
Lacon
La Fayette
La Harpe
Lakemoor
La Moille
Lanark
La Prairie
La Rose
La Salle
Latham
Lawrenceville
Leaf River
Lebanon
Leland
Lenzburg
Lerna
Lewistown
Liberty
Lincoln
Lisbon
Litchfield
Littleton
Little York
Liverpool
Livingston
Loami
Loda
Lomax
London Mills
Long Creek
Longview
Loraine
Louisville
Lovington
Ludlow
Macedonia
McLeansboro
Macomb
Macon
Madison
Maeystown
Magnolia
Manchester
Manito
Mansfield
Mampleton
Maquon
Marengo
Marietta
Marine
Marissa
Mark
Markham
Marshall
Martinsville
Mascoutah
Matherville
Mattoon
Maunie
Maywood
Media
Medora
Melrose Park
Mendon
Mendota
Meredosia
Metcalf
Metropolis
Middletown
Milford
Mill Shoals
Milton
Minonk
Modesto
Momence
Monmouth
Montrose
Morrisonville
Mound City
Mound
Mound Station
Mount Carmel
Mount Carroll
Mount Clare
Mount Erie
Mount Olive
Mount Sterling
Mount Vernon
Muddy
Mulberry Grove
Muncie
Murphysboro
Naples
Nashville
Nason
National City
Nauvoo
N Bo
Nelson
Neoga
New Athens
New Bedford
New Boston
New Burnside
New Canton
New Douglas
New Grand Chain
New Haven
New Minden
New Salem
Niantic
Noble
Norris
Norris City
North City
North Henderson
North Utica
Oakland
Oakwood
Oblong
Odin
Oglesby
Ohio
Ohlman
Okawville
Old Ripley
Old Shawneetown
Olmstead
Omaha
Onarga
Oquawka
Oregon
Orient
Ottawa
Otterville
Owaneco
Palmer
Palmyra
Pana
Papineau
Paris
Parkersburg
Patoka
Paxton
Pearl
Pearl City
Pembroke
Percy
Perry
Phoenix
Pierron
Pittsburg
Pittsfield
Plainville
Pleasant Hill
Plymouth
Pocahontas
Polo
Pontoosuc
Poplar Grove
Posen
Potomac
Prairie City
Prairie Du Rocher
Pulaski
Quincy
Radom
Raleigh
Ramsey
Rankin
Ransom
Raritan
Reddick
Redmon
Richview
Ridge Farm
Ridgway
Ridott
Rio
Ripley
Robbins
Robinson
Rochelle
Rockbridge
Rockdale
Rock Falls
Rockwood
Roodhouse
Rose Hill
Roseville
Rosiclare
Rossville
Roxana
Royal Lakes
Royalton
Ruma
Rushville
Russellville
Rutland
Sailor Springs
St Anne
St Augustine
St David
St Elmo
Ste Marie
St Johns
Sandoval
San Jose
Sauget
Savanna
Sawyerville
Scales Mound
Sciota
Scottville
Seaton
Secor
Sesser
Shawneetown
Sheffield
Sheldon
Sherrard
Shipman
Shumway
Sibley
Sidell
Sigel
Silvis
Simpson
Sims
Smithboro
Smithfield
Sorento
South Beloit
South Pekin
South Roxana
South Wilmington
Sparta
Spillertown
Springerton
Spring Valley
Standard City
Staunton
Sterling
Steward
Stewardson
Stickney
Stockton
Stonefort
Stone Park
Stonington
Stoy
Strasburg
Strawn
Streator
Stronghurst
Sublette
Sullivan
Summerfield
Summit
Sumner
Sun River Terrace
Table Grove
Tamaroa
Tamms
Tampico
Taylor Springs
Taylorville
Tennessee
Thawville
Thebes
Thompsonville
Tilden
Tilton
Time
Tiskilwa
Toledo
Tonica
Topeka
Tovey
Tower Hill
Troy Grove
Ullin
Union Hill
Ursa
Valley City
Vandalia
Venice
Vermilion
Vermont
Vernon
Versailles
Victoria
Vienna
Villa Grove
Virden
Virginia
Waggoner
Walnut
Wamac
Wapella
Warren
Warsaw
Washburn
Washington Park
Wataga
Watson
Wayne City
Waynesville
Weldon
Wenona
Wenonah
West Brooklyn
West City
Westfield
West Frankfort
West Point
Westville
Wheeler
Whiteash
White City
White Hall
Williamson
Willisville
Willow Hill
Wilmington
Wilmington
Wilsonville
Winchester
Winslow
Witt
Woodhull
Woodlawn
Wood River
Worden
Wyanet
Wyoming
Xenia
Zeigler

Indiana

Advance
Akron
Alamo
Albany
Albion
Alexandria
Alfordsville
Alton
Altona
Ambia
Amboy
Amo
Andrews
Angola
Argos
Ashley
Aurora
Austin
Avilla
Bainbridge
Bedford
Bethany
Bicknell
Bloomfield
Blountsville
Bluffton
Boston
Boswell
Bourbon
Brazil
Brook
Brooklyn
Brooksburg
Brownstown
Bruceville
Bryant
Bunker Hill
Burnettsville
Butler
Cadiz
Cambridge City
Campbellsburg
Cannelburg
Cannelton
Carbon
Carefree
Carlisle
Carthage
Castleton
Cayuga
Cedar Lake
Center Point
Centerville
Chalmers

Charlestown
Chrisney
Churubusco
Clarks Hill
Clay City
Claypool
Clayton
Clinton
Columbus
Connersville
Converse
Corunna
Corydon
Country Club Heights
Crandall
Crawfordsville
Cromwell
Crothersville
Culver
Dale
Dana
Decatur
Decker
Denver
Dillsboro
Dublin
Dugger
Dunkirk
Dunreith
Dupont
Earl Park
East Germantown
Eaton
Economy
Edinburg
Edwardsport
Elberfeld
Elizabethtown
Elnora
Elwood
English
Fairmount
Fairview Park
Farmersburg
Farmland
Fort Branch
Fountain City
Fowler
Fowlerton
Francisco
Frankfort
Franklin
Fredericksburg
French Lick
Fulton
Garrett
Gas City
Gaston
Geneva
Georgetown
Glenwood
Goodland
Gosport
Grandview
Greencastle
Greensboro
Greensburg
Greensfork
Griffin
Hamilton
Hamlet
Hanover
Hardinsburg
Harmony
Hartford City
Hartsville
Hazleton
Hillsboro
Holton
Hope
Hudson
Huntington
Hymera
Ingalls
Jasonville
Jeffersonville
Jonesboro
Jonesville
Judson
Kempton
Kendallville
Kennard
Kewanna
Kingman
Kingsbury
Kirklin
Knightstown
Knightsville
Knox
Laconia
La Crosse
La Fontaine
Lagro
Lakeville
La Paz
La Porte
Laurel
Lawrenceburg
Leavenworth
Lewisville
Liberty
Ligonier
Linton
Little York
Livonia
Logansport
Loogootee
Losantville
Lynhurst
Lynn
Lyons
Macy
Madison
Marengo
Marion
Markle
Markleville
Marshall
Martinsville
Matthews
Mauckport
Mecca
Medaryville
Medora
Mellott
Merom
Michigan City
Michigantown
Middletown
Milan
Milford
Millhousen
Milltown
Milton
Mitchell
Modoc
Monon
Monroe City
Montezuma
Montgomery
Montpelier
Mooreland
Moores Hill
Mooresville
Morgantown
Morocco
Mount Auburn
Mount Carmel
Mount Etna
Mount Summit
Mulberry
Napoleon
New Amsterdam
Newberry
New Castle
New Market
New Middletown
New Pekin
Newpoint
Newport
New Providence
New Richmond
Newtown
North Grove
North Judson
North Liberty
North Manchester
North Vernon
Oakland City
Oakton
Odon
Oldenburg
Orestes
Orland
Orleans
Osgood
Palmyra
Paoli
Paragon
Parker City
Patoka
Patriot
Pendleton
Pennville
Perrysville
Peru
Pierceton
Pine Village
Plainville
Plymouth
Poneto
Portland
Princeton
Ravenswood
Redkey
Reynolds
Richmond
Ridgeville
Rising Sun
Roachdale
Roann
Rochester
Rockport
Rocky Ripple
Rome City
Rosedale
Roseland
Rossville
Royal Center
Rushville
St Joe
St. Paul
Salamonia
Salem
Saltillo
Saratoga
Scottsburg
Selma
Seymour
Sharpsville
Shelburn
Shelbyville
Sheridan
Shirley
Shoals
Sidney
South Whitley
Spencer
Spiceland
Spring Grove
Spring Hills
Springport
Spurgeon
Staunton
Stinesville
Straughn
Sullivan
Sulphur Springs
Summitville
Sunman
Switz City
Tell City
Tennyson
Thorntown
Tipton
Troy
Union City
Universal
Upland
Van Buren
Veedersburg
Vera Cruz
Vernon
Versailles
Vevay
Vincennes
Wabash
Walkerton
Wallace
Walton
Warren
Washington
Waterloo
Waveland
West Baden
West College Corner
West Harrison
West Lebanon
Westport
West Terre Haute
Wheatfield
Wheatland
Whitestown
Whitewater
Whiting
Williamsport
Winamac
Winchester
Windfall City
Wingate
Winona Lake
Winslow
Wolcott
Wolcottville
Worthington

Iowa

Afton
Agency
Ainsworth
Akron
Albia
Albion
Alexander
Allerton
Allison
Alta Vista
Alton
Alvord
Ames
Andover
Andrew
Anthon
Aredale
Arion
Arispe
Arlington
Armstrong
Arthur
Ashton
Athelstan
Auburn
Audubon
Aurora
Bagley
Baldwin
Bancroft
Barnes City
Batavia
Beaconsfield
Bedford
Belle Plaine
Bellevue
Benton
Bernard
Bevington
Birmingham
Blakesburg
Blockton
Bloomfield
Bonaparte
Boxholm
Bradgate
Brandon
Bridgewater
Brighton
Bristow
Bronson
Burlington
Callender
Cantril
Carbon
Carpenter
Carson
Cascade
Casey
Castalia
Castana
Center Junction
Centerville
Central City
Centralia
Chariton
Charles City
Charlotte
Charter Oak
Chatsworth
Chelsea
Cincinnati
Clare
Clarinda
Clarksville
Clayton
Clearfield
C Eghorn
Clemons
Clermont
Clinton
Clutier
Coburg
Coggon
Coin
Colesburg
Collins
Columbus City
Colwell
Conway
Coppock
Correctionville
Corydon
Cotter
Crawfordsville
Creston
Cromwell
Cumberland
Curlew
Cylinder
Dallas
Danbury
Davis City
Dawson
Dayton
Decatur City
Deep River
Delaware
Delhi
Deloit
Delta
Derby
Diagonal
Dickens
Dolliver
Donnan
Dougherty
Dows
Drakesville
Dumont
Dundee
Dunlap
Earling
Earlville
Early
East Peru
Eddyville
E Gewood
Elberon
Eldon
Elgin
Elkader
Ellston
Ely
Emerson
Epworth
Estherville
Evansdale
Exira
Exline
Farley
Farmington
Farnhamville
Fayette
Fenton
Ferguson
Floris
Floyd
Fonda
Fontanelle
Fort Dodge
Fort Madison
Fraser
Fredericksburg
Fredonia
Galt
Galva
Garden Grove
Garrison
George
Gillett Grove
Gilman
Gilmore City
Graettinger
Graf
Grafton
Grand River
Grandview
Grant
Gravity
Gray
Greeley
Greene
Green Island
Greenville
Griswold
Guernsey
Hamilton
Hanlontown
Hardy
Harpers Ferry
Hartley
Hartwick
Harvey
Hastings
Havelock
Haverhill
Hawkeye
Hayesville
Hazleton
Hillsboro
Holstein
Hopkinton
Hornick
Humeston
Hurstville
Ida Grove
Ionia
Jackson Junction
Kamrar
Kanawha
Kellerton
Kensett
Kent
Keokuk
Keosauqua
Keota
Kimballton
Kirkville
Kiron

Knierim
Lacona
Lake View
Lakota
Lamoni
Lamont
La Motte
Lanesboro
Lansing
La Porte City
Lawler
Leon
Le Roy
Letts
Lime Springs
Linden
L Neville
Linn Grove
Liscomb
Littleport
Little Rock
Little Sioux
Livermore
Logan
Lohrville
Lorimor
Lost Nation
Lovilia
Lucas
Lu Verne
Luzerne
Lytton
McClelland
MacEdonia
McGregor
McIntire
Magnolia
Malcom
Manchester
Mapleton
Maquoketa
Marathon
Marble Rock
Marcus
Marengo
Marne
Marquette
Marshalltown
Martinsburg
Mason
Masonville
Massena
Maurice
Maxwell
Maynard
Maysville
Medicpolis
Melbourne
Melcher
Melrose
Menlo
Meservey
Middletown
Miles
Millerton
Milton
Minburn
Mitchell
Mondamin
Monmouth
Montrose
Moorhead
Moravia
Morley
Moulton
Mount Auburn
Mount Ayr
Mount Pleasant
Mount Sterling
Murray
Mystic
Nashua
Nemaha
Neola
New Albin
New Hartford
New Liberty
New Market
New Vienna
New Virginia
Nora Springs
Northboro
North English
North Washington
Norway
Numa
Oakland
Oakville
Odebolt
Oelwein
Olin
Ollie
Onawa
Oneida
Onslow
Orchard
Orient
Oskaloosa
Ossian
Osterdock
Oto
Ottumwa
Oxford Junction
Panora
Paton
Persia
Paterson
Pierson
Plain View
Plano
Pleasanton
Plover
Plymouth
Pocahontas
Pomeroy
Popejoy
Portsmouth
Postville
Preston
Primghar
Promise City
Protivin
Pulaski
Quasqueton
Randalia
Randolph
Rathbun
Redding
Redfield
Renwick
Rhodes
Riceville
Richland
Ricketts
Rinard
Ringsted
Riverside
Riverton
Rock Falls
Rodney
Rolfe
Rome
Rose Hill
Rowan
Rowley
Rudd
Russell
Ruthven
Ryan
Sabula
Sac
St Anthony
St Donatus
St Lucas
St Olaf
St Paul
Scarville
Schaller
Schleswig
Scranton
Seymour
Shambaugh
Shannon City
Sharpsburg
Shelby
Sheldahl
Shellsburg
Sherrill
Sibley
Sigourney
Sioux Rapids
Smithland
Soldier
Spillville
Spragueville
Springbrook
Stacyville
Stanley
State Center
Steamboat Rock
Stockport
Stockton
Stratford
Strawberry Point
Sutherland
Swaledale
Swea City
Tabor
Tama
Templeton
Tennant
Thayer
Thompson
Thor
Thornburg
Tingley
Toronto
Udell
Unionville
Urbana
Ute
Van Wert
Villisca
Vining
Vinton
Volga
Wadena
Walker
Wall Lake
Walnut
Washta
Waterville
Waucoma
Waukon
Wayland
Webster
Weldon
Wellsburg
Welton
Westgate
Westphalia
West Union
What Cheer
Wheatland
Whittemore
Whitten
Willey
Williams
Williamson
Winterset
Winthrop
Wiota
Woodburn
Woolstock
Yale
Yetter
Zwingle

Kansas

Abbyville
Abilene
Agenda
Agra
Albert
Alden
Alexander
Alma
Almena
Altoona
Anthony
Arcadia
Arlington
Arma
Atchison
Athol
Attica
Axtell
Baldwin City
Barnard
Barnes
Bartlett
Bassett
Baxter Springs
Bazine
Belloit
Belpre
Benedict
Bern
Bison
Blue Mound
Blue Rapids
Bluff City
Bronson
Brookville
Brownell
Buffalo
Bunker Hill
Burns
Burr Oak
Bushong
Caldwell
Caney
Cassoday
Cawker City
Cedar
Cedar Vale
Centralia
Chapman
Chautauqua
Cherryvale
Chetopa
Circleville
Clay Center
Clifton
Climax
Clyde
Coffeyville
Collyer
Colony
Columbus
Concordia
Coolidge
Corning
Cottonwood Falls
Council Grove
Courtland
Coyville
Cuba
Culver
Damar
Dearing
Deerfield
Delphos
Denison
Denton
Dorrance
Downs
Dresden
Dunlap
Durham
Dwight
Edna
Elgin
Elk City
Elk Falls
Elsmore
Elwood
Emmett
Englewood
Ensign
Enterprise
Eskridge
Eureka
Everest
Fairview
Fall River
Florence
Fontana
Ford
Formoso
Fort Scott
Fredonia
Fulton
Galena
Garnett
Gaylord
Geneseo
Geuda Springs
Glade
Glasco
Goff
Goodland
Gorham
Gove City
Green
Greenleaf
Grenola
Grinnell
Gypsum
Haddam
Hamilton
Hamlin
Hanover
Hanston
Hardtner
Hartford
Harveyville
Haviland
Hazelton
Herington
Herndon
Highland
Hillsboro
Holyrood
Horace
Horton
Howard
Hoxie
Hunter
Huron
Hutchinson
Iola
Jamestown
Jennings
Jetmore
Jewell
Junction City
Kanorado
Kensington
Kincaid
Kingman
Kinsley
Kiowa
Kirwin
Labette
La Harpe
Lane
Langdon
Latham
Lebanon
Lenora
Leona
Leonardville
Le Roy
Liberty
Liebenthal
Lincoln Center
Lincolnville
Lynn
Linwood
Little River
Logan
Long Island
Louisville
Lucas
Luray
McCracken
McCune
McDonald
McClouth
Mahaska
Manhattan
Mankato
Mapleton
Marquette
Meade
Menlo
Milan
Miltonvale
Minneapolis
Minneola
Morganville
Morland
Morrill
Morrowville
Moscow
Mound City
Mound Valley
Mulberry
Mullinville
Munden
Muscotah
Narka
Natoma
Neodesha
Neosho Falls
Netawaka
New Cambria
Nickerson
Niotaze
Norcatur
Norton
Nortonville
Oak Hill
Oakley
Offerle
Olmitz
Olpe
Olsburg
Onaga
Oneida
Osborne
Oswego
Ottawa
Palmer
Paradise
Park
Parker
Parkerville
Parsons
Partridge
Paxico
Peabody
Penaloss
Peru
Pittsburg
Plainville
Pleasanton
Plevna
Portis
Powhattan
Prarie View
Prescott
Preston
Quenemo
Quinter
Ramona
Randall
Rantoul
Raymond
Redfield
Republic
Reserve
Rexford
Richfield
Richmond
Rozel

Rush Center
Russell Springs
Sabetha
St Francis
Satanta
Savonburg
Scammon
Scandia
Schoenchen
Scott City
Scranton
Selden
Severance
Severy
Seward
Sharon Springs
Smith Center
Soldier
Solomon
South Haven
Spearville
Stafford
Stark
Sterling
Stockton
Strong City
Summerfield
Sun City
Susank
Sylvan Grove
Sylvia
Syracuse
Tampa
Tescott
Thayer
Tipton
Toronto
Treece
Tribune
Troy
Turon
Tyro
Utica
Valley Falls
Vining
Virgil
Wakefield
Waldo
Waldron
Wallace
Walnut
Washington
Waverly
Weir
Wetmore
Wheaton
White City
White Cloud
Whiting
Willard
Williamsburg
Wilson
Winchester
Windom
Winona
Woodston
Yates Center
Zenda
Zurich

Kentucky

Adairville
Albany
Allen
Arlington
Auburn
Augusta
Barbourville
Bardstown
Bardwell
Barlow
Beattyville
Bedford
Bellevue
Benham
Benton
Berry
Blaine
Bloomfield
Bonnieville
Booneville
Bowling Green
Bradfordsville
Breman
Brodhead
Broomley
Brooksville
Brownsville
Burgin
Burnside
Butler
Cadiz
Calhoun
California
Camargo
Campbellsburg
Campton
Caneyville
Carlisle
Carrollton
Carrsville
Caseyville
Catlettsburg
Cave City
Centertown
Central
Clarkson
Clay
Clay City
Clinton
Cloverport
Columbia
Columbus
Concord
Corbin
Corinth
Corydon
Crab Orchard
Crofton
Cumberland
Cynthiana
Danville
Dawson Springs
Dayton
Dixon
Dover
Drakesboro
Dry Ridge
Earlington
Eddyville
Edmonton
Ekron
Elkhorn City
Elkton
Eminence
Eubank
Evarts
Ewing
Fairfield
Falmouth
Ferguson
Fleming-Neon
Flemingsburg
Fordsville
Foster
Fountain Run
Franklin
Fredonia
Frenchburg
Fulton
Georgetown
Germantown
Ghent
Glasgow
Glencoe
Grand Rivers
Gratz
Grayson
Greensburg
Greenup
Guthrie
Hanson
Hardin
Hardinsburg
Harlan
Harrodsburg
Hartford
Hawesville
Hazard
Hazel
Henderson
Hickman
Hindman
Hiseville
Hodgenville
Horse Cave
Hunter's Hollow
Hustonville
Hyden
Irvine
Irvington
Island
Jackson
Jamestown
Jeffersonville
Jenkins
Junction City
Kevil
La Center
La Fayette
Lancaster
Latonia Lakes
Lebanon
Lebanon Junction
Leitchfield
Lewisburg
Liberty
Livermore
Livingston
Lockport
London
Loretto
Louisa
Loyall
Ludlow
Lynch
Lynnview
McHenry
McKee
Mackville
Madisonville
Manchester
Marion
Martin
Mayfield
Maysville
Melbourne
Middlesborough
Midway
Millersburg
Milton
Minor Lane Heights
Monterey
Monticello
Morehead
Morganfield
Morgantown
Mortons Gap
Mount Olivet
Mount Sterling
Mount Vernon
Muldraugh
Munfordville
Murray
Nebo
Newburg
New Castle
New Haven
Newport
Nortonville
Oakland
Olive Hill
Owenton
Owingsville
Paducah
Paintsville
Paris
Park City
Park Hills
Parkway Village
Pembroke
Perryville
Pikeville
Pineville
Pippa Passes
Pleasureville
Powderly
Prestonburg
Prestonville
Princeton
Providence
Raceland
Ravenna
Richmond
Rochester
Rockport
Russell Springs
Russellville
Sacramento
Sadieville
St Charles
Salem
Salt Lick
Salyersville
Sanders
Sandy Hook
Sardis
Science Hill
Scottsville
Sebree
Sharpsburg
Shelbyville
Shepherdsville
Silver Grove
Slaughterville
Smithfield
Smithland
Smiths Grove
Somerset
Sonora
South Carrollton
South Shore
Sparta
Springfield
Stamping Ground
Stanford
Stanton
Sturgis
Taylorsville
Tollesboro
Tompkinsville
Trenton
Uniontown
Upton
Vanceburg
Vicco
Visalia
Wallins Creek
Walton
Warfield
Warsaw
Water Valley
Wayland
West Buechel
West Liberty
West Point
Wheatcroft
Wheelwright
White Plains
Whitesburg
Whitesville
Wickliffe
Williamsburg
Williamstown
Willisburg
Wilmore
Winchester
Wingo
Woodburn
Woodlawn
Worthington
Worthington Hills
Worthville
Wurtland

Louisiana

Abbeville
Abita Springs
Albany
Amite City
Angie
Arcadia
Arnaudville
Ashland
Athens
Baldwin
Basile
Baskin
Bastrop
Belcher
Bernice
Bienville
Bogalusa
Bonita
Boyce
Breaux Bridge
Bryceland
Bunkie
Calvin
Campti
Castor
Chataignier
Chathman
Cheneyville
Choudrant
Church Point
Clarence
Clarks
Clayton
Clinton
Colfax
Collinston
Columbia
Converse
Cottonport
Cotton Valley
Coushatta
Covington
Crowley
Cullen
Delcambre
Delhi
Delta
De Quincy
De Ridder
Dixie Inn
Dodson
Donaldsonville
Doyline
Dry Prong
East Hodge
Elizabeth
Elton
Epps
Erath
Eros
Estherwood
Eunice
Evergreen
Farmerville
Fenton
Ferriday
Fisher
Florien
Folsom
Fordoche
Forest
Forest Hill
Franklin
Franklinton
French Settlement
Georgetown
Gibsland
Gilbert
Gilliam
Glenmora
Golden Meadow
Goldonna
Grambling
Grand Cane
Grand Coteau
Grand Isle
Grayson
Greensburg
Grosse Tete
Gueydan
Hall Summit
Hammond
Harrisonburg
Haughton
Haynesville
Heflin
Henderson
Hodge
Homer
Hornbeck
Hosston
Ida
Independence
Iota
Jackson
Jamestown
Jeanerette
Jennings
Jonesboro
Jonesville
Junction City
Kaplan
Keatchie
Kentwood
Kilbourne
Kinder
Krotz Springs
Lake Arthur
Lake Providence
Lecompte
Leesville
Leonville
Lillie
Lisbon
Livingston
Logansport
Longstreet
Loreauville
Lucky
Lutcher
McNary
Madisonville
Mamou
Mangham
Mansfield
Mansura
Many
Maringouin
Marion
Marksville
Maurice
Melville
Mermentau
Mer Rouge
Merryville
Minden
Montgomery
Montpelier
Mooringsport
Moreauville
Morgan City
Morganza
Morse
Mound
Mount Lebanon
Napoleonville
Natchez
Natchitoches
Newellton
New Roads

North Hodge
Norwood
Oakdale
Oak Grove
Oak Ridge
Oberlin
Oil City
Opelousas
Palmetto
Parks
Pine Prairie
Pioneer
Plain Dealing
Plaquemine
Plaucheville
Pleasant Hill
Pollock
Ponchatoula
Port Barre
Powhatan
Provencal
Rayne
Rayville
Reeves
Richmond
Richwood
Ridgecrest
Ringgold
Rodeline
Rodessa
Rosedale
Roseland
St. Francisville
St. Joseph
St. Martinville
Saline
Sarepta
Shongaloo
Sibley
Sicily Island
Sikes
Simmesport
Simpson Sorrento
South Mansfield
Spearsville
Springfield
Stanley
Sun
Sunset
Tallulah
Tangipahoa
Tickfaw
Tullos
Turkey Creek
Urania
Varnado
Ville Platte
Vivian
Walker
Washington
Waterproof
Welsh
White Castle
Wilson
Winnfield
Winnsboro
Wisner
Woodworth
Zwolle

Maine

Augusta
Belfast
Biddeford
Brewer
Calais
Caribou
Eastport
Gardiner
Hollowell
Old Town
Presque Isle
Rockland
South Portland
Waterville

Maryland

Aberdeen
Barton
Berlin
Betterton
Brentwood
Brookeville
Brookview
Cambridge
Capitol Heights
Cecilton
Charlestown
Chesapeake City
Chestertown
Church Creek
Colmar Manor
Crisfield
Deer Park
Delmar
Denton
East New Market
Edmonston
Eldorado
Elkton
Emmitsburg
Fairmount Heights
Federalsburg
Friendsville
Frostburg
Galena
Galestown
Goldsboro
Grantsville
Greensboro
Hancock
Havre De Grace
Hebron
Henderson
Hillsboro
Hurlock
Kitzmillerville
Loch Lynn Heights
Lonaconing
Mardela Springs
Marydel
Midland
Mountain Lake Park
Mount Rainier
North Beach
North Brentwood
North East
Oakland
Perryville
Pocomoke City
Port Deposit
Princess Anne
Queen Anne
Ridgely
Rock Hall
St Michaels
Salisbury
Secretary
Sharpsburg
Smithsburg
Snow Hill
Sudlersville
Templeville
Vienna
Westernport
Williamsport

Massachusetts

Chelsea
Everett
Gardner
North Adams
Revere
Taunton

Michigan

Addison
Adrian
Ahmeek
Akron
Alanson
Albion
Algonac
Allegan
Allen
Alma
Almont
Alpena
Alpha
Applegate
Armada
Ashley
Athens
Bad Axe
Baldwin
Bancroft
Bangor
Baraga
Barryton
Bear Lake
Beaverton
Belding
Bellaire
Bellevue
Benzonia
Berrien Springs
Bessemer
Beulah
Big Rapids
Bloomingdale
Boyne City
Boyne Falls
Breckenridge
Breedsville
Britton
Bronson
Brooklyn
Brown City
Buchanan
Buckley
Burlington
Burr Oak
Burton
Byron
Cadillac
Calumet
Camden
Capac
Carleton
Carney
Caro
Carson City
Carsonville
Caseville
Casnovia
Caspian
Cassopolis
Cedar Springs
Cement City
Central Lake
Centreville
Charlevoix
Charlotte
Cheboygan
Chesaning
Clare
Clarksville
Clayton
Clifford
Clio
Coldwater
Coleman
Coloma
Colon
Columbiaville
Concord
Constantine
Coopersville
Copemish
Copper City
Corunna
Croswell
Crystal Falls
Custer
Daggett
Dansville
Decatur
Deckerville
Deerfield
De Tour Village
Dowagiac
Dryden
Durand
Eagle
East Jordan
East Lake
East Tawas
Eaton Rapids
Eau Claire
Ecorse
Edmore
Edwardsburg
Elberta
Elkton
Ellsworth
Elsie
Emmett
Empire
Escanaba
Essexville
Estral Beach
Evart
Farwell
Fennville
Fenton
Ferndale
Fife Lake
Forestville
Fountain
Fowler
Fowlerville
Frankfort
Freeport
Free Soil
Fremont
Fruitport
Gaastra
Gagetown
Gaines
Galesburg
Galien
Garden
Gaylord
Gladstone
Gladwin
Gobles
Grand Haven
Grant
Grayling
Greenville
Hamtramck
Hancock
Hanover
Harbor Beach
Harbor Springs
Harrietta
Harrison
Harrisville
Hart
Hartford
Hastings
Hazel Park
Hersey
Hesperia
Highland Park
Hillman
Hillsdale
Holly
Homer
Honor
Hopkins
Houghton
Howard City
Howell
Hubbardston
Hudson
Imlay City
Inkster
Ionia
Iron Mountain
Iron River
Ironwood
Ishpeming
Ithaca
Jonesville
Kaleva
Kalkaska
Keego Harbor
Kent City
Kinde
Kingsford
Kingsley
Kingston
Laingsburg
Lake Linden
Lake Odessa
Lakeview
Lakewood Club
Lanse
Lapeer
Laurium
Lawrence
Lawton
Lennon
Le Roy
Lexington
Lincoln
Linden
Litchfield
Lowell
Ludington
Luna Pier
Luther
Lyons
McBain
McBride
Mackinac Island
Mackinaw City
Mancelona
Manchester
Manistee
Manistique
Manton
Maple Rapids
Marcellus
Marine City
Marion
Marlette
Marquette
Marshall
Martin
Mattawan
Mayville
Mecosta
Melvin
Melvindale
Memphis
Mendon
Menominee
Merrill
Mesick
Metamora
Middleville
Millersburg
Millington
Minden City
Monroe
Montague
Montrose
Morenci
Morley
Morrice
Mount Clemens
Mount Morris
Mount Pleasant
Muir
Mulliken
Munising
Nashville
Negaunee
Newaygo
Newberry
New Buffalo
New Era
New Haven
New Lothrop
Niles
North Adams
North Branch
Northport
Norway
Oakley
Oak Park
Olivet
Omer
Onaway
Onekama
Onsted
Ontonagon
Ortonville
Otisville
Otsego
Otter Lake
Ovid
Owendale
Owosso
Parma
Paw Paw
Peck
Pellston
Perrinton
Perry
Petersburg
Petoskey
Pewamo
Pierson
Pigeon
Pinckney
Pinconning
Port Austin
Port Hope
Portland
Port Sanilac
Posen
Potterville
Powers
Prescott
Quincy
Ravenna
Reading
Reed City
Reese
Richmond
River Rouge
Roger City
Romeo
Roscommon
Rosebush
Rose City
Rothbury
St. Charles
St. Clair
St. Ignace
St. Joseph
St. Louis
Sand Lake
Sandusky
Saranac
Sault Sainte Marie
Scottville

Sebewaing
Shelby
Sheridan
Sherwood
South Haven
South Range
South Rockwood
Sparta
Spring Lake
Springport
Stambaugh
Standish
Stanton
Stanwood
Stephenson
Sterling
Sturgis
Sunfield
Suttons Bay
Tawas City
Tecumseh
Tekonsha
Thompsonville
Three Oaks
Three Rivers
Traverse
Turner
Tustin
Twining
Ubly
Union City
Unionville
Vandalia
Vanderbilt
Vassar
Vermontville
Vernon
Wakefield
Waldron
Walkerville
Watervliet
Wayland
Wayne
West Branch
Westphalia
White Cloud
Whitehall
White Pigeon
Whittemore
Wolverine
Woodland
Wyandotte
Yale
Ypsilanti
Zeeland
Zilwaukee

Minnesota

Ada
Adrian
Aitkin
Akeley
Albany
Alberta
Aldrich
Alexandria
Alpha
Altura
Alvarado
Amboy
Appleton
Argyle
Arlington
Askov
Audubon
Avoca
Backus
Badger
Bagley
Barnum
Barrett
Barry
Battle Lake
Baudette
Beardsley
Becker
Bejou
Belgrade
Bellchester
Bellingham
Beltrami
Bemidji
Bena
Benson
Bertha
Bethel
Bigelow
Big Falls
Bigfork
Big Lake
Bingham Lake
Bird Island
Biwabik
Blackduck
Blomkest
Bluffton
Bock
Bovey
Bowlus
Boyd
Boy River
Brainerd
Braham
Breckenridge
Brewster
Bricelyn
Brook Park
Brooks
Brookston
Brooten
Browerville
Brownsdale
Browns Valley
Bruno
Buckman
Buffalo Lake
Buhl
Butterfield
Callaway
Calumet
Canby
Canton
Carlton
Cass Lake
Cedar Mills
Chandler
Chisholm
Clara City
Clarissa
Clearbrook
Clear Lake
Clements
Cleveland
Climax
Clitherall
Clontarf
Cloquet
Cobden
Coleraine
Comfrey
Conger
Cook
Correll
Cosmos
Cromwell
Crookston
Crosby
Crosslake
Currie
Cyrus
Dalton
Danvers
Darwin
Dassel
Deer Creek
Deer River
Deerwood
De Graff
Delavan
Delhi
Denham
Dennison
Dent
Detroit Lakes
Donaldson
Dumont
Dundee
Dunnell
Eagle Bend
Easton
Echo
Eden Valley
Edgerton
Effie
Elbow Lake
Elizabeth
Ellsworth
Elmdale
Elmore
Elrosa
Ely
Elysian
Emily
Emmons
Erhard
Erskine
Evan
Evansville
Eveleth
Fairfax
Faribault
Farwell
Federal Dam
Felton
Fergus Falls
Fertile
Fifty Lakes
Finlayson
Flensburg
Floodwood
Foreston
Fort Ripley
Fosston
Fountain
Foxhome
Franklin
Franklin
Frazee
Freeport
Frost
Garvin
Gary
Genola
Georgetown
Ghent
Gilman
Glenwood
Glyndon
Gonvick
Goodridge
Good Thunder
Grand Marais
Grand Rapids
Granite Falls
Grasston
Greenbush
Green Isle
Grey Eagle
Grove City
Gully
Hackensack
Hadley
Hallock
Hammond
Hampton
Hanska
Harding
Hardwick
Harmony
Hartland
Hatfield
Hawley
Hazel Run
Hector
Heidelberg
Henderson
Hendricks
Hendrum
Henning
Henriette
Herman
Hermantown
Heron Lake
Hewitt
Hibbing
Hill City
Hillman
Hilltop
Hinckley
Hitterdal
Hoffman
Hokah
Holland
Holloway
Holt
Houston
Humboldt
Ihlen
International Falls
Iron Junction
Ironton
Isanti
Isle
Ivanhoe
Jackson
Jasper
Jeffers
Jenkins
Johnson
Karlstad
Kazota
Keewatin
Kelliher
Kellogg
Kennedy
Kenneth
Kensington
Kent
Kenyon
Kerrick
Kettle River
Kilkenny
Kimball
Kingston
Lafayette
Lake Benton
Lake Bronson
Lake Park
Lake Wilson
Lamberton
Lancaster
Lanesboro
La Porte
La Salle
Lastrup
Le Center
Lengby
Leonard
Lewisville
Lismore
Litchfield
Little Falls
Littlefork
Long Beach
Longville
Lonsdale
Luisburg
Lowry
Lucan
Luverne
Lyle
Mabel
McGrath
McGregor
McIntosh
McKinley
Madison
Magnolia
Mahnomen
Manhattan Beach
Mankato
Mapleview
Marble
Marietta
Maynard
Meadowlands
Meire Grove
Menahga
Mendota
Mentor
Middle River
Milaca
Milan
Millerville
Millville
Miltona
Minnesota City
Minnesota Lake
Mizpah
Montevideo
Montgomery
Moose Lake
Mora
Morgan
Morris
Morristown
Morton
Motley
Murdock
Nashua
Nashwauk
Nassau
Nelson
Nevis
New Auburn
Newfolden
New Germany
New Munich
New Prague
New Trier
New York Mills
Nimrod
Norcross
Northfield
Northome
Odessa
Ogema
Ogilvie
Oklee
Onamia
Orr
Ortonville
Osakis
Oslo
Ottertail
Palisade
Parkers
Prairie
Park Rapids
Pease
Pelican Rapids
Pemberton
Pequot Lakes
Perham
Perley
Peterson
Pierz
Pillager
Pine City
Pine River
Pipestone
Plummer
Porter
Princeton
Quamba
Randall
Randolph
Ranier
Red Lake Falls
Regal
Remer
Revere
Richville
Ronneby
Roscoe
Roseau
Rose Creek
Royalton
Rushford Village
Ruthon
Rutledge
Sacred Heart
St Anthony
St Hilaire
St Leo
St Martin
St Rosa
St Vincent
Sandstone
Sauk Centre
Seaforth
Sebeka
Sedan
Shafer
Shelly
Shevlin
Slayton
Sleepy Eye
Sobieski
Springfield
Spring Grove
Spring Hill
Spring Valley
Squaw Lake
Staples
Starbuck
Steen
Stephen
Stewart
Storden
Strandquist
Strathcona
Sturgeon Lake
Sunburg
Swanville
Tamarack
Taopi
Taunton
Tenney
Tenstrike
Thief River Falls
Thomson
Tower
Tracy
Trail
Trimont
Trommald
Turtle River
Twin Lakes
Twin Valley
Two Harbors
Tyler
Ulen
Underwood
Upsala
Utica
Vergas
Verndale
Vernon Center
Vesta
Villard
Vining
Virginia
Wabasha
Wabasso
Wadena
Wahkon
Waldorf
Walker
Walnut Grove
Walters
Waltham
Wanda
Warba
Warren
Warroad
Waterville
Watkins

Watson
Waubun
Waverly
Wells
Westbrook
Westport
West Union
Whalan
Wheaton
Williams
Willow River
Wilmont
Winger
Winnebago
Winona
Winthrop
Wolf Lake
Wright
Wykoff
Zemple
Zumbro Falls

Mississippi

Aberdeen
Ackerman
Alligator
Amory
Anguilla
Arcola
Artesia
Ashland
Baldwyn
Bassfield
Batesville
Bay St Louis
Bay Springs
Beaumont
Beauregard
Belzoni
Benoit
Bentonia
Beulah
Big Creek
Blue Mountain
Blue Springs
Bolton
Booneville
Boyle
Braxton
Brookhaven
Brooksville
Bruce
Bude
Burnsville
Byhalia
Caledonia
Calhoun City
Canton
Carrollton
Cary
Centreville
Charleston
Chunky
Clarksdale
Cleveland
Coahoma
Coffeeville
Coldwater
Collins
Columbia
Columbus
Como
Corinth
Courtland
Crawford
Crenshaw
Crosby
Crowder
Cruger
Crystal Springs
Decatur
De Kalb
Derma
D'Lo
Doddsville
Drew
Duck Hill
Dumas
Duncan
Durant
Ecru
Eden
Edwards
Ellisville
Enterprise
Ethel
Eupora
Falcon
Falkner
Fayette
Flora
Forest
French Camp
Friars Point
Fulton
Gattman
Georgetown
Glendora
Gloster
Golden
Goodman
Greenville
Greenwood
Grenada
Gunnison
Guntown
Hatley
Hattiesburg
Hazlehurst
Heidelberg
Hickory
Hickory Flat
Hollandale
Holly Springs
Houston
Indianola
Inverness
Isola
Itta Bena
Jonestown
Jumpertown
Kilmichael
Kosciusko
Kossuth
Lake
Lambert
Laurel
Leakesville
Leland
Lena
Lexington
Liberty
Louin
Louise
Louisville
Lucedale
Lula
Lumberton
Lyon
Maben
McComb
McCool
McLain
Macon
Magee
Magnolia
Marion
Marks
Mathiston
Mayersville
Memphis
Mendenhall
Meridian
Merigold
Metcalfe
Mize
Montrose
Moorhead
Morgan City
Mound Bayou
Mount Olive
Myrtle
Natchez
Nettleton
New Albany
New Augusta
New Houlka
Newport
Newton
North Carrollton
Noxapater
Oakland
Okolona
Osyka
Oxford
Pace
Pachuta
Paden
Pass Christian
Philadelphia
Picayune
Pickens
Pittsboro
Plantersville
Polkville
Pontotoc
Pope
Poplarville
Port Gibson
Potts Camp
Prentiss
Puckett
Quitman
Raleigh
Renova
Richton
Rienzi
Ripley
Rolling Fork
Rosedale
Roxie
Ruleville
Sallis
Saltillo
Sardis
Satartia
Schlater
Scooba
Seminary
Senatogia
Shannon
Shaw
Shelby
Sherman
Shubuta
Shuqualak
Sidon
Silver City
Silver Creek
Slate Spring
Sledge
Starkville
State Line
Stonewall
Sturgis
Summit
Sumner
Sunflower
Sylarena
Taylorsville
Tchula
Terry
Thaxton
Tillatoba
Tishomingo
Toccopola
Tremont
Tunica
Tupelo
Tutwiler
Tylertown
Union
Utica
Vaiden
Vardaman
Verona
Vicksburg
Walnut
Walnut Grove
Water Valley
Waveland
Waynesboro
Webb
Weir
Wesson
West
West Point
Wiggins
Winona
Winstonville
Woodland
Woodville
Yazoo City

Missouri

Adrian
Albany
Aldrich
Alexandria
Allendale
Altamont
Alton
Amazonia
Amity
Amoret
Amsterdam
Anderson
Annada
Annapolis
Anniston
Appleton City
Arbyrd
Arcadia
Arcola
Argyle
Armstrong
Arrow Rock
Asbury
Ash Grove
Atlanta
Augusta
Aurora
Ava
Aville
Bagnell
Bakersfield
Baldwin Park
Baring
Barnard
Barnett
Bates City
Bell City
Belle
Bellflower
Benton
Benton City
Berger
Bernie
Bethany
Beverly Hills
Bevier
Bigelow
Billings
Birch Tree
Birmingham
Bismarck
Blackwater
Bland
Blodgett
Bloomfield
Bloomsdale
Blue Eye
Blythedale
Bogard
Bolckow
Bolivar
Bonne Terre
Boonville
Bosworth
Bourbon
Bowling Green
Bragg City
Brandsville
Brashear
Braymer
Breckenridge
Brimson
Bronaugh
Brookfield
Brookline
Browning
Brownington
Brumley
Brunswick
Bucklin
Buffalo
Bunceton
Bunker
Burgess
Burlington Junction
Butler
Cabool
Cainsville
Cairo
Caledonia
Calhoun
California
Callao
Camden
Campbell
Canalou
Canton
Cape Girardeau
Cardwell
Carrollton
Carterville
Carthage
Caruthersville
Carytown
Cassville
Catron
Cave
Cedar
Center
Centertown
Centerview
Centerville
Centralia
Chaffee
Chamois
Charlack
Charleston
Chilhowee
Chillicothe
Clarence
Clark
Clarksburg
Clarksville
Clarkton
Clever
Climax Springs
Clinton
Clyde
Cobalt City
Coffey
Cole Camp
Collins
Commerce
Conway
Cooter
Corder
Corning
Cosby
Cowgill
Craig
Crane
Creighton
Crocker
Cross Timbers
Crystal City
Cuba
Curryville
Dalton
Darlington
Deepwater
Deerfield
Delta
Dennis Acres
Denver
Des Arc
Desloge
De Soto
De Witt
Dexter
Diamond
D Ehlstadt
Diggins
Dixon
Doniphan
Downing
Dudley
Eagleville
East Lynne
East Prairie
Edgar Springs
Edina
Eldon
El Dorado Springs
Ellington
Ellsinore
Elmer
Elmo
Elsberry
Elvins
Eminence
Eolia
Essex
Esther
Ethel
Eugene
Everton
Ewing
Excelsior Springs
Exeter
Fairfax
Fair Grove
Fair Play
Fairview
Farber
Farmington
Fayette
Festus
Fillmore
Fisk
Flat River
Fleming
Flemington
Flordell Hills
Foley
Fordland
Foster
Frankford
Franklin
Fredericktown
Freeburg
Freistatt
Frohna
Fulton
Gainesville
Galena
Gallatin
Galt
Garden City
Gasconade
Gentry
Gerald
Gerster
Gibbs
Gideon
Gilliam
Gilman City
Glasgow
Clenallen
Glenwood
Golden City

Goodman
Graham
Granby
Grandin
Grand Pass
Granger
Grant City
Greencastle
Green City
Greenfield
Green Ridge
Greentop
Greenville
Guilford
Hale
Halfway
Hamilton
Hannibal
Hardin
Harris
Hartsburg
Hartville
Hawk Point
Hayti
Hayti Heights
Hayward
Haywood City
Henrietta
Hermitage
Higbee
High Hill
Hillsdale
Hoberg
Holcomb
Holden
Holland
Holliday
Holt
Homestown
Hopkins
Hornersville
Houston
Houstonia
Howardville
Humansville
Hume
Humphrey's
Hunnewell
Huntsville
Hurdland
Hurley
Iberia
Ionia
Irondale
Iron Gates
Iron Mountain Lake
Ironton
Jacksonville
Jameson
Jamesport
Jamestown
Jerico Springs
Jonesburg
Junction City
Kahoka
Kelso
Kennett
Keytesville
King City
Kingston
Kinloch
Kirksville
Knob Noster
Knox City
Koshkonong
La Belle
L Clede
Laddonia
La Due
La Grange
Lake Annetta
Lakeview
Lamar
La Monte
Lanagan
Lancaster
La Plata
Laredo
La Russell
Latour
Leadington
Leadwood
Leasburg
Lebanon
Leeton
Leonard
Leslie
Lewistown
Lexington
Liberal
Licking
Lilbourn
Lincoln
Linn
Linn Creek
Linneus
Lithium
Livonia
Lock Spring
Lockwood
Longtown
Louisburg
Louisiana
Lowry City
Lucerne
Ludlow
Lupus
Luray
Lutesville
McFall
McKittrick
Macks Creek
Macon
Madison
Malden
Malta Bend
Mansfield
Maplewood
Marble Hill
Marceline
Marionville
Marquand
Marshfield
Marston
Marthasville
Martinsburg
Maryville
Matthews
Maysville
Mayview
Meadville
Memphis
Mendon
Mercer
Meta
Metz
Mexico
Miami
Middletown
Midway
Milan
Millard
Miller
Mill Springs
Mindenmines
Miner
Mineral Point
Missouri City
Moberly
Monett
Monroe City
Monticello
Montrose
Mooresville
Morehouse
Morley
Morrison
Mosby
Moscow Mills
Mound City
Moundville
Mountain Grove
Mountain View
Mount Leonard
Mount Moriah
Mount Vernon
Naylor
Neck City
Neelyville
Nelson
Neosho
Nevada
Newark
Newburg
New Cambria
New Florence
New Hampton
New Haven
New London
New Madrid
New Melle
Newtonia
Newtown
Niangua
Noel
Norborne
Normandy
North Lilbourn
Northmoor
North Wardell
Norwood
Novinger
Oakland Park
Oak Ridge
Olean
Oran
Oronogo
Osborn
Osceola
Osgood
Owensville
Pagedale
Palmyra
Paris
Parma
Parnell
Pascola
Pattonsburg
Paynesville
Penermon
Perry
Perryville
Phillipsburg
Pickering
Piedmont
Pierce City
Pilot Knob
Pine Lawn
Pineville
Pleasant Hill
Pocahontas
Pollock
Popular Bluff
Portageville
Potosi
Powersville
Prairie Home
Prathersville
Preston
Princeton
Purcell
Purdin
Purdy
Puxico
Queen City
Quitman
Qulin
Raymondville
Rayville
Rea
Reeds
Reeds Spring
Renick
Revere
Richards
Rich Hill
Richland
Ridgeway
Risco
Ritchey
Rivermines
Riverview
Rocheport
Rock Port
Rockville
Rogersville
Rolla
Roscoe
Rosendale
Rush Hill
Rushville
Russellville
Rutledge
St Clair
St Cloud
Ste Genevieve
St Elizabeth
St James
St John
St Mary's
Salem
Salisbury
Sarcoxie
Schell City
Scott City
Sedalia
Sedgewickville
Seligman
Senath
Seneca
Seymour
Shelbina
Shelbyville
Sheldon
Sheridan
Sikeston
Silex
Skidmore
Slater
South Gifford
South Gorin
South Greenfield
South Lineville
South West City
Sparta
Spickardsville
Stanberry
Stark City
Steele
Steelville
Stella
Stewartsville
Stockton
Stotesbury
Stotts City
Stoutland
Stoutsville
Stover
Strasburg
Sugar Creek
Sullivan
Summersville
Sumner
Sunrise Beach
Sweet Springs
Syracuse
Tallapoosa
Taneyville
Tarkio
Thayer
Theodosia
Tipton
Trenton
Triplett
Troy
Truesdail
Tuscumbia
Union
Union Star
Unionville
Unity Village
University City
Uplands Park
Urbana
Valley Park
Van Buren
Vandalia
Vanduser
Velda Village
Verona
Versailles
Vienna
Vinita Park
Vista
Waco
Wakenda
Walker
Walnut Grove
Wardell
Warrensburg
Warrenton
Warsaw
Washburn
Watson
Waverly
Wayland
Waynesville
Weaubleau
Webb City
Wellston
Wellsville
Westphalia
West Plains
Wheatland
Wheaton
Wheeling
Whiteside
Williamsville
Willow Springs
Wilson City
Windsor
Winfield
Winona
Winston
Wooldridge
Worth
Worthington
Wyaconda
Wyatt
Zalma

Montana

Alberton
Anaconda-Deer Lodge
Big Sandy
Boulder
Bozeman
Bridger
Broadus
Broadview
Brockton
Browning
Butte-Silver Bow
Cascade
Chinook
Cloteau
Circle
Clyde Park
Columbus
Cut Bank
Darby
Deer Lodge
Denton
Dillon
Drummond
Dutton
Ekalaka
Eureka
Flaxville
Forsyth
Fort Benton
Fromberg
Geraldine
Glasgow
Grass Range
Hamilton
Hardin
Harlem
Harlowton
Hingham
Hobson
Hot Springs
Ismay
Joliet
Jordan
Kalispell
Kevin
Lewistown
Libby
Lima
Livingston
Lodge Grass
Melstone
Missoula
Neihart
Outlook
Philipsburg
Pinesdale
Plains
Plentywood
Plevna
Polson
Poplar
Red Lodge
Rexford
Richey
Ronan
Ryegate
Saco
St Ignatius
Scobey
Shelby
Sheridan
Stevensville
Sunburst
Superior
Terry
Thompson Falls
Three Forks
Troy
Twin Bridges
Walkerville
Westby
Whitehall
White Sulphur Sprgs
Wibaux
Winifred
Winnett
Wolf Point

Nebraska

Abie
Adams
Ainsworth
Albion
Alexandria
Alma
Amherst
Anselmo
Ansley
Arapahoe
Arcadia
Arnold
Arthur
Ashton
Atlanta
Auburn
Ayr
Bancroft
Barada
Barneston
Bassett
Bayard

Beaver City
Beaver Crossing
Belden
Belgrade
Belvidere
Benkelman
Bennington
Berwyn
Bladen
Bloomfield
Bloomington
Blue Hill
Blue Springs
Boys Town
Brady
Brainard
Brewster
Bristow
Broadwater
Brock
Brownville
Bruning
Brunswick
Burchard
Burr
Burwell
Bushnell
Butte
Callaway
Campbell
Carleton
Carroll
Cedar Rapids
Chadron
Chambers
Chappell
Chester
Clarks
Clarkson
Clay Center
Clearwater
Cody
Coleridge
Comstock
Concord
Cowles
Crawford
Creighton
Crookston
Culbertson
Curtis
Dannebrog
Davenport
David City
Dawson
Decatur
Deweese
Dickens
Diller
Du Bois
Dunbar
Dunning
Dwight
Eddyville
Edgar
Edison
Elgin
Elk Creek
Emerson
Ericson
Ewing
Fairbury
Fairmont
Falls City
Farnam
Farwell
Firth
Fordyce
Foster
Fullerton
Gandy
Garland
Genoa
Gilead
Gordon
Grafton
Grainton
Grant
Greeley Center
Gresham
Guide Rock
Hadar
Hardy
Harrison
Harvard
Hastings
Hayes Center
Hay Springs
Heartwell
Hendley
Henry
Herman
Hershey
Holbrook
Holstein
Howells
Hubbard
Hubbell
Humboldt
Humphrey
Huntley
Hyannis
Imperial
Indianola
Inman
Ithaca
Jackson
Johnson
Johnstown
Julian
Kimball
Laurel
Lawrence
Lebanon
Leigh
Lewellen
Liberty
Linwood
Litchfield
Long Pine
Lorton
Louisville
Loup City
Lushton
Lyman
Lynch
Lyons
McLean
Madrid
Magnet
Malmo
Manley
Martinsburg
Maskell
Mason City
Maxwell
Meadow Grove
Memphis
Merriman
Milford
Miller
Milligan
Minatare
Mullen
Murdock
Naponee
Nebraska City
Nehawka
Nelson
Nemaha
Nenzel
Newcastle
Newman Grove
Nora
Norman
North Bend
North Loup
Oak
Oakdale
Oakland
Oconto
Odell
Ohiowa
Ong
Orchard
Orleans
Osceola
Oshkosh
Osmond
Oxford
Page
Palisade
Palmer
Palmyra
Pawnee City
Paxton
Pender
Peru
Petersburg
Pilger
Plainview
Platte Center
Plattsmouth
Polk
Potter
Prague
Primrose
Prosser
Ragan
Randolph
Ravenna
Red Cloud
Republican City
Reynolds
Richland
Riverton
Rockville
Rogers
Rosalie
Royal
Rulo
Rushville
St Edward
St Helena
St Paul
Salem
Santee
Sargent
Schuyler
Scotia
Scotts Bluff
Scribner
Seneca
Shelby
Sholes
Silver Creek
Snyder
South Bend
Spalding
Spencer
Springfield
Stamford
Staplehurst
Stapleton
Steinauer
Sterling
Stockham
Stockville
Strang
Stratton
Stuart
Superior
Surprise
Sutton
Swanton
Table Rock
Tarnov
Tecumseh
Tekamah
Terrytown
Thayer
Thurston
Tilden
Ulysses
Upland
Venango
Verdel
Verdigre
Verdon
Virginia
Waco
Wakefield
Wallace
Walthill
Waterbury
Wauneta
Wausa
Wayne
Western
Weston
Whitney
Wilsonville
Winnebago
Winnetoon
Winside
Wisner
Wolbach
Wood Lake
Wynot

Nevada

Caliente
Ely
Fallon
Mesquite
North Las Vegas
Winnemucca
Yerington

New Hampshire

Berlin
Claremont
Concord
Laconia

New Jersey

Audubon
Beverly
Bradley Beach
Brooklawn
Burlington
Clementon
East Newark
Egg Harbor City
Elmer
Englishtown
Fieldsboro
Freehold
Garfield
Glassboro
Gloucester City
Haledon
Harrison
Hi-Nella
Island Heights
Keansburg
Kearny
Keyport
Lambertville
Linden
Mount Ephraim
National Park
North Wildwood
Paulsboro
Pemberton
Penns Grove
Phillipsburg
Plainfield
Pleasantville
Prospect Park
Runnemede
Salem
Seaside Heights
Shiloh
South Amboy
South Toms River
Swedesboro
Tuckerton
Union Beach
West Cape May
West New York
Westville
West Wildwood
Wildwood
Woodbine
Woodlynne

New Mexico

Alamogordo
Artesia
Aztec
Bayard
Belen
Bernalillo
Bloomfield
Capitan
Carlsbad
Carrizozo
Causey
Central
Chama
Cimarron
Clayton
Columbus
Corona
Deming
Des Moines
Dexter
Eagle Nest
Elida
Encino
Espanola
Estancia
Floyd
Folsom
Fort Sumner
Gallup
Grady
Grants
Grenville
Hagerman
House
Hurley
Lake Arthur
Las Vegas
Lordsburg
Los Lunas
Loving
Magdalena
Maxwell
Melrose
Mesilla
Milan
Mosquero
Mountainair
Pecos
Portales
Questa
Raton
Reserve
Roy
San Jon
Santa Rosa
San Ysidro
Silver City
Socorro
Springer
Sunlake Park
Tads
Tatum
Tijeras
Tucumcari
Tularosa
Vaughn
Virden
Wagon Mound
Willard

New York

Adams
Addison
Afton
Akron
Albion
Alden
Alexander
Alexandria Bay
Alfred
Allegany
Almond
Altmar
Ames
Amsterdam
Andover
Angelica
Angola
Antwerp
Argyle
Arkport
Athens
Attica
Auburn
Aurora
Avoca
Bainbridge
Ballston Spa
Barker
Batavia
Bath
Beacon
Belmont
Bemus Point
Bloomingburgh
Bloomingdale
Bolivar
Boonville
Bridgewater
Broadalbin
Brockport
Brocton
Brownville
Brushton
Burdett
Burke
Camden
Camillus
Canajoharie
Canaseraga
Canastota
Canisteo
Canton
Cape Vincent
Carthage
Cassadage
Castile
Castleton-on-Hudson
Castorland
Cato
Catskill
Cattaraugus
Cayuga
Cazenovia
Celoron
Champlain
Chateaugay
Chatham
Chaumont

Cherry Creek
Cherry Valley
Clayton
Clayville
Cleveland
Clifton Springs
Clyde
Cobleskill
Cohocton
Cohoes
Cold Brook
Constableville
Copenhagen
Corfu
Corinth
Corning
Cortland
Coxsackie
Croghan
Dansville
Deferiet
Delanson
Delevan
Delhi
Depew
Deposit
Dering Harbor
De Ruyter
Dexter
Dolgeville
Dresden
Dryden
Dundee
Dunkirk
Earlville
East Randolph
East Syracuse
Edwards
Elba
Ellenville
Ellicottville
Ellisburg
Elmira Heights
Esperance
Evans Mills
Fair Haven
Falconer
Farnham
Fillmore
Fleischmanns
Fonda
Forestville
Fort Ann
Fort Edward
Fort Johnson
Fort Plain
Frankfort
Franklin
Franklinville
Fredonia
Freeport
Freeville
Fulton
Fultonville
Gainesville
Galway
Genesso
Geneva
Glen Park
Gloversville
Gouverneur
Gowanda
Granville
Greene
Green Island
Greenport
Greenwich
Hagaman
Hamilton
Hammmond
Hammondsport
Hancock
Hannibal
Harriman
Harrisville
Haverstraw
Hempstead
Herkimer
Hermon
Herrings
Heuvelton
Hobart
Holland Patent
Holley
Homer
Hoosick Falls
Hornell
Horseheads
Hudson
Hudson Falls
Hunter
Ilion
Interlaken
Island Park
Ithaca
Jamestown
Jeffersonville
Johnson City
Johnstown
Jordan
Keeseville
Kingston
Kiryas Joel
Lackawanna
Lacona
Lake George
Lake Placid
Lancaster
Laurens
Le Roy
Liberty
Limestone
Lindenhurst
Lisle
Little Falls
Little Valley
Lockport
Lodi
Long Beach
Lowville
Lyndonville
Lyons
Lyons Falls
McGraw
Malone
Mannsville
Marathon
Marcellus
Margaretville
Massena
Mayfield
Mayville
Medina
Meridian
Middleburgh
Middleport
Middleville
Millerton
Millport
Mohawk
Monticello
Montour Falls
Mooers
Moravia
Morristown
Morrisville
Mount Morris
Munnsville
Naples
Nassau
Nelliston
Newark
New Berlin
New Paltz
Newport
New Square
Nichols
North Collins
North Hornell
North Tonawanda
Northville
Norwich
Norwood
Nunda
Oakfield
Odessa
Ogdensburg
Olean
Oneida
Oneonta
Oriskany
Oriskany Falls
Oswego
Ovid
Owego
Oxford
Palmyra
Panama
Parish
Patchogue
Peekskill
Penn Yan
Perry
Perrysburg
Philadlephia
Philmont
Phoenix
Pike
Pine Hill
Plattsburgh
Poland
Port Byron
Port Henry
Port Jervis
Port Leyden
Portville
Potsdam
Pulaski
Randolph
Red Creek
Red Hook
Rensselaer
Rensselaer Falls
Richfield Springs
Richmondville
Richville
Riverside
Round Lake
Rouses Point
Rushville
Sackets Harbor
St Johnsville
Salamanca
Salem
Saranac Lake
Saugerties
Savona
Schenevus
Schoharie
Schuylerville
Sharon Springs
Sherburne
Sherman
Sidney
Silver Creek
Silver Springs
Sinclairville
Sloan
Smyrna
Sodus
Sodus Point
South Corning
South Dayton
South Glens Falls
Speculator
Spencer
Springville
Stamford
Sylvan Beach
Tannersville
Theresa
Ticonderoga
Tivoli
Tonawanda
Trumansburg
Tupper Lake
Turin
Union Springs
Unionville
Valley Falls
Van Etten
Victory
Waddington
Walden
Walton
Wappingers Falls
Warsaw
Waterford
Waterloo
Watertown
Waterville
Watervliet
Watkins Glen
Waverly
Wayland
Weedsport
Wellsburg
Wellsville
West Carthage
Westfield
Westport
West Winfield
Whitehall
Whitesboro
Wilson
Windsor
Wolcott
Woodhull
Wyoming
Yorkville

North Carolina

Ahoskie
Alamance
Alexander Mills
Alliance
Andrews
Angier
Ansonville
Arapahoe
Askewville
Atkinson
Aulander
Aurora
Autryville
Ayden
Bailey
Bakersville
Banner Elk
Bath
Battleboro
Beargrass
Beaufort
Belhaven
Belmont
Belwood
Benson
Bessemer City
Bethel
Beulaville
Biscoe
Black Creek
Bladenboro
Bolivia
Bolton
Boone
Bostic
Brevard
Bridgeton
Brookford
Brunswick
Bryson City
Bunn
Burgaw
Burnsville
Calabash
Calypso
Cameron
Canton
Carrboro
Carthage
Casar
Castalia
Centerville
Cerro Gordo
Chadbourn
Chocowinity
Clarkton
Clayton
Cleveland
Clinton
Clyde
Coats
Cofield
Colerain
Columbia
Como
Conetoe
Conway
Cove City
Cramerton
Creswell
Dallas
Davidson
Denton
Dillsboro
Dobson
Dortches
Dover
Drexel
Dublin
Dunn
Earl
East Arcadia
East Laurinburg
East Spencer
Eden
Edenton
Elizabeth City
Elizabethtown
Elkin
Elk Park
Ellenboro
Ellerbe
Elm City
Elon College
Enfield
Erwin
Eureka
Everetts
Fair Bluff
Fairmont
Faison
Faith
Falcon
Falkland
Fallston
Farmville
Forest City
Fountain
Four Oaks
Franklinton
Fremont
Fuquay-Varina
Garland
Garysburg
Gaston
Gibson
Gibsonville
Glen Alpine
Goldsboro
Granite Falls
Greenevers
Greenville
Grifton
Grimesland
Grover
Halifax
Hamilton
Hamlet
Harmony
Harrells
Hassell
Haw River
Hayesville
Hazelwood
Henderson
Hendersonville
Hertford
Hildebran
Hillsborough
Hobgood
Hoffman
Holly Ridge
Holly Springs
Hot Springs
Jackson
Jamesville
Jefferson
Jonesville
Kelford
Kenansville
Kenly
Kings Mountain
Kinston
Kittrell
Lansing
Lasker
Lattimore
Laurinburg
Lawndale
Leggett
Lenoir
Lewiston
Lexington
Liberty
Lilesville
Lillington
Lincolnton
Linden
Littleton
Louisburg
Love Valley
Lowell
Lumber Bridge
Lumberton
McAdenville
MacClesfield
McDonald
McFarlan
Macon
Madison
Magnolia
Maiden
Marion
Marshall
Marshville
Maxton
Mayddan
Maysville
Mebane
Mesic
Micro
Middleburg
Middlesex
Milton
Mocksville
Monroe
Mooresboro
Mooresville
Morehead City
Morganton
Morven
Mount Airy
Mount Gilead
Mount Holly
Mount Olive
Murfreesboro
Murphy
Nashville
Navassa
New Bern
Newland
New London
Newton Grove

Norlina
Norman
North Wilkesboro
Norwood
Oak City
Old Fort
Orrum
Oxford
Pantego
Parkton
Parmele
Peachland
Pembroke
Pilot Mountain
Pine Level
Pinetops
Pineville
Pink Hill
Pittsboro
Plymouth
Polkton
Polkville
Pollocksville
Powellsville
Princeton
Princeville
Proctorville
Ramseur
Randleman
Ranlo
Raynham
Red Oak
Red Springs
Reidsville
Rennert
Rhodhiss
Richlands
Rich Square
Roanoke Rapids
Robbins
Robbinsville
Robersonville
Rockingham
Rocky Mount
Ronda
Roper
Roseboro
Rose Hill
Rosman
Rowland
Roxboro
Roxobel
Ruth
Rutherfordton
St. Pauls
Saluda
Sanford
Saratoga
Scotland neck
Seaboard
Seagrove
Selma
Seven Springs
Severn
Shallotte
Sharpsburg
Shelby
S Ler City
Simpson
Sims
Smithfield
Snow Hill
Southport
Speed
Spindale
Spring Hope
Spring Lake
Spruce Pine
Staley
Stanfield
Stantonsburg
Star
Statesville
Stedman
Stoneville
Stonewall
Sunset Beach
Sylva
Tabor City
Tarboro
Tar Heel
Taylorsville
Teachey
Thomasville
Trenton
Troy
Tryon
Turkey
Valdese
Vanceboro
Vandemere
Vass
Waco
Wade
Wadesboro
Wagram
Wake Forest
Wallace
Walnut Cove
Walstonburg
Warrenton
Warsaw
Washington
Waynesville
Weldon
West Jefferson
Whitakers
Whiteville
Williamston
Wilson
Windsor
Winfall
Winton
Woodland
Youngsville
Zebulon

North Dakota

Abercrombie
Adams
Alamo
Alexander
Alice
Almont
Ambrose
Amenia
Amidon
Anamoose
Aneta
Arnegard
Arthur
Ashley
Balfour
Balta
Bantry
Barton
Bathgate
Bergen
Berlin
Bowdon
Braddock
Brinsmade
Bucyrus
Butte
Buxton
Calio
Cando
Carson
Cathay
Cayuga
Clifford
Cogswell
Columbus
Cooperstown
Courtenay
Crystal
Dawson
Dazey
Deering
Dickey City
Donnybrook
Douglas
Drake
Drayton
Dunseith
Edgeley
Edinburg
Edmore
Elgin
Ellendale
Elliott
Esmond
Fairdale
Fessenden
Flasher
Flaxton
Forbes
Fordville
Forest River
Fort Ransom
Fortuna
Fort Yates
Fredonia
Fullerton
Gardena
Golva
Goodrich
Grace City
Grafton
Granville
Great Bend
Grenora
Hague
Hamberg
Hankinson
Hannah
Hansboro
Harvey
Hatton
Havana
Hazelton
Hebron
Hoople
Hope
Hunter
Hurdsfield
Inkster
Jud
Karlsruhe
Kathryn
Kensal
Kief
Kramer
Kulm
Lakota
Landa
Larimore
Lawton
Leal
Lehr
Leith
Leonard
Lidgerwood
Lignite
Linton
Loma
McClusky
McVille
Makoti
Mantador
Manvel
Marion
Marmarth
Martin
Max
Maxbass
Medina
Merricourt
Milton
Minto
Monango
Montpelier
Mott
Mountain
Mylo
Napoleon
Neche
Newburg
New England
New Leipzig
New Rockford
New Town
Niagara
Nome
Noonan
Oakes
Palermo
Park River
Parshall
Pekin
Perth
Petersburg
Pettibone
Pingree
Pisek
Plaza
Portal
Powers Lake
Reeder
Regan
Robinson
Rolette
Rolla
Ross
Ryder
St John
Sanborn
Sarles
Selfridge
Sheldon
Sheyenne
Solen
Souris
Starkweather
Steele
Strasburg
Streeter
Sykeston
Tappen
Taylor City
Tolley
Tolna
Towner
Turtle Lake
Tuttle
Upham
Valley City
Velva
Verona
Walhalla
White Earth
Willow City
Wilton
Wimbledon
Wing
Wishek
Woodworth
Wyndmere
York
Zeeland

Ohio

Ada
Adamsville
Addyston
Adelphi
Adena
Albany
Alexandria
Alger
Alliance
Alvordton
Amanda
Amelia
Amesville
Amsterdam
Andover
Anna
Ansonia
Antwerp
Apple Creek
Aquilla
Arcadia
Arcanum
Arlington Heights
Ashland
Ashtabula
Athalia
Athens
Attica
Bainbridge
Bairdstown
Baltic
Baltimore
Barnesville
Barnhill
Batavia
Batesville
Bayview
Beach City
Beallsville
Beaver
Beaverdam
Bellaire
Belle Center
Bellefontaine
Belle Valley
Bellevue
Bellville
Belmont
Belmore
Belpre
Bergholz
Berlin Heights
Bethel
Bethesda
Bettsville
Beverly
Blakeslee
Blanchester
Bloomdale
Bloomingburg
Bloomingdale
Bloomville
Bowerston
Bowersville
Bradford
Bradner
Brady Lake
Bremen
Brewster
Brice
Bridgeport
Brilliant
Brookside
Brookville
Broughton
Bryan
Buchtel
Buckeye
Buckland
Bucyrus
Burbank
Burgoon
Butler
Butlerville
Byesville
Cadiz
Cairo
Caldwell
Caledonia
Cambridge
Camden
Campbell
Cardington
Carey
Carroll
Carrollton
Casstown
Castalia
Castine
Catawba
Cecil
Cedarville
Celina
Centerburg
Centerville
Chatfield
Chauncey
Cherry Fork
Chesapeake
Cheshire
Chesterhill
Chesterville
Cheviot
Chillicothe
Chilo
Christiansburg
Circleville
Clarington
Clarksburg
Clarksville
Clay Center
Clifton
Clinton
Cloverdale
Clyde
Coal Grove
Coalton
College Corner
Columbiana
Columbus Grove
Conesville
Congress
Conneaut
Continental
Coolville
Corning
Corwin
Coshocton
Covington
Craig Beach
Crestline
Creston
Crooksville
Crown City
Cumberland
Custar
Cygnet
Dalton
Danville
Darbyville
Deersville
Defiance
De Graff
Delphos
Delta
Dennison
Deshler
Dexter City
Dillonvale
Donnelsville
Dover
Dresden
Dunkirk
Dupont
East Cleveland
East Liverpool
East Palestine
East Sparta
Eaton
Edgerton
Edison
Edon
Eldorado
Elgin
Elmwood Place
Empire
Fairport Harbor
Fairview
Fayette
Fayetteville
Felicity
Findlay
Fletcher
Florida

Flushing
Forest
Fort Jennings
Fort Loramie
Fort Recovery
Fostoria
Frankfort
Franklin
Frazeysburg
Fredericksburg
Fredericktown
Freeport
Fremont
Fulton
Fultonham

Galion
Gallipolis
Gann
Garfield Heights
Geneva
Geneva-on-the-Lake
Genoa
Georgetown
Gettysburg
Gibsonburg
Gilboa
Girard
Glandorf
Glenford
Glenmont
Gloria Glens Park
Glouster
Gordon
Grand Rapids
Granville
Gratiot
Gratis
Graysville
Green Camp
Greenfield
Greenville
Greenwich
Grover Hill

Hamden
Hamersville
Hamler
Hanging Rock
Hanoverton
Harbor View
Harpster
Harrisburg
Harrisville
Harrod
Hartford
Hartville
Harveysburg
Haskins
Haviland
Hebron
Helena
Hemlock
Hicksville
Higginsport
Highland
Hillsboro
Hiram
Holgate
Holland
Hollansburg
Holloway
Hopedale
Hoytville
Hubbard
Huntsville

Irondale
Ironton
Ithaca

Jackson
Jacksonburg
Jackson Center
Jacksonville
Jamestown
Jefferson
Jeffersonville
Jerry City
Jewett
Johnstown
Junction City

Kelleys Island
Kenton
Kettlersville
Kimbolton
Kingston
Kipton
Kirby
Kirkersville

Lafayette
Lagrange
Lakemore
Lakeview
La Rue
Latty
Laura
Laurelville
Lawrenceville
Lebanon
Leesburg
Leesville
Leftonia
Leipsic
Lewisburg
Lewisville
Liberty Center
Limaville
Lincoln Heights
Linndale
Lisbon
Lockbourne
Lockington
Lockland
Lodi
Logan
Loudonville
Louisville
Lowell
Lowellville
Lower Salem
Lucas
Luckey
Ludlow Falls
Lynchburg
Lyons

McArthur
McClure
McConnelsville
McGuffey
Macksburg
Magnetic Springs
Maineville
Malinta
Malta
Malvern
Manchester
Mantua
Marengo
Marion
Marseilles
Marshallville
Martinsburg
Martins Ferry
Martinsville
Marysville
Matamora
Mechanicsburg
Melrose
Mendon
Metamora
Middlefield
Middle Point
Middleport
Midland
Midvale
Mifflin
Milford
Milford Center
Milledgeville
Miller City
Millersburg
Millersport
Milton Center
Miltonsburg
Mineral City
Minerva
Mingo Junction
Monroeville
Montezuma
Montpelier
Morral
Morristown
Morrow
Mount Blanchard
Mount Cory
Mount Gilead
Mount Opab
Mount Pleasant
Mount Vernon
Mount Victory
Mowrystown
Murray City
Mutual

Nashville
Navarre
Nellie
Nelsonville
Nevada
Neville
New Alexandria
New Athens
New Bavaria
New Bloomington
New Boston
Newcomerstown
New Concord
New Holland
New Knoxville
New Lexington
New London
New Madison
New Miami
New Paris
New Philadelphia
New Richmond
New Riegel
New Straitsville
Newton Falls
Newtonsville
Newtown
New Vienna
New Washington
New Waterford
New Weston
Ney
North Baltimore
North Bend
North Hampton
North Robinson
North Star
Norwalk
Norwich
Norwood

Oak Harbor
Oak Hill
Oakwood
Oberlin
Octa
Obio City
Old Washington
Orangeville
Orient
Orrville
Orwell
Ottawa
Ottoville
Otway
Owensville
Oxford

Painesville
Palestine
Patterson
Paulding
Payne
Peebles
Pemberville
Perrysville
Philo
Piketon
Pioneer
Piqua
Pitsburg
Plain City
Pleasant City
Pleasant Hill
Pleasant Plain
Pleasantville
Plymouth
Polk
Pomeroy
Portage
Port Clinton
Port Jefferson
Portsmouth
Port Washington
Port William
Potsdam
Powhatan Point
Proctorville
Prospect
Put-in-Bay

Quaker City
Quincy

Racine
Rarden
Ravenna
Rawson
Rayland
Rendville
Republic
Richmond
Richwood
Ridgeway
Rio Grande
Ripley
Rising Sun
Rittman
Rock Creek
Rockford
Rocky Ridge
Rogers
Rome
Roseville
Rossburg
Roswell
Rushsylvania
Rushville
Russells Point
Russellville
Russia
Rutland

Sabina
St Bernard
St Louisville
St Martin
St Mary's
St Paris
Salem
Salesville
Salineville
Sandusky
Sarahsville
Sardinia
Savannah
Scio
Scott
Seaman
Sebring
Senecaville
Shadyside
Shawnee
Shelby
Sherrodsville
Shiloh
Shreve
Sidney
Silverton
Sinking Spring
Smithfield
Somerset
Somerville
South Charleston
South Lebanon
South Salem
South Solon
South Vienna
South Webster
South Zanesville
Sparta
Spencer
Spencerville
Spring Valley
Stafford
Stockport
Stone Creek
Stoutsville
Strasburg
Stratton
Struthers
Sugarcreek
Sugar Grove
Sommerfield
Summitville
Sycamore
Syracuse

Tarlton
Tiffin
Tiltonsville
Tiro
Tontogany
Toronto
Tremont City
Trimble
Troy
Tuscarawas

Uhrichsville
Union City
Unionville Center
Uniopolis
Upper Sandusky
Urbana
Urbanbcrest
Utica

Valley Hi
Vanlue
Van Wert
Venedocia
Verona
Versailles
Vinton

Wakeman
Walbridge
Wapakoneta
Warsaw
Washington
Wauseon
Waverly
Wayne
Waynesburg
Waynesfield
Waynesville
Wellington
Wellston
Wellsville
West Alexandria
West Elkton
West Farmington
West Lafayette
West Leipsic
West Manchester
West Mansfield
West Millgrove
Weston
West Rushville
West Salem
West Union
West Unity
Wharton
Wilkesville
Willard
Williamsburg
Williamsport
Willshire
Wilmington
Wilmot
Winchester
Windham
Woodlawn
Woodsfield
Woodstock
Wooster
Wren
Xenia

Yellow Springs
Yorkshire
Yorkville

Zaleski
Zanesfield
Zanesville

Oklahoma

Achille
Ada
Adair
Afton
Agra
Albion
Alderson
Allen
Altus
Anadarko
Antlers
Apache
Arkoma
Armstrong
Asher
Ashland
Atoka
Avant
Avard

Barnsdall
Bearden
Beggs
Bennington
Big Cabin
Billings
Blackburn
Blackwell
Blair
Boise City
Bokchito
Bokoshe
Boley
Boswell
Bowlegs
Boynton
Bradley
Braggs
Braman
Bridgeport
Bristow
Broken Bow
Bromide
Brooksville
Bryant
Burbank
Burlington
Butler
Byars
Byron

Caddo
Calvin
Camargo
Cameron
Canadian
Caney
Cardin
Carmen
Carnegie
Carney
Carrier
Carter
Castle
Cement
Centrahoma
Chandler
Checotah

Chelsea
Cherokee
Clayton
Clearview
Cleveland
Coalgate
Comanche
Commerce
Cooperton
Cornish
Council Hill
Coweta
Cowlington
Coyle
Cromwell
Crowder
Custer City
Dacoma
Davenport
Davidson
Davis
Deer Creek
Delaware
Depew
Devol
Dewar
Dewey
Dougherty
Drumright
Durant
Dustin
Earlsboro
East Duke
Eldorado
Elmer
Elmore City
Erick
Erin Springs
Eufaula
Fairfax
Fairland
Fallis
Fanshawe
Faxon
Fort Gibson
Fort Towson
Foss
Foyil
Francis
Frederick
Gans
Garber
Garvin
Gate
Geary
Gene Autry
Gerty
Glencoe
Goodwell
Gore
Gotebo
Gould
Gracemont
Granfield
Granite
Grayson
Guthrie
Haileyville
Hallett
Hammon
Hanna
Hartshorne
Haskell
Hastings
Haworth
Headrick
Heavener
Helena
Hendrix
Henryetta
Hitchita
Hobart
Hoffman
Holdenville
Hollis
Hollister
Hominy
Howe
Hugo
Hulbert
Hydro
Idabel
Indiahoma
Indianola
Jay
Jennings
Kaw
Kemp
Kendrick
Kenefic
Keota
Ketchum
Kinta
Kiowa
Knowles
Konawa
Krebs
Lamar
Lamont
Langley
Langston
LeFlore
Lehigh
Lenapah
Leon
Lexington
Lima
Loco
Locust Grove
Lone Wolf
Longdale
Lookeba
Loveland
Luther
McAlester
McBride
McCurtain
Madill
Manchester
Mangum
Manitou
Mannsville
Maramec
Marble City
Marietta
Marland
Marlow
Marshall
Martha
Maud
May
Maysville
Medicine Park
Meeker
Meridian
Miami
Milburn
Mill Creek
Millerton
Moffett
Morris
Mountain Park
Mountain View
Muldrow
Mulhall
Muskogee
Nash
New Alluwe
Norge
North Miami
Nowata
Okland
Oaka
Oakwood
Oilton
Okeene
Okemah
Okmulgee
Oktaha
Olustee
Osage
Paden
Panama
Paoli
Pauls Valley
Pawhuska
Pawnee
Peoria
Phillips
Picher
Pittsburg
Pocola
Pond Creek
Porter
Porum
Poteau
Prague
Purcell
Putnam
Quapaw
Quay
Quinlan
Quinton
Ralston
Ramona
Randlett
Rattan
Redbird
Red Oak
Red Rock
Rentiesville
Ringling
Ripley
Roff
Rosedale
Rush Springs
Ryan
St. Louis
Salina
Sallisaw
Sapulpa
Sasakwa
Savanna
Sayre
Seiling
Seminole
Sentinel
Shady Grove
Shamrock
Sharon
Shidler
S. Edee
Slick
Smith Village
Smithville
Snyder
Soper
Sparks
Spavinaw
Spiro
Stidham
Stigler
Stilwell
Stonewall
Strang
Stringtown
Stroud
Stuart
Sugden
Sulphur
Summit
Taft
Talihina
Tamaha
Tatums
Temple
Terlton
Terral
Texhoma
Texola
Thackerville
Tipton
Tishomingo
Tryon
Tullahassee
Tupelo
Tushka
Valley Brook
Valliant
Vera
Verden
Vian
Vinita
Wagoner
Wainwright
Wakita
Walters
Wanette
Wann
Wapanucka
Wardville
Warwick
Washington
Watts
Waurika
Waynoka
Webb City
Webbers Falls
Welch
Weleetka
Wellston
Westville
Wetumka
Wewoka
Whitefield
Wilburton
Willow
Wilson
Wister
Wright City
Wyandotte
Wynnewood
Yale
Yeager

Oregon

Adams
Adrian
Albany
Amity
Ashland
Astoria
Athena
Aurora
Baker
Bandon
Banks
Bay City
Bend
Bonanza
Brownsville
Burns
Butte Falls
Cannon Beach
Canyon City
Canyonville
Carlton
Cave Junction
Chiloquin
City of the Dalles
Clatskanie
Coburg
Condon
Coos Bay
Coquille
Cottage Grove
Cove
Creswell
Dallas
Dayton
Dayville
Depoe Bay
Donald
Drain
Dufur
Echo
Elgin
Elkton
Enterprise
Falls City
Florence
Fossil
Garibaldi
Gaston
Gearhart
Gervais
Glendale
Gold Hill
Granite
Grants Pass
Grass Valley
Haines
Halfway
Halsey
Hammond
Helix
Hines
Hood River
Hubbard
Huntington
Idanha
Imbler
Independence
Jacksonville
Jefferson
Joseph
Junction City
Klamath Falls
La Grande
Lakeside
Lakeview
Lebanon
Lincoln City
Long Creek
Lowell
Madras
Malin
Maupin
Merrill
Metolius
Mill City
Milton Freewater
Mitchell
Monmouth
Monroe
Monument
Mosier
Mount Angel
Mt Vernon
Myrtle Point
North Bend
North Powder
Nyssa
Oakland
Ontario
Paisley
Pendleton
Phoenix
Port Orford
Powers
Prairie City
Prescott
Rainier
Redmond
Richland
Riddle
Rockaway
Rogue River
Roseburg
St Helens
St Paul
Scio
Scotts Mills
Seaside
Seneca
Shady Cove
Shaniko
Sheridan
Silverton
Sisters
Sodaville
Spray
Stanfield
Sumpter
Sutherlin
Sweet Home
Talent
Tangent
Tillamook
Toledo
Turner
Union
Unity
Vale
Veneta
Vernonia
Wallowa
Warrenton
Weston
Wheeler
Willamina
Winston
Woodburn
Yachats
Yamhill
Yoncalla

Pennsylvania

Adamsburg
Addison
Albion
Alexandria
Aliquippa
Ambridge
Apollo
Applewold
Archbald
Arnold
Arona
Ashland
Ashley
Ashville
Athens
Atwood
Auburn
Austin
Avis
Avoca
Avondale
Avonmore
Baden
Bangor
Barkeyville
Barnesboro
Beallsville
Bear Lake
Beaver Falls
Beaver Meadows
Beavertown
Bedford
Bellefonte
Belle Vernon
Bellevue
Bellwood
Benson
Bentleyville
Benton
Berlin
Bernville
Berrysburg
Berwick
Bessemer
Big Run
Birmingham
Blain
Blairsville
Blakely
Blawnox
Bloomfield
Blooming Valley
Bloomsburg
Blossburg
Bonneauville
Boswell
Bowmanstown
Brackenridge

Braddock
Bradford
Briar Creek
Bridgeport
Bridgewater
Brisbin
Bristol
Broad Top City
Brockway
Brookville
Brownstown
Brownsville
Bruin
Burgettstown
Burnham
Burnside
Butler
California
Callensburg
Cambridge Springs
Canonsburg
Canton
Carbondale
Carmichaels
Carnegie
Carrolltown
Cassandra
Casselman
Cassville
Catasauqua
Catawissa
Centerville
Centreville
Central City
Centralia
Centre Hall
Chalfant
Chambersburg
Charleroi
Cherry Valley
Chester Hill
Chest Springs
Chicora
Clairton
Clarendon
Clarion
Clarks Summit
Clarksville
Claysville
Clearfield
Clifton Heights
Clintonville
Clymer
Coal Center
Coaldale
Coaldale
Coalmont
Coalport
Coatesville
Cochranton
Collingdale
Columbia
Colwyn
Confluence
Conneaut Lake
Conneautville
Connellsville
Conshohocken
Coraopolis
Corry
Corsica
Coudersport
Courtdale
Crafton
Cranesville
Creekside
Cresson
Cressona
Cross Roads
Curwensville
Dale
Dallastown
Danville
Darby
Darlington
Dawson
Dayton
Deemston
Delaware Water Gap
Delmont
Delta
Derry
Dickson
City
Donegal
Donora
Dover
Driftwood
Du Bois
Duboistown
Dudley
Dunbar
Duncansville
Dunmore
Du Pont
Duquesne
Duryea
Dushore
East Bangor
East Brady
East Butler
East Conemaugh
East Lansdowne
East McKeesport
East Pittsburgh
East Rochester
East Side
East Stroudsburg
Eastvale
East Vandergrift
East Washington
Eau Claire
Edinboro
Edwardsville
Ehrenfeld
Elco
Elderton
Eldred
Elgin
Elizabeth
Elizabethville
Elkland
Ellport
Ellwood City
Emlenton
Emporium Enon Valley
Ernest
Etna
Evans City
Everett
Everson
Exeter
Export
Factoryville
Fairchance
Falls Creek
Fallston
Farrell
Fayette City
Ferndale
Flemington
Ford City
Ford Cliff
Forest City
Forksville
Forty Fort
Fountain Hill
Foxburg
Frackville
Frankfort Springs
Franklin
Franklintown
Fredonia
Freeburg
Freedom
Freeland
Freemansburg
Freeport
Galeton
Gallitzin
Garrett
Georgetown
Gettysburg
Gilberton
Girard
Girardville
Glasgow
Glassport
Glen Campbell
Glendon
Glenfield
Glen Hope
Glen Rock
Gordon
Grampian
Great Bend
Greensboro
Greensburg
Greenville
Grove City
Hallstead
Hanover
Hartleton
Harveys Lake
Hastings
Hawley
Hawthorne
Haysville
Heidelberg
Herndon
Hollidaysburg
Homestead
Hookstown
Hooversville
Hop Bottom
Hopewell
Houston
Houtzdale
Hughesville
Hummelstown
Huntingdon
Hyde Park
Hydetown
Hyndman
Indiana
Ingram
Irvona
Jackson Center
Jamestown
Jeannette
Jeddo
Jefferson
Jermyn
Jersey Shore
Jessup
Jim Thorpe
Johnsonburg
Jonestown
Juniata Terrace
Kane
Kingston
Kistler
Kittanning
Knox
Knoxville
Koppel
Kulpmont
Kutztown
Lake City
Landisburg
Lanesboro
Lansford
Larksville
Lawrenceville
Leechburg
Leetsdale
Lehighton
Le Raysville
Lewisberry
Lewisburg
Lewis Run
Lewistown
Liberty
Ligonier
Lilly
Linesville
Littlestown
Liverpool
Lock Haven
Loganton
Lorain
Loretto
Lumber City
Luzerne
Lykens
Lyons
McAdoo
McClure
McConnellsburg
McDonald
McEwensville
McKees Rocks
McSherrystown
McVeytown
Mahaffey
Mahandy City
Manchester
Manns Choice
Manor
Manorville
Mansfield
Mapleton
Marcus Hook
Marianna
Marion Center
Marion Heights
Markleburg
Markleysburg
Mars
Martinsburg
Masontown
Matamoras
Mayfield
Meadville
Mechanicsville
Mercer
Mercersburg
Meshoppen
Meyersdale
Middleburg
Middleport
Midland
Mifflin
Mifflinburg
Mifflintown
Milford
Millbourne
Mill Creek
Millersburg
Millersville
Mill Hall
Millheim
Millvale
Milton
Minersville
Modena
Monessen
Monongahela
Monroe
Montgomery
Montrose
Mount Carbon
Mount Carmel
Mount Holly Springs
Mount Jewett
Mount Oliver
Mount Poleasant
Mount Pocono
Mount Union
Mount Wolf
Muncy
Munhall
Myerstown
Nanticoke
Nanty Glo
Nescopeck
Nesquehoning
New Albany
New Alexandria
New Baltimore
New Beaver
New Berlin
New Bethleham
New Brighton
Newburg
New Castle
New Centerville
New Columbus
New Eagle
Newell
New Florence
New Galilee
New Hope
New Kensington
New Lebanon
New Milford
New Oxford
New Paris
New Phila
Newport
New Ringgold
Newry
Newton Hamilton
Newville
New Wilmington
Nicholson
North Apollo
North Braddock
North Catasauqua
North Charleroi
North East
North Irwin
Northumberland
North York
Norwood
Nuangola
Oakland
Oakmont
Ohiopyle
Oil City
Oklahoma
Old Forge
Olyphant
Orangeville
Orbisonia
Orrstown
Osceola Mills
Oswayo
Oxford
Paint
Palmerton
Palo Alto
Parker
Parkesburg
Parryville
Patterson Heights
Patton
Penn Argyl
Penn
Petersburg
Petrolia
Philipsburg
Phoenixville
Picture Rocks
Pillow
Pine Grove
Pitcairn
Pittston
Platea
Pleasantville
Pleasantville
Plumville
Plymouth
Point Marion
Polk
Portage
Port Allegany
Port Carbon
Port Clinton
Portersville
Portland
Port Matilda
Port Royal
Port Vue
Pottstown
Pottsville
Pringle
Punxsutawney
Railroad
Rainsburg
Ramey
Rankin
Red Lion
Renovo
Reynoldsville
Rices Landing
Richland
Ridgway
Rimersburg
Ringtown
Roaring Spring
Rochester
Rockhill Furnace
Rockwood
Rome
Roseto
Roseville
Rouseville
Royalton
Saegertown
St Clair
St Clairsbille
St Petersburg
Salisbury
Salladasburg
Saltillo
Saltsburg
Sandy Lake
Sankertown
Saxton
Sayer
Scalp Level
Schellsburg
Schuylkill Haven
Scottdale
Selinsgrove
Seward
Sewickley
Shade Gap
Shamokin
Shanksville
Sharon Hill
Sharpsburg
Sharpsville
Sheakleyville
Shenandoah
Shickshinny
Shinglehouse
Shippensburg
Shippenville
Shippingport
Shirleyburg
Slattington
Sligo
Slippery Rock
Smethport
Smithfield
Smithton
Snow Shoe
Somerset
South Bethlehem
South Coatsville
South Connellsville
South Fork
South Greensburg
South New Castle
South Philipsburg
South Renovo
South Waverly
Southwest Greensburg
South Williamsport
Spangler
Spartansburg
Springboro
Starrucca
Stillwater
Stockdale
Stoneboro
Stoystown
Strattanville
Strausstown
Stroudsburg
Sugarcreek

Sugar Grove
Sugar Notch
Summerhill
Summerville
Summit Hill
Sunbury
Susquehanna Depot
Suterville
Swissvale
Swoyersville
Sykesville
Sylvania
Tamaqua
Tarentum
Taylor
Telford
Thompson
Thompsontown
Three Springs
Throop
Tidioute
Timblin
Tioga
Tionesta
Titusville
Towanda
Tower City
Townville
Tremont
Troutville
Troy
Trumbauersville
Tunkhannock
Tunnelhill
Turbotville
Turtle Creek
Tyrone
Ulysses
Union City
Union Dale
Uniontown
Unionville
Upland
Ursina
Valencia
Valley Hi
Vanderbilt
Vandergrift
Vandling
Verona
Vintondale
Volant
Wall
Wallaceton
Walnutport
Wampum
Warren
Warrior Run
Washington
Waterford
Watsontown
Wattsburg
Waynesboro
Waynesburg
Weissport
Wellersburg
Wellsboro
Wellsville
Wesleyville
West Alexander
West Brownsville
West Chester
West Easton
West Elizabeth
West Fairview
Westfield
West Grove
West Hazleton
West Homestead
West Leechburg
West Mayfield
West Middlesex
West Newton
Westover
West Pittston
West Reading
West Wyoming
West York
Wheatland
White Haven
Wilkinsburg
Williamsburg
Wilmerding
Wilmore
Wilson
Windber
Wind Gap
Windsor
Winterstown
Woodbury
Woodcock
Worthington
Worthville
Wyalusing
Wyoming
York Haven
Youngstown
Youngsville
Youngwood
Zelienople

Rhode Island

Central Falls
Newport

South Carolina

Abbeville
Allendale
Andrews
Atlantic Beach
Aynor
Bamberg
Barnwell
Batesburg
Belton
Bennettsville
Bethune
Bishopville
Blacksburg
Blackville
Blenheim
Bluffton
Blythewood
Bonneau
Bowman
Branchville
Brunson
Burnettown
Calhoun Falls
Camden
Cameron
Campobello
Carlisle
Central
Central Pacolet
Chappells
Cheraw
Chesnee
Chester
Chesterfield
City View
Clinton
Clio
Clover
Conway
Cope
Cottageville
Coward
Cowpens
Cross Hill
Darlington
Denmark
Dillon
Donalds
Due West
Edgefield
Ehrhardt
Elko
Elloree
Estill
Eutawville
Fairfax
Fort Lawn
Fort Mill
Fountain Inn
Furman
Gaffney
Georgetown
Gifford
Gilbert
Govan
Gray Court
Great Falls
Greeleyville
Greenwood
Greer
Hampton
Hardeeville
Harleyville
Hartsville
Heath Springs
Hickory Grove
Hilda
Hodges
Holly Hill
Hollywood
Honea Path
Inman
Iva
Jamestown
Jefferson
Johnsonville
Johnston
Jonesville
Kershaw
Kingstree
Kline
Lake City
Lake View
Lamar
Lancaster
Landrum
Lane
Latta
Laurens
Leesville
Liberty
Livingston
Lockhart
Lodge
Loris
Lowndesville
Lowrys
Luray
Lynchburg
McBee
McColl
McConnells
McCormick
Manning
Marion
Mayesville
Meggett
Monetta
Mount Carmel
Mount Croghan
Mullins
Neeses
Newberry
Nichols
Ninety Six
Norris
North
Norway
Olanta
Olar
Orangeburg
Pacolet Mills
Pageland
Pamplico
Parksville
Patrick
Paxville
Peak
Pendleton
Perry
Pickens
Pinewood
Plum Branch
Pomaria
Ravenel
Reevesville
Richburg
Ridgeland
Ridge Spring
Ridgeville
Rowesville
Ruby
St George
St Matthews
St Stephen
Salem
Salley
Saluda
Santee
Scranton
Sellers
Seneca
Sharon
Six Mile
Smyrna
Snelling
Society Hill
Springfield
Starr
Summerton
Sumter
Swansea
Sycamore
Tatum
Timmonsville
Trenton
Troy
Turbeville
Ulmer
Union
Vance
Varnville
Wagener
Walhalla
Walterboro
Ward
Ware Shoals
Waterloo
Westminster
West Union
Whitmire
Williams
Williamston
Williston
Windsor
Winnsboro
Woodford
Woodruff
Woodside
Yemassee
York

South Dakota

Aberdeen
Agar
Akaska
Albee
Alexandria
Aplena
Altamont
Andover
Arlington
Armour
Artas
Artesian
Ashton
Astoria
Avon
Baltic
Bancroft
Batesland
Belle Fourche
Belvidere
Blunt
Bonesteel
Bowdle
Bradley
Brandt
Brentford
Bridgewater
Bristol
Britton
Broadland
Brookings
Bryant
Buffalo
Buffalo Gap
Burke
Butler
Camp Crook
Canistota
Canova
Carthage
Castlewood
Cavour
Centerville
Chamberlain
Claire City
Claremont
Clark
Clear Lake
Colome
Colton
Columbia
Conde
Corona
Corsica
Custer
Dallas
Davis
Delmont
De Smet
Dolton
Draper
Dupree
Eagle Butte
Eden
Egan
Elkton
Emery
Erwin
Ethan
Eureka
Fairburn
Fairfax
Faith
Farmer
Faulkton
Frankfort
Frederick
Freeman
Garden City
Gary
Geddes
Gettysburg
Glenham
Goodwin
Gregory
Grenville
Harrold
Hayti
Hazel
Hermosa
Herreid
Herrick
Hetland
Highmore
Hill City
Hitchcock
Hosmer
Hot Springs
Hoven
Howard
Hudson
Hurley
Huron
Interior
Ipswich
Iroquois
Isabel
Java
Jefferson
Kadoka
Kimball
Kranzburg
Lake Andes
Lake City
Lake Norden
Lake Preston
Lane
Langford
Lemmon
Leola
Lesterville
Letcher
Long Lake
McIntosh
McLaughlin
Madison
Marion
Martin
Marvin
Mellette
Menno
Midland
Miller
Mission
Mission Hill
Mitchell
Mobridge
Montrose
Morristown
Mound City
Mount Vernon
Murdo
Naples
New Effington
Newell
New Underwood
New Witten
Nunda
Oacoma
Oldham
Olivet
Onida
Orient
Ortley
Parker
Parkston
Peever
Perpont
Platte
Pollock
Presho
Pringle
Pukwana
Quinn
Ravinia
Redfield
Reliance
Revillo
Rockham
Roscoe
Roslyn
Roswell
St Francis
St Lawrence
Salem
Scotland
Selby
Seneca
Sherman
Sisseton

South Shore
Spearfish
Spencer
Springfield
Stickney
Stockholm
Sturgis
Summit
Tabor
Timber Lake
Tolstoy
Toronto
Trent
Tripp
Turton
Twin Brooks
Tyndall
Utica
Veblen
Vermillion
Viborg
Vienna
Vilas
Virgil
Volin
Wagner
Wakonda
Wall
Wallace
Ward
Warner
Wasta
Waubay
Wentworth
Wessington
Wessington Springs
Westport
White
White Lake
White River
Whitewood
Willow Lake
Wilmot
Winfred
Winner
Wolsey
Wood
Woonsocket
Worthing
Yale
Yankton

Tennessee

Adams
Adamsville
Alamo
Alcoa
Alexandria
Algood
Allardt
Altamont
Ardmore
Arlington
Athens
Atoka
Auburntown
Baileyton
Baxter
Beersheba Springs
Bell Buckle
Bells
Benton
Bethel Springs
Big Sandy
Bluff City
Bolivar
Bradford Brighton
Brownsville
Bruceton
Bulls Gap
Burlison
Byrdstown
Calhoun
Carthage
Caryville
Cedar Hill
Centertown
Centerville
Chapel Hill
Charleston
Charlotte
Cleveland
Clifton
Coalmont
Collinwood
Columbia
Cookeville
Copperhill
Cornersville
Cottage Grove
Covington
Cowan
Crab Orchard
Cross Plains
Crossville
Cumberland City
Cumberland Gap
Dayton
Decatur
Decaturville
Decherd
Dickson
Dover
Dowelltown
Doyle
Dresden
Ducktown
Dunlap
Dyer
Dyersburg
Eagleville
Elizabethton
Elkton
Englewood
Enville
Erin
Erwin
Estill Springs
Ethridge
Etowah
Fayetteville
Finger
Friendship
Friendsville
Gainesboro
Gallatin
Gallaway
Garland
Gates
Gibson
Gilt Edge
Gleason
Grand Junction
Graysville
Greenback
Greeneville
Greenfield
Gruetli-Laager
Halls
Harriman
Hartsville
Henderson
Henning
Henry
Hickory Valley
Hohenwald
Hollow Rock
Hornbeak
Hornsby
Humboldt
Huntingdon
Huntland
Huntsville
Iron City
Jacksboro
Jackson
Jamestown
Jasper
Jefferson City
Jellico
Jonesboro
Kenton
Kimball
Lafayette
La Follette
La Grange
Lake City
Lakewood
Lawrenceburg
Lebanon
Lenoir City
Lewisburg
Lexington
Liberty
Linden
Livingston
Loudon
Luttrell
Lynnville
McEwen
McKenzie
McLemoresville
McMinnville
Madisonville
Martin
Maryville
Mason
Maury City
Maynardville
Medina
Michie
Middleton
Milan
Milledgeville
Millersville
Millington
Minor Hill
Mitchellville
Monteagle
Monterey
Morrison
Morristown
Moscow
Mosheim
Mountain City
Mount Pleasant
Newbern
New Hope
New Market
Newport
New Tazewell
Niota
Oakdale
Oakland
Obion
Oliver Springs
Oneida
Orlinda
Orme
Palmer
Paris
Parrottsville
Parsons
Petersburg
Philadelphia
Pikeville
Pleasant Hill
Portland
Powells Crossroads
Pulaski
Puryear
Ramer
Red Boiling Springs
Richard City
Ridgely
Ripley
Rives
Rockwood
Rogersville
Rossville
Rutherford
Rutledge
St Joseph
Saltillo
Samburg
Sardis
Saulsbury
Savannah
Scotts Hills
Selmer
Sevierville
Sharon
Shelbyville
Silerton
Slayden
Smithville
Sneedville
Somerville
South Fulton
South Pittsburg
Sparta
Spencer
Spring City
Springfield
Spring Hill
Stanton
Stantonville
Surgoinsville
Sweetwater
Tazewell
Tellico Plains
Tiptonville
Toone
Townsend
Tracy City
Trenton
Trezevant
Trimble
Union
Vanleer
Viola
Vonore
Wartburg
Wartrace
Watauga
Watertown
Waverly
Waynesboro
West Moreland
White Bluff
White Pine
Whiteville
Whitwell
Williston
Winchester
Winfield
Woodbury
Woodland Mills
Yorkville

Texas

Abbott
Ackerly
Adrian
Alamo
Alba
Alpine
Alto
Alton
Amherst
Annona
Anthony
Aquilla
Aransas Pass
Arcola
Asherton
Aspermont
Athens
Atlanta
Aubrey
Austwell
Avery
Avinger
Bailey
Baird
Ballinger
Balmorhea
Bandera
Bangs
Bardwell
Bartlett
Bastrop
Bayview
Beasley
Beckville
Beeville
Bellevue
Bellmead
Bells
Benavides
Benjamin
Bertram
Big Sandy
Big Wells
Bishop
Blanco
Blanket
Bloomburg
Blooming Grove
Blossom
Blue Ridge
Blum
Boerne
Bogata
Bonham
Brackettville
Brady
Breckenridge
Bremond
Brenham
Broaddus
Bronson
Brookshire
Browndell
Brownwood
Buckholts
Buffalo Gap
Burke
Burton
Bynum
Caddo Mills
Calvert
Cameron
Campbell
Camp Wood
Carbon
Carmine
Carrizo Springs
Castroville
Celeste
Celina
Center
Channing
Charlotte
Chester
Childress
Chillicothe
Chireno
Christine
Cisco
Clarendon
Clarksville
Clint
Cockrell Hill
Coffee City
Coleman
Collinsville
Colmesneil
Colorado City
Comanche
Combes
Commerce
Como
Cool
Coolidge
Cooper
Corrigan
Corsicana
Cotulla
Covington
Cransfills Gap
Crawford
Crockett
Crosbyton
Cross Plains
Crowell
Crystal Beach
Crystal City
Cuero
Cumby
Cushing
Daingerfield
Dalhart
Dawson
De Kalb
De Leon
Del Rio
Deport
Detroit
Diboll
Dickens
Dilley
Dodd City
Dodson
Domino
Donna
Douglassville
Driscoll
Dublin
Eagle Lake
Eagle Pass
Earth
Easton
Ector
Edcouch
Eden
Edmonson
Edna
El Campo
Electra
Elgin
Elmendorf
Elsa
Emhouse
Encinal
Ennis
Estelline
Eustace
Evant
Falfurrias
Falls City
Farmersville
Fate
Fayetteville
Ferris
Flatonia
Florence
Floresville
Floydada
Franklin
Frankston
Fredericksburg
Frost
Gainesville
Garrett
Garrison
Gatesville
Gladewater
Goldsmith
Goldthwaite
Goliad
Gonzales
Goodlow
Goodrich
Goree
Gorman
Graford
Grand Saline
Grandview
Granger
Grapeland
Greenville
Gregory
Grey Forest
Groesbeck

Groom
Groveton
Gustine
Hale Center
Hamilton
Hamlin
Happy
Haskell
Hearne
Hedley
Hemphill
Hico
Hidalgo
Hillsboro
Holland
Hondo
Honey Grove
Hubbard
Hughes Springs
Huntington
Hutto
Iredell
Italy
Itasca
Jacksonville
Jasper
Jayton
Jefferson
Joaquin
Johnson City
Junction
Karnes City
Kaufman
Kemp
Kendleton
Kennedy
Kennard
Kerens
Kingsville
Kirbyville
Kirvin
Knox City
Kosse
Kress
La Coste
Ledonia
La Feria
La Grange
La Grulla
La Joya
Lakeview
Lampasas
La Villa
La Ward
Leakey
Leary
Leona
Leonard
Lexington
Linden
Lipan
Livingston
Llano
Lockart
Lockney
Lometa
Lone Oak
Loraine
Lorena
Los Fresnos
Lott
Lueders
Lufkin
Luling
Lyford
Mabank
McCamey
McGregor
McKinney
McLean
Malakoff
Malone
Manor
Marfa
Marion
Marlin
Marquez
Mart
Mason
Matador
Mathis
Maud
Maypearl
Meadow
Megargel
Melvin
Memphis
Menard
Mercedes
Meridian
Merkel
Mertens
Mertzon
Mexia
Milano
Miles
Milford
Mineola
Mineral Wells
Mingus
Montgomery
Moody
Moore Station
Moran
Morgan
Morton
Moulton
Mount Calm
Mount Enterprise
Mullin
Munday
Murchison
Naples
Natalie
Navasota
Nesbitt
Newcastle
New Summerfield
Neylandville
Nixon
Nocona
Nome
Nordheim
Normangee
Novice
Oakhurst
Oakwood
O'Brien
O'Donnell
Olton
Omaha
Ore City
Paducah
Paint Rock
Palacios
Palmview
Paris
Pearsall
Pecan Gap
Pecos
Penelope
Petersburg
Pilot Point
Pineland
Pittsburg
Point Blank
Port Isabel
Post
Poteet
Powell
Premont
Presidio
Primera
Progreso Lakes
Putnam
Quanah
Queen City
Quitaque
Ralls
Rancho Viejo
Ranger
Raymondville
Refugio
Richland
Richland Springs
Rio Hondo
Rising Star
Roaring Springs
Robstown
Roby
Rochester
Rocksprings
Rocky Mound
Rogers
Roma
Ropesville
Rosebud
Rose City
Rotan
Round Top
Roxton
Royse City
Rule
Runge
Rusk
Sabinal
St Jo
San Augustine
San Diego
San Felipe
San Juan
San Marcos
San Patricio
San Perlita
San Saba
Santa Anna
Santa Rosa
Schulenburg
Seadrift
Seagraves
Seven Oaks
Seven Points
Seymour
Shamrock
Shepherd
Shiner
Silsbee
Silverton
Sinton
Slaton
Smiley
Smithville
Somerset
Southmayd
Spofford
Springlake
Spur
Stamford
Sterling City
Stockdale
Strawn
Streetman
Sudan
Taft
Tahoka
Talco
Taylor
Teague
Tehuacana
Tenaha
Terrell
Texline
Thorndale
Thornton
Thrall
Throckmorton
Timpson
Tira
Toco
Tolar
Toyah
Trenton
Trinidad
Trinity
Troup
Tulia
Turkey
Tuscola
Uvalde
Valentine
Valley Mills
Van Alstyne
Van Horn
Vernon
Vinton
Waelder
Waxahachie
Weatherford
Weimar
Weinert
Wellington
Wells
Weslaco
Westbrook
Westminster
West Mountain
Whitewright
Whitney
Wills Point
Windom
Winnsboro
Winters
Wolfe City
Woodsboro
Woodson
Woodville
Wortham
Yantis
Yoakum
Yorktown
Zavalla

Utah

Alton
Antimony
Ballard
Beaver
Bicknell
Big Water
Blanding
Boulder
Centerfield
Charleston
Circleville
Cleveland
Cornish
Deweyville
Elsinore
Enterprise
Ephraim
Escalante
Eureka
Fairview
Farr West
Fayette
Fillmore
Fountain Green
Genola
Glendale
Glenwood
Green River
Gunnison
Hatch
Heber
Henefer
Hildale
Holden
Hurricane
Junction
Kamas
Kanab
Kanarraville
Kanosh
Kingston
Koosharem
Laketown
Leeds
Levan
Loa
Logan
Lyndyl
Manti
Marysvale
Mayfield
Meadow
Midway
Milford
Mona
Moroni
Mount Pleasant
Myton
Nephi
Newton
Oakley
Ophir
Panguitch
Parowan
Portage
Santaquin
Scipio
Scofield
Snowville
Soldier Summit
South Salt Lake
Spring City
Springville
Sterling
Stockton
Toquerville
Torrey
Trenton
Vernon
Virgin
Wales
Wallsburg

Vermont

Albany
Alburg
Barre
Barton
Bellows Falls
Bradford
Bristol
Cabot
Cambridge
Derby Center
Derby Line
Enosburg Falls
Hardwick
Jacksonville
Jeffersonville
Johnson
Ludlow
Lyndonville
Marshfield
Milton
Montpelier
Morrisville
Newbury
Newport
Northfield
North Troy
North Westminster
Orleans
Perkinsville
Pittsford
Plainfield
Poultney
Proctorsville
Richford
Rutland
St Albans
Saxtons River
Stowe
Swanton
Waterbury
Wells River
West Burke
Westminster
Winooski

Virginia

Abingdon
Accomac
Alberta
Appalachia
Appomattox
Bedford
Belle Haven
Big Stone Gap
Blacksburg
Blackstone
Bloxom
Boone Mill
Boyce
Boykins
Branchville
Brodnax
Brookneal
Buchanan
Buena Vista
Burkeville
Cape Charles
Capron
Charlotte Court House
Chase City
Chatham
Cheriton
Chilhowie
Chincoteague
Claremont
Clarksville
Cleveland
Clifton Forge
Clinchport
Clintwood
Clover
Coeburn
Colonial Beach
Columbia
Covington
Craigsville
Crewe
Culpeper
Damascus
Dendron
Dillwyn
Drakes Branch
Dungannon
Edinburg
Emporia
Exmore
Farmville
Floyd
Franklin
Fries
Front Royal
Galax
Gate City
Glade Spring
Glasgow
Glen Lyn
Gordonsville
Goshen
Gretna
Grundy
Halifax
Hallwood
Harrisonburg
Hayxi
Honaker
Hurt
Independence
Iron Gate
Ivor
Jarratt
Jonesville
Keller
Kenbridge
Keysville

La Crosse
Lawrenceville
Lexington
Luray
McKenney
Marion
Martinsville
Melfa
Middleburg
Mineral
Monterey
Mount Crawford
Mount Jackson
Narrows
Nassawadox
New Castle
Newsoms
Nickelville
Norton
Onancock
Onley
Orange
Painter
Pamplin City
Parksley
Pearisburg
Pembroke
Pennington Gap
Phenix
Pocahontas
Port Royal
Pound
Pulaski
Quantico
Radford
Rich Creek
Richlands
Round Hill
Rural Retreat
St Charles
St Paul
Saltville
Saxis
Scottsburg
Scottsville
Shenandoah
South Boston
South Hill
Stanardsville
Stanley
Stony Creek
Strasburg
Stuart
Tangier
Tazewell
The Plains
Toms Brook
Troutdale
Troutville
Victoria
Virgilina
Wachapreague
Wakefield
Waverly
Waynesboro
Whitestone
Woodstock
Wytheville

Washington

Aberdeen
Airway Heights
Arlington
Asotin
Battle Ground
Bingen
Black Diamond
Brewster
Bridgeport
Buckley
Bucoda
Camas
Carnation
Cashmere
Castle Rock
Cathlamet
Centralia
Chehalis
Chelan
Cheney
Chewelah
Clarkston
Cle Elum
Colville
Conconully
Concrete
Connell
Cosmopolis
Coulee City
Cusick
Darrington
Dayton
Deer Park
Duvall
East Wenatchee
Eatonville
Ellensburg
Elma
Entiat
Everson
Farmington
George
Gold Bar
Goldendale
Grand Coulee
Grandview
Granger
Granite Falls
Hamilton
Harrah
Hartline
Hoquiam
Ilwaco
Index
Ione
Kahlotus
Kelso
Kettle Falls
Kittitas
Krupp
La Conner
Langley
Latah
Lavenworth
Lind
Long Beach
Lyman
Lynden
Mabton
McCleary
Malden
Mansfield
Marcus
Mattawa
Medical Lake
Mesa
Metaline
Metaline Falls
Millwood
Monroe
Montesano
Morton
Moses Lake
Mossyrock
Mount Vernon
Moxee City
Naches
Nespelem
Newport
Nooksack
North Bonneville
Northport
Oakville
Okanogan
Omak
Oroville
Orting
Othello
Pateros
Port Angeles
Port Orchard
Port Townsend
Prescott
Pullman
Puyallup
Quincy
Rainier
Raymond
Republic
Ridgefield
Ritzville
Riverside
Rockford
Rock Island
Roslyn
Roy
Royal City
Sedro Woolley
Sequim
Shelton
Skykomish
Snohomish
Soap Lake
South Bend
South Cle Elum
South Prairie
Sprague
Springdale
Stanwood
Starbuck
Sultan
Sumas
Sumner
Sunnyside
Tenino
Tieton
Toledo
Tonasket
Toppenish
Twisp
Union Gap
Vader
Walla Walla
Wapato
Warden
Washougal
Washtucna
Wenatchee
Westport
Wilkeson
Wilson Creek
Winlock
Winthrop
Woodland
Yacolt
Yelm
Zillah

West Virginia

Addison
Albright
Alderson
Anawalt
Anmoore
Ansted
Athens
Auburn
Bancroft
Barboursville
Barrackville
Bath
Bayard
Beckley
Beech Bottom
Belington
Benwood
Bethany
Beverly
Blacksville
Bluefield
Bradshaw
Bramwell
Bruceton Mills
Buckhannon
Buffalo
Burnsville
Cairo
Camden-on-Gauley
Cameron
Capon Bridge
Cass
Cedar Grove
Ceredo
Chapmanville
Charles Town
Chesapeake
Chester
Clarksburg
Clay
Clendenin
Cowen
Danville
Davis
Davy
Delbarton
Dunbar
Durbin
East Bank
Eleanor
Elizabeth
Elk Garden
Elkins
Fairmont
Fairview
Falling Springs
Farmington
Fayetteville
Flatwoods
Flemington
Follansbee
Fort Gay
Franklin
Friendly
Gary
Gassaway
Gauley Bridge
Gilbert
Glenville
Grafton
Grantsville
Grant Town
Granville
Hambleton
Hamlin
Handley
Harman
Harrisville
Hartford City
Hedgesville
Henderson
Hendricks
Hillsboro
Hinton
Hundred
Huttonsville
Iaeger
Jane Lew
Junior
Kenova
Kermit
Keyser
Keystone
Kimball
Kingwood
Layopolis
Leon
Lester
Lewisburg
Littleton
Logan
Lost Creek
Lumberport
McMechen
Man
Mannington
Marlinton
Marmet
Martinsburg
Mason
Masontown
Matewan
Matoaka
Meadow Bridge
Middlebourne
Mill Creek
Milton
Monongah
Montgomery
Montrose
Moorefield
Morgantown
Moundsville
Mount Hope
Mullens
Newburg
New Cumberland
New Haven
New Martinsville
Nitro
Northfork
Nutter Fort
Oakvale
Oceana
Osage
Paden City
Parsons
Paw Paw
Pax
Pennsboro
Petersburg
Peterstown
Philippi
Piedmont
Pine Grove
Pineville
Point Pleasant
Princeton
Pullman
Rainelle
Ransen
Reedsville
Reedy
Rhodell
Richwood
Ridgeley
Rivesville
Romney
Ronceverte
Rowlesburg
Rupert
St. Marys
Salem
Shepherdstown
Shinnston
Sistersville
Smithers
Smithfield
Sophia
South Charleston
Spencer
Star City
Stonewood
Summersville
Sutton
Terra Alta
Thomas
Thurmond
Triadelphia
Tunnelton
Union
Valley Grove
Vienna
War
Wardensville
Wayne
Welch
Wellsburg
West Hamlin
West Liberty
West Logan
West Milford
Weston
Westover
West Union
White Sulphur Springs
Whitesville
Williamson
Womelsdorff
Worthington

Wisconsin

Abbotsford
Algoma
Alma
Alma Center
Almond
Amery
Amherst Junction
Aniwa
Antigo
Arcadia
Arena
Ashland
Athens
Augusta
Avoca
Bagley
Balsam Lake
Baraboo
Barneveld
Bayfield
Bear Creek
Beaver Dam
Big Falls
Birchwood
Black Creek
Black River Falls
Blair
Blanchardville
Bloomer
Bloomington
Blue River
Boscobel
Bowler
Boyceville
Boyd
Brandon
Brokaw
Bruce
Buttemut
Cable
Cadott
Cambria
Cambridge
Campbellsport
Camp Douglas
Cascade
Casco
Cashton
Cassville
Catawba
Cazenovia
Centuria
Chaseburg
Chilton
Chippewa Falls
Clayton
Clear Lake
Clinton
Clintonville
Clyman
Cochrane
Colby
Coleman
Coloma
Conrath
Coon Valley
Cornell
Couderay
Crandon
Crivitz
Curtiss
Dallas

Darlington
Delavan
De Soto
Dodgeville
Downing
Doylestown
Durand
Eagle River
Eastman
Egg Harbor
Elderon
Eleva
Elroy
Endeavor
Ettrick
Exeland
Fairchild
Fairwater
Fall River
Fennimore
Fenwood
Fond Du Lac
Footville
Fountain City
Fox Lake
Francis Creek
Frederic
Fremont
Galesville
Gays Mills
Genoa
Gillett
Gilman
Glenbeulah
Glenwood City
Granton
Grantsburg
Gratiot
Greenwood
Hancock
Hartford
Hatley
Hawkins
Hayward
Highland
Hillsboro
Hixton
Hortonville
Hurley
Hustler
Independence
Ingram
Iola
Iron Ridge
Ironton
Jefferson
Johnson Creek
Juneau
Kaukauna
Kekoskee
Kennan
Kewaunee
Kingston
Lac La Belle
Ladysmith
La Farge
Lake Delton
Lake Mills
Lancaster
La Valle
Lena
Lime Ridge
Linden
Loganville
Lohrville
Lone Rock
Lowell
Loyal
Lublin
Luck
Lyndon Station
Maiden Rock
Manawa
Manitowoc
Maribel
Marinette
Marion
Markesan
Marquette
Mason
Mattoon
Mauston
Mellen
Melrose
Melvina
Menomonie
Merrill
Merrillan
Merrimac
Milladore
Milltown
Mineral Point
Minong
Mondovi
Montello
Montreal
Mosinee
Mount Calvary
Mount Hope
Muscoda
Necedah
Neillsville
Nelson
Nelsonville
Neshkoro
New Auburn
New Lisbon
New London
Niagara
Nichols
North Freedom
Norwalk
Oconto
Oconto Falls
Ogdensburg
Ontario
Osseo
Owen
Oxford
Park Falls
Patch Grove
Pepin
Phillips
Pittsville
Platteville
Poplar
Portage
Potosi
Potter
Pound
Poynette
Prairie Du Chien
Prairie Farm
Prentice
Princeton
Radisson
Readstown
Redgranite
Reedsburg
Reeseville
Rewey
Rhinelander
Rib Lake
Richland Center
Ridgeway
Rio
Ripon
River Falls
Rockland
Rock Springs
Rosholt
St Naziaz
Scandinavia
Schofield
Seymour
Sheldon
Shell Lake
Shiocton
Siren
Slinger
Soldiers Grove
Solon Springs
South Wayne
Sparta
Spencer
Spooner
Stanley
Steuben
Stevens Point
Stockholm
Stoddard
Stratford
Strum
Sullivan
Superior
Suring
Taylor
Thorp
Tigerton
Tomah
Tony
Trempealeau
Turtle Lake
Two Rivers
Unity
Viola
Viroqua
Walworth
Warrens
Washburn
Watertown
Waupaca
Wausaukee
Wautoma
Webster
West Baraboo
Westby
Westfield
Weyauwega
Weyerhaeuser
Wheeler
Whitehall
White Lake
Whitewater
Wild Rose
Wilton
Winter
Withee
Wonewoc
Woodman
Wyocena
Yuba

Wyoming

Afton
Albin
Big Piney
Clearmont
Cokeville
East Thermopolis
Fort Laramie
Frannie
Hulett
La Grange
Laramie
Meeteetse
Riverside
Rock River
Thayne
Van Tassel
Yoder

Outlying Areas

American Samoa
Northern Marianas Islands

Part III

The following list contains the names of those small cities which meet the current minimum standards of physical and economic distress but which did not meet the standards as of the February 13, 1984 Notice.

Alabama

Belk
Berry
Brookside
Decatur
Fayette
Foley
Grimes
Kinsey
Millbrook
Monroeville
Morris
Riverview
Robertsdale
Shilo
Silverhill
Taylor
Valley City
Warrior
Webb
Wilmer
Wilsonville

Alaska

Fairbanks
Hydaburg
Kasaan
King Cove

Arizona

Eagar
Flagstaff
Fredonia

Arkansas

Cherry Valley
Corinth
Crossett
Fifty Six
Fountain Hill
Fourche
Friendship
Heber Springs
Hickory Ridge
Jerome
Jonesboro
London
Russellville
Stuttgart
Weiner
Wynne

California

Alturas
Chino
Colton
Loma Linda
Mount Shasta
Yreka

Colorado

Akron
Bonanza City
Cheraw
Creede
Crested Butte
Fleming
Genoa
Grand Junction
Hotchkiss
Johnstown
Manitou Springs
Nucla
Paonia
Parachute
Pitkin
Poncha Springs
Prospect Heights
Red Cliff
Silt
Swink

Delaware

New Castle

Florida

Auburndale
Belle Glade
Grand Ridge
Greenwood
Marineland
Opalocka
Pomona Park
Sebring
Sneads
Weeki Wachee Springs

Georgia

Alston
Blairsville
Buford
Calhoun
Clarkesville
Commerce
Corinth
Garfield
Ila
Jesup
Jonesboro
Milan
Morgan
Oak Park
Pine Mountain
Plainville
Resaca
Russell
Sharpsburg
Soperton
Statesboro
Swainsboro
Tallulah Falls
Turin
Twin City
Valdosta
Vidalia
Walnut Grove

Idaho

American Falls
Atomic City
Blackfoot
Bloomington
Caldwell
Cambridge
Drummond
Georgetown
Greenleaf
Hailey
Juliaetta
Malad City
Middleton
Montpelier
Onaway
Paris
Pinehurst
Placerville
Pocatello
Preston
St Charles
Spencer
Twin falls
Warm River

Illinois

Albers
Allendale
Alpha
Altamont
Amboy
Andover
Ashmore
Ashton
Assumption
Atlanta
Aviston
Basco
Beardstown
Bement
Bethany
Biggsville
Blue Mound
Bradford
Braidwood
Broadlands
Bushnell
Cambridge
Canton
Chester
Cisco
Cissna Park
Coffeen
Coleta
Congerville
Coulterville
Dallas City
Dalzell
De Land
Dixmoor
Dixon
Dunfermline
East Dubuque
Edinburg
El Dara
Elliott
El Paso
Elvaston
Emden
Ferris
Forest Park
Franklin Grove
Gaya
Glasford

Glasgow
Golf
Hamilton
Hammond
Hanna City
Hazmon
Hartsburg
Hindsboro
Hooppole
Irvington
Jacksonville
Kincaid
Kingston Mines
Lacon
La Fayette
Lakemoor
La Moille
Lanark
La Rose
Lathum
Lerna
Lincoln
Little York
Lomax
Long Creek
Macon
Mansfield
Marengo
Marine
Markham
Mattoon
Medora
Melrose Park
Mendota
Meredosia
Minonk
Morrisonville
Mount Carmel
Naples
Nashville
Nelson
New Bedford
Niantic
North Utica
Okawville
Owaneco
Parkersburg
Paxton
Pearl City
Percy
Perry
Pierron
Pittsfield
Pold
Pontoosuc
Posen
Prairie Du Rocher
Ransom
Raritan
Rochelle
Rock Falls
Ruma
Ste Marie
Seaser
Sibley
South Roxana
South Wilmington
Sparta
Spring Valley
Steward
Stickney
Stockton
Stone Park
Stonington
Strasburg
Stronghurst
Sublette
Sullivan
Sun River Terrace
Taylorville
Tilden
Time
Toledo
Tovey
Troy Grove
Villa Grove
Wapella
Warren
Warsaw
Washburn
Wenona
Winslow

Indiana

Akron
Amo
Bluffton
Boswell
Columbus
Country Club Heights
Elberfeld
Fort Branch
Hazleton
Lakeville
Millhousen
New Richmond
North Manchester
Patoka
Poneto
Princeton
Rocky Ripple
Sheridan
Spring Hills
Spurgeon
Staunton
Vera Cruz
Warren
Westport

Iowa

Allison
Alta Vista
Alton
Ames
Arthur
Audubon
Bancroft
Benton
Bernard
Birmingham
Bristow
Bronson
Cascade
Centralia
Charlton
Clarksville
Cleghorn
Coppock
Creston
Dayton
Donnan
Edgewood
Elgin
Elkader
Emerson
Epworth
Evansdale
Farley
Farmington
Ferguson
Floyd
Galva
George
Gilman
Greene
Guernsey
Hartley
Hartwick
Haverhill
Hazleton
Ida Grove
Kanawha
Keosauqua
Kimballton
Lake View
Lakota
La Porte City
Malcom
Marengo
Marshalltown
Maurice
Maynard
Mediapolis
Melbourne
Menlo
Meservey
Minburn
Mitchell
Moorhead
Mount Pleasant
Nemaha
New Hartford
North English
Odebolt
Olin
Oneida
Orchard
Osterdock
Plano
Quasqueton
Randalia
Redfield
Riceville
Rolfe
Rowan
Rowley
Ruthven
Ryan
Sac
Schaller
Shambaugh
Sheldahl
Sherrrill
Soldier
Stanley
State Center
Stockport
Stockton
Sutherland
Swea City
Walnut
Waukon
Wayland
Westgate
West Union
Winthrop
Woolstock

Kansas

Agra
Alma
Beloit
Brookville
Bunker Hill
Burr Oak
Cottonwood Falls
Culver
Dearing
Deerfield
Emmett
Eskridge
Everest
Garnett
Goodland
Gorham
Grinnell
Gypsum
Hanston
Harveyville
Herndon
Hoxie
Hutchinson
Iola
Jetmore
Kensington
Kinsley
Liberty
Linwood
Little River
Long Island
Manhattan
Neodesha
Nickerson
Olpe
Osborne
Quinter
Raymond
Rozel
Rush Center
Sabetha
Satanta
Scott City
Seward
South Haven
Stark
Stockton
Syracuse
Tipton
Tribune
Valley Falls
Zenda

Kentucky

Burnside
Caseyville
Centertown
Hanson
Henderson
Mackville
Madisonville
Morganfield
Nortonville
Park Hills
Powderly
Sebree
Slaughterville
Sturgis
Uniontown
Walton
Warfield
Whitesville
Williamstown
Wingo
Woodburn
Woodlawn
Worthington
Worthington Hills

Louisiana

Athens
Baldwin
Breaux Bridge
Covington
Estherwood
Ida
Iota
Loreauville
Mermentau
Mooringsport
Morgan City
Norwood
St Martinville

Michigan

Armada
Brooklyn
Barton
Chesaning
Coopersville
Elsie
Free Soil
Fruitport
Grand Haven
Holly
Howell
Kaleva
Kent City
Kingston
Lowell
Manchester
Mattawan
Mayville
Melvindale
Montrose
Negaunee
New Lothrop
Reese
Richmond
Sand Lake
South Rockwood
Sparta
Spring Lake
Sturgis
Tecumseh
Wayne
Zeeland
Zilwaukee

Minnesota

Appleton
Becker
Benson
Big Lake
Bird Island
Bricelyn
Buhl
Butterfield
Clara City
Cleveland
Climax
Coleraine
Crookston
Crosslake
Darwin
Dassel
Easton
Elizabeth
Ellsworth
Elrosa
Elysian
Eveleth
Fountain
Foxhome
Franklin
Franklin
Good Thunder
Grand Rapids
Grove City
Hartland
Hector
Heidelberg
Hendrum
Hermantown
Hibbing
Isanti
Isle
Ivanhoe
Kasota
Keewatin
LaFayette
Le Center
Litchfield
Lyle
Milaca
Minnesota Lake
Montevideo
Montgomery
Morristown
Morton
New Prague
Osakis
Pease
Princeton
Sleepy Eye
Storden
Tenney
Utica
Wahkon
Waterville
Winnebago
Zumbro Falls

Mississippi

Baldwyn
Booneville
Caledonia
Enterprise
Fulton
Hatley
Jumpertown
Lake
Liberty
Magee
Marion
Mendenhall
Oxford
Pachuta
Ripley
Saltillo
Sylarena
Tillatoba
Tremont
Tupela
Verona
Waveland

Missouri

Bagnell
Bosworth
Bourbon
Brashear
Cairo
Cape Girardeau
Cave
Center
Cowgill
Deerfield
Edgar Springs
Ellington
Frohna
Gibbs
Hawk Point
Hermitage
High Hill
Knob Noster
Laclede
Leonard
Lincoln
McKittrick
Marceline
Mendon
Missouri City
Monett
Monroe City
Monticello
Mooresville
New London
Palmyra
Peasant Hill
Renick
Rock Port
Rushville
St Cloud
Salisbury
Sugar Creek
Sunrise Beach
Tipton
Troy
Upland Park
Wheeling
Wooldridge

Montana

Cut Bank
Forsyth
Fort Benton
Glasgow
Livingston
Plentywood
Richey
Superior

Nebraska

Amherst
Anselmo
Bassett
Bloomfield
Brainard
Bruning
Carroll
Chester
Davenport
David City
Dickens
Edison
Emerson
Fairmont
Fullerton
Grainton
Hayes Center
Henry
Lyons
Magnet
Meadow Grove
Milligan
Nora
North Bend
Orchard
Osceola
Oshkosh
Paxton
Pender
Petersburg
Platte Center
Rockville
Rogers
St Helena
Schuyler
Spencer
Stamford
Sutton
Swanton
Venango
Verdon
Virginia
Waco
Wood Lake

Nevada

North Las Vegas
Winnemucca

New Hampshire

Claremont
Concord

New Jersey

Hi-Nella

New Mexico

Alamogordo
Eagle Nest
Grants

New York

Ames
Arkport
Bemus Point
Brocton
Cherry Valley
Corning
Dering Harbor
Forestville
Gainesville
Lindenhurst
Lyndonville
Mayville
North Hornell
Palmyra
Panama
Sinclairville
Sodus Point
South Corning
Windsor
Wyoming

North Carolina

Beargrass
Canton
Carthage
Drexel
Elon College
Faith
Fallston
Gibsonville
Greenville
Grifton
Mesic
Newton Grove
Pantego
Ramseur
Seagrove
Selma

North Dakota

Arthur
Balfour
Balta
Bantry
Bergen
Bucyrus
Cayuga
Dazey
Fullerton
Hunter
Larimore
Marion
Merricourt
Mountain
Mylo
New Rockford
Niagara
Oakes
Palermo
Perth
Ross
Steele
Tolna
Woodworth
Wyndmere

Ohio

Aquilla
Baltic
Baltimore
Bellevue
Berlin Heights
Blanchester
Brookside
Bryan
Burbank
Bulterville
Carroll
Castalia
Cheviot
Columbiana
Creston
Cygnet
Dalton
Defiance
Delta
East Sparta
Eldorado
Findlay
Florida
Fort Jennings
Fort Loramie
Frankfort
Garfield Heights
Genoa
Gilboa
Glandorf
Gloria Glens Park
Hamler
Haskins
Helena
Jacksonville
Johnstown
Lebanon
Leesville
Lodi
Loudonville
Luckey
Marshallville
Metamora
Middlefield
Milford
Miller City
Millersport
Mingo Junction
Mount Blanchard
Mutual
New Knoxville
New Madison
New Philadelphia
New Vienna
New Weston
Ney
North Bend
Norwalk
Oak Harbor
Octa
Ottawa
Patterson
Payne
Pleasantville
Prospect
Rawson
Rockford
Rushville
Russia
Shadyside
Spencer
Sugar Grove
Summitville
Tontagany
Walbridge
42West Salem
West Unity
Wilmington
Woodstock
Wooster
Xenia
Yorkshire

Oklahoma

Armstrong
Blackburn
Broken Bow
Cherokee
Cooperton
Erin Springs
Fallis
Gans
Garvin
Locust Grove
Loveland
Meeker
Millerton
Muldrow
New Alluwe
Pocola
Sallisaw
Shady Grove
Sparks
Sugden
Summit
Thackerville
Tushka
Valliant
Verden

Oregon

Adrian
Aurora
Bandon
Bend
Burns
Canyon City
Clatskanie
Depoe Bay
Donald
Dufur
Granite
Helix
Hines
Hubbard
Independence
Jacksonville
Jefferson
Lakeside
Lakeview
Madras
Metolius
North Bend
Ontario
Pendleton
Phoenix
Roseburg
St. Paul
Silverton
Sumpter
Toledo
Turner
Veneta
Woodburn

Pennsylvania

Beavertown
Bloomfield
Bonneauville
Brisbin
Brownstown
Bruin
Chicora
Dover
East Butler
East Washington
Evans City
Hummelstown
Lilly
Mount Holly Springs
Mount Wolf
New Baltimore
New Beaver
New Bethlehem
New Eagle
New Oxford
New Wilmington
Picture Rocks
Pillow
Richland
Roseto
Selinsgrove
Somerset
Summerhill
Telford
Townville
Troutville
Tunnelhill
Valley Hi
Wheatland
Woodcock

South Carolina

Aynor
Bonneau
Conway
Honea Path
Landrum
Norris
Santee
Sharon
Six Mile
Smyrna

South Dakota

Albee
Arlington
Butler
Cavour
Corsica
Farmer
Freeman
Harrold
Hudson
Kodoka
Mound City
Onida
Redfield
Roslyn
Roswell
Salem
Sturgis
Vilas
Warner

Tennessee

Ardmore
Cedar Hill
Columbia
Cross Plains
Eagleville
Gallatin
Jackson
Lakewood
Maryville
Michie
Millersville
Portland
Sevierville
Townsend
West Moreland

Texas

Aransas Pass
Athens
Bishop
Blossom
Bronson
Burke
Coffee City
Corrigan
Crystal Beach
Diboll
Eagle Lake
El Campo
Hale Center
Huntington
Jasper
Johnson City
Kenedy
Kirbyville
Livingston
Lufkin
Mineola
Murchison
Nome
O'Brien
Pittsburg
Point Blank
Post
San Felipe
San Patricio
Seadrift
Seagraves
Seven Points
Silsbee
Tuscola
Weinert
Wells
Woodville

Utah

Blanding
Farr West
Glendale
Henefer
Kamas
Kanab
Loa
Marysvale
Oakley
Soldier Summit
Springville

Vermont

Saxtons River

Virginia

Belle Haven
Big Stone Gap
Bloxom
Boyce
Culpeper
Floyd
Hurt
Pound
Rich Creek
Stuart

Washington

Langley
Leavenworth
Lynden
McCleary
Medical Lake
Mount Vernon
South Cle Elum
Wenatchee

West Virginia

Bath
Cairo
Chesapeake
East Bank
Eleanor
Huttonsville
Jane Lew
Kingwood
Leon
Montrose
New Haven
New Martinsville
West Logan

Wisconsin

Alma
Amery
Arena
Balsam Lake
Baraboo
Black Creek
Bloomer
Boscobel
Boyd
Brandon
Cadott
Cascade
Cassville
Chaseburg
Chilton
Clear Lake
Clyman
Coleman
Coon Valley
Crivitz
Delavan
Dodgeville
Doylestown
Egg Harbor
Fairwater
Fennimore
Fountain City
Fox Lake
Francis Creek
Fremont
Genoa
Grantsburg
Hartford
Highland
Hillsboro
Hortonville
Iola
Iron Ridge
Johnson Creek
Juneau
Kaukauna
Kekoskee
Lake Mills
Lancaster
Lone Rock
Manawa
Marion
Melvina
Mondovi
Muscoda
New London
Niagara
Norwalk
Patch Grove
Pepin
Potosi
Prairie du Chien
Reeseville
Ridgeway
Scandinavia
Seymour
Shiocton
Slinger
Sparta
Stockholm
Sullivan
Superior
Tomah
Viola
Waupaca
Westby
Weyauwega
Woodman
Yuba

Wyoming

Cokeville

Part IV

The following list contains the names of those small cities which met the minimum standards of physical and economic distress as of the February 13, 1984 Notice but which do not meet the current minimum standards. The final date for submission of an application by the cities listed below is May 31, 1986.

Alabama

County line
Douglas
Ethelsville

Alaska

Kiana
Newhalen
Nondalton
Platinum
St Mary's
Shungnak

California

Commerce
Monrovia
Rio Vista

Colorado

Cheyenne Wells

Florida

Bell
Tavares

Georgia

Garden City
McIntyre
Royston

Idaho

Driggs
Ferdinand

Illinois

Butler
Byron
Mount Morris
North Pekin
Olney
Phillipstown
Sadorus
Salem

Indiana

Brookville
Cedar Grove
Hagerstown
Oolitic
Porter
Rockville
Sellersburg
Silver Lake
Pines

Iowa

Ayrshire
Bayard
Colfax
Corning
Eagle Grove
Grand Junction
Guthrie Center
Hedrick
Imogene
Ireton
Jolley
Kinross
Macksburg
Madrid
Marysville
Missouri Valley
Nichols
Oyens
Pacific Junction
Searsboro
South English
Thurman
Vail
Valeria

Kansas

Cherokee
Copeland
Dighton
Earlton
Erie
Humboldt
Lone Elm
Lost Springs
Moline
Olivet
Pawnee Rock
Phillipsburg
Protection
St John
West Mineral

Kentucky

Inez
Middletown City
Strathmoor Manor
Washington
Whipps Milgate

Louisiana

Anacoco
Gretna
Springhill
Vidalia
West Monroe
Youngsville

Maryland

Barclay
Centreville
Church Hill
Fruitland
Luke
Millington
New Windsor
Pittsville
Riverdale
Sharptown
Union Bridge
Willards

Massachusetts

Beverly

Michigan

Maybee
Montgomery

Minnesota

Coates
Florence
Halma
Madison Lake
Richmond
Solway
Taconite

Mississippi

Iuka
Lake Center

Missouri

Foristell
Hermann
Lake Ozark
Lakeside
East Kansas City
West Line

Montana

Roundup

Nebraska

Alvo
Dixon
Haigler
Newport

Nevada

Carlin

New Jersey

Cape May Point
Collingswood
Dover
East Rutherford
Fairview
Hackensack
Pitman
Victory Gardens
Woodbury

New Mexico

Jemez Springs

New York

Avon
Blasdell
Brewster
Canandaigua
Candor
Cuba
Dannemora
East Aurora
Endicott
Fabius
Highland Falls
Livonia
Mechanicville
Milford
Morris
New York Mills
Port Chester
Seneca Falls
Wampsville
Woodridge

North Carolina

Beech Mountain
Newton

North Dakota

Beach
Bowbells
Crosby
Kenmare
Mayville
Oberon

Ohio

Antioch
Commercial Point
Dellroy
Fairborn
Moscow
North Fairfield
Ostrander
Rochester
Shawnee Hills

Oklahoma

Binger
Canton
Capron
Cheyenne
Collinsville
Cyril
Dill City
Eakly
Elk City
Fletcher
Fort Cobb
Fort Supply
Lindsay
Nicoma Park
Perry
Sklatook
Sperry
Wayne
Woodville

Oregon

Wasco

Pennsylvania

Halifax
Callery
Honesdale
Landingville
McKean
Morrisville
Morton
Prospect Park
Silverdale
Yeadon

South Carolina

Duncan
Lyman

South Dakota

Dante — Deadwood

Tennessee

Celina — Troy
Parkers' Cross Roads

Texas

Arp — Monahans
Bryson — North Cleveland
Byers — Palm Valley
Caldwell — Rockport
Decatur — Scottsville
Devers — Somerville
Forsan — Sweetwater
Hallettsville — Wallis

Utah

Clawson

Vermont

Richmond — Vergennes

Virginia

Boydton — Williamsburg
Middletown — Winchester
Stephens City

Washington

Marysville — Uniontown

West Virginia

Winfield

Wisconsin

Kellnersville — Wisconsin Dells

Wyoming

Baggs — Encampment

Part V

The following list contains the names of towns and townships which meet the minimum standards for physical and economic distress and which are in States where towns and townships generally have powers comparable to the powers of municipalities. Towns and townships in states which are not listed should apply to the local HUD field office for assistance in determining whether they have appropriate powers. The towns and townships are not listed with places in Section II because their eligibility as cities has not been fully determined under the criteria of 24 CFR 570.3(e), which require that they (1) have powers and perform functions comparable to municipalities, (2) are closely settled and (3) have corporation agreements with all incorporated places within their boundaries. Requests for waivers of the closely settled requirement from towns and townships which meet all other requirements may be waived by the Secretary on a case by case basis. The asterisk shown in front of the name of some towns or townships indicates that those towns or townships contain an incorporated place within their boundaries.

Connecticut

East Haven Town, New Haven County
*Killingly Town, Windham County
Putnam Town, Windham County
Sterling Town, Windham County
Thompson Town, Windham County
Winchester Town, Litchfield County
Windham Town, Windham County

Maine

Abbot Town, Piscataquis County
Addison Town, Washington County
Albion Town, Kennebec County
Alexander Town, Washington County
Allagash Town, Aroostook County
Alna Town, Lincoln County
Amherst Town, Hancock County
Amity Town, Aroostook County
Andover Town, Oxford County
Anson Town, Somerset County
Appleton Town, Knox County
Ashland Town, Aroostook County
Athens Town, Somerset County
Aurora Town, Hancock County
Avon Town, Franklin County
Baileyville Town, Washington County
Baldwin Town, Cumberland County
Bancroft Town, Aroostook County
Baring Plantation, Washington County
Beals Town, Washington County
Beddington Town, Washington County
Belmont Town, Waldo County
Benedicta Town, Aroostook County
Bethel Town, Oxford County
Bingham Town, Somerset County
Blaine Town, Aroostook County
Blanchard Plantation, Piscataquis County
Blue Hill Town, Hancock County
Boothbay Harbor Town, Lincoln County
Boothbay Town, Lincoln County
Bradford Town, Penobscot County
Bremen Town, Lincoln County
Bridgewater Town, Aroostook County
Brighton Plantation, Somerset County
Bristol Town, Lincoln County
Brooklin Town, Hancock County
Brooks Town, Waldo County
Brooksville Town, Hancock County
Brownfield Town, Oxford County
Brownville Town, Piscataquis County
Buckfield Town, Oxford County
Bucksport Town, Hancock County
Burlington Town, Penobscot County
Burnham Town, Waldo County
Byron Town, Oxford County
Cambridge Town, Somerset County
Canaan Town, Somerset County
Canton Town, Oxford County
Caratunk Plantation, Somerset County
Carmel Town, Penobscot County
Carroll Plantation, Penobscot County
Carthage Town, Franklin County
Cary Plantation, Aroostook County
Castle Hill Town, Aroostook County
Caswell Plantation, Aroostook County
Chapman Town, Aroostook County
Charleston Town, Penobscot County
Charlotte Town, Washington County
Chelsea Town, Kennebec County
Cherryfield Town, Washington County
Chester Town, Penobscot County
Chesterville Town, Franklin County
Clinton Town, Kennebec County
Codyville Plantation, Washington County
Columbia Falls Town, Washington County
Columbia Town, Washington County
Cooper Town, Washington County
Corinna Town, Penobscot County
Corinth Town, Penobscot County
Cornish Town, York County
Cornville Town, Somerset County
Cranberry Isles Town, Hancock County
Crawford Town, Washington County
Crystal Town, Aroostook County
Cutler Town, Washington County
Cyr Plantation, Aroostook County
Dallas Plantation, Franklin County
Damariscotta Town, Lincoln County
Danforth Town, Washington County
Deblois Town, Washington County
Deer Isle Town, Hancock County
Dennistown Plantation, Somerset County
Dennysville Town, Washington County
Detroit Town, Somerset County
Dexter Town, Penobscot County
Dixfield Town, Oxford County
Dixmont Town, Penobscot County
Dover Foxcroft Town, Piscataquis County
Dresden Town, Lincoln County
Drew Plantation, Penobscot County
Durham Town, Androscoggin County
Dyer Brook Town, Aroostook County
E Plantation, Aroostook County
Eagle Lake Town, Aroostook County
East Machias Town, Washington County
Easton Town, Aroostook County
Edgecomb Town, Lincoln County
Edinburg Town, Penobscot County
Embden Town, Somerset County
Etna Town, Penobscot County
Eustis Town, Franklin County
Exeter Town, Penobscot County
Fairfield Town, Somerset County
Farmington Town, Franklin County
Fort Fairfield Town, Aroostook County
Fort Kent Town, Aroostook County
Frankfort Town, Waldo County
Franklin Town, Hancock County
Freedom Town, Waldo County
Frenchboro Town, Hancock County
Frenchville Town, Aroostook County
Fryeburg Town, Oxford County
Garfield Plantation, Aroostook County
Garland Town, Penobscot County
Georgetown Town, Sagadahoc County
Gilead Town, Oxford County
Gouldsboro Town, Hancock County
Grand Isle Town, Aroostook County
Grand Lake Stream Planta, Washington County
Great Pond Town, Hancock County
Greene Town, Androscoggin County
Greenfield Town, Penobscot County
Greenville Town, Piscataquis County
Greenwood Town, Oxford County
Hamlin Town, Aroostook County
Hammond Plantation, Aroostook County
Hancock Town, Hancock County
Hanover Town, Oxford County
Harmony Town, Somerset County
Harrington Town, Washington County
Harrison Town, Cumberland County
Hartford Town, Oxford County
Hartland Town, Somerset County
Haynesville Town, Aroostook County
Hebron Town, Oxford County
Hersey Town, Aroostook County
Highland Plantation, Somerset County
Hiram Town, Oxford County
Hodgdon Town, Aroostook County
Hollis Town, York County
Hope Town, Knox County
Houlton Town, Aroostook County
Howland Town, Penobscot County

Hudson Town, Penobscot County
Industry Town, Franklin County
Island Falls Town, Aroostook County
Isle Au Haut Town, Knox County
Islesboro Town, Waldo County
Jackman Town, Somerset County
Jackson Town, Waldo County
Jefferson Town, Lincoln County
Jonesboro Town, Washington County
Jonesport Town, Washington County
Kenduskeag Town, Penobscot County
Kingfield Town, Franklin County
Knox Town, Waldo County
Lagrange Town, Penobscot County
Lebanon Town, York County
Lee Town, Penobscot County
Leeds Town, Androscoggin County
Levant Town, Penobscot County
Liberty Town, Waldo County
Limestone Town, Aroostook County
Limington Town, York County
Lincoln Plantation, Oxford County
Lincoln Town, Penobscot County
Lincolnville Town, Waldo County
Linneus Town, Aroostook County
Lisbon Town, Androscoggin County
Littleton Town, Aroostook County
Livermore Falls Town, Androscoggin County
Livermore Town, Androscoggin County
Lubec Town, Washington County
Ludlow Town, Aroostook County
Machias Town, Washington County
Machiasport Town, Washington County
Macwahoc Plantation, Aroostook County
Madawaska Town, Aroostook County
Madison Town, Somerset County
Madrid Town, Franklin County
Magalloway Plantation, Oxford County
Mapleton Town, Aroostook County
Mariaville Town, Hancock County
Mars Hill Town, Aroostook County
Marshfield Town, Washington County
Masardis Town, Aroostook County
Mattawamkeag Town, Penobscot County
Mechanic Falls Town, Androscoggin County
Meddybemps Town, Washington County
Medford Town, Piscataquis County
Mercer Town, Somerset County
Merrill Town, Aroostook County
Mexico Town, Oxford County
Milbridge Town, Washington County
Milo Town, Piscataquis County
Minot Town, Androscoggin County
Monhegan Plantation, Lincoln County
Monroe Town, Waldo County
Monson Town, Piscataquis County
Monticello Town, Aroostook County
Montville Town, Waldo County
Moose River Town, Somerset County
Moro Plantation, Aroostook County
Morrill Town, Waldo County
Moscow Town, Somerset County
Mount Chase Plantation, Penobscot County
Mount Vernon Town, Kennebec County
Naples Town, Cumberland County
Nashville Plantation, Aroostook County
New Canada Plantation, Aroostook County
New Gloucester Town, Cumberland County
New Limerick Town, Aroostook County
New Portland Town, Somerset County
New Sweden Town, Aroostook County
New Vineyard Town, Franklin County
Newcastle Town, Lincoln County
Newfield Town, York County
Newport Town, Penobscot County
Nobleborough Town, Lincoln County
Norridgewock Town, Somerset County
Northfield Town, Washington County
Northport Town, Waldo County
Norway Town, Oxford County
Oakfield Town, Aroostook County
Oakland Town, Kennebec County
Old Orchard Beach Town, York County
Orient Town, Aroostook County
Orland Town, Hancock County
Orono Town, Penobscot County
Osborn Plantation, Hancock County
Otis Town, Hancock County
Otisfield Town, Oxford County
Owls Head Town, Knox County
Oxbow Plantation, Aroostook County
Oxford Town, Oxford County
Palermo Town, Waldo County
Palmyra Town, Somerset County
Paris Town, Oxford County
Parkman Town, Piscataquis County
Parsonsfield Town, York County
Patten Town, Penobscot County
Pembroke Town, Washington County
Penobscot Town, Hancock County
Perham Town, Aroostook County
Perry Town, Washington County
Peru Town, Oxford County
Phillips Town, Franklin County
Phippsburg Town, Sagadahoc County
Pittsfield Town, Somerset County
Pittston Town, Kennebec County
Plantation No. 14, Washington County
Pleasant Ridge Plantation, Somerset County
Plymouth Town, Penobscot County
Poland Town, Androscoggin County
Portage Lake Town, Aroostook County
Porter Town, Oxford County
Prentiss Plantation, Penobscot County
Princeton Town, Washington County
Prospect Town, Waldo County
Rangeley Town, Franklin County
Reed Plantation, Aroostook County
Richmond Town, Sagadahoc County
Ripley Town, Somerset County
Robbinston Town, Washington County
Rome Town, Kennebec County
Roque Bluffs Town, Washington County
Rumford Town, Oxford County
Sabattus Town, Androscoggin County
Sandy River Plantation, Franklin County
Sanford Town, York County
Sangerville Town, Piscataquis County
Searsmont Town, Waldo County
Searsport Town, Waldo County
Sebec Town, Piscataquis County
Sedgwick Town, Hancock County
Sherman Town, Aroostook County
Skowhegan Town, Somerset County
Smithfield Town, Somerset County
Smyrna Town, Aroostook County
Solon Town, Somerset County
Somerville Town, Lincoln County
South Bristol Town, Lincoln County
Southport Town, Lincoln County
Springfield Town, Penobscot County
St. Agatha Town, Aroostook County
St. Albans Town, Somerset County
St. Francis Town, Aroostook County
St. John Plantation, Aroostook County
Stacyville Town, Penobscot County
Starks Town, Somerset County
Stetson Town, Penobscot County
Steuben Town, Washington County
Stockholm Town, Aroostook County
Stockton Springs Town, Waldo County
Stoneham Town, Oxford County
Stonington Town, Hancock County
Strong Town, Franklin County
Sullivan Town, Hancock County
Sumner Town, Oxford County
Surry Town, Hancock County
Swans Island Town, Hancock County
Swanville Town, Waldo County
Sweden Town, Oxford County
Talmadge Town, Washington County
Temple Town, Franklin County
The Forks Plantation, Waldo County
Thorndike Town, Waldo County
Topsfield Town, Washington County
Trement Town, Hancock County
Troy Town, Waldo County
Turner Town, Androscoggin County
Union Town, Knox County
Unity Town, Waldo County
Upton Town, Oxford County
Van Buren Town, Aroostook County
Vanceboro Town, Washington County
Vienna Town, Kennebec County
Vinalhaven Town, Knox County
Wade Town, Aroostook County
Waldo Town, Waldo County
Waldboro Town, Lincoln County
Wales Town, Androscoggin County
Wallagrass Plantation, Aroostook County
Waltham Town, Hancock County
Warren Town, Knox County
Washburn Town, Aroostook County
Washington Town, Knox County
Waterford Town, Oxford County
Webster Plantation, Penobscot County
Weld Town, Franklin County
Wellington Town, Piscataquis County
Wesley Town, Washington County
West Forks Plantation, Somerset County
West Paris Town, Oxford County
Westfield Town, Aroostook County
Westmanland Plantation, Aroostook County
Weston Town, Aroostook County
Westport Town, Lincoln County
Whitefield Town, Lincoln County
Whiting Town, Washington County
Whitneyville Town, Washington County
Willmantic Town, Piscatquis County
Windsor Town, Kennebec County
Winn Town, Penobscot County
Winter Harbor Town, Hancock County
Winterport Town, Waldo County
Winterville Plantation, Aroostook County
Wiscasset Town, Lincoln County
Woodland Town, Aroostook County
Woodstock Town, Oxford County

Massachusetts

Adams Town, Berkshire County
Amherst Town, Hampshire County
Ashburnham Town, Worcester County
Athol Town, Worcester County
Ayer Town, Middlesex County
Becket Town, Berkshire County
Berkley Town, Bristol County
Blackstone Town, Worcester County
Brookfield Town, Worcester County
Buckland Town, Franklin County
Charlemont Town, Franklin County
Charlton Town, Worcester County
Chester Town, Hampden County
Chesterfield Town, Hampshire County
ClintonTown, Worcester County
Cummington Town, Hampshire County
Erving Town, Franklin County
Fairhaven Town, Bristol County

Florida Town, Berkshire County
Gay Head Town, Dukes County
Goshen Town, Hampshire County
Great Barrington Town, Berkshire County
Greenfield Town, Franklin County
Hancock Town, Berkshire County
Hardwick Town, Worcester County
Heath Town, Franklin County
Hopedale Town, Worcester County
Hull Town, Plymouth County
Huntington Town, Hampshire County
Middlefield Town, Hampshire County
Millbury Town, Worcester County
Millville Town, Worcester County
Monroe Town, Franklin County
Montague Town, Franklin County
New Braintree Town, Worcester County
New Salem Town, Franklin County
Northbridge Town, Worcester County
Northfield Town, Franklin County
Orange Town, Franklin County
Oxford Town, Worcester County
Phillipston Town, Worcester County
Plainfield Town, Hampshire County
Provincetown Town, Barnstable County
Rockland Town, Plymouth County
Rowe Town, Franklin County
Royalston Town, Worcester County
Salisbury Town, Essex County
Sandisfield Town, Berkshire County
Savoy Town, Berkshire County
Southbridge Town, Worcester County
Sunderland Town, Franklin County
Truro Town, Barnstable County
Uxbridge Town, Worcester County
Ware Town, Hampshire County
Wareham Town, Plymouth County
Warwick Town, Franklin County
Webster Town, Worcester County
Wellfleet Town, Barnstable County
Wendell Town, Franklin County
West Springfield Town, Hampden County
Westport Town, Bristol County
Williamsburg Town, Hampshire County
Winchendon Town, Worcester County
Worthington Town, Hampshire County

Michigan

Adams Township, Arenac County
*Adams Township, Hillsdale County
*Adams Township, Houghton County
*Addison Township, Oakland County
Adrian Township, Lenawee County
*Aetna Township, Mecosta County
Aetna Township, Missaukee County
*Akron Township, Tuscola County
Albee Township, Saginaw County
Albert Township, Montmorency County
Albion Township, Calhoun County
Algansee Township, Branch County
Allegan Township, Allegan County
*Allen Township, Hillsdale County
Allendale Township, Ottawa County
Allis Township, Presque Isle County
*Allouez Township, Keweenaw County
*Almer Township, Tuscola County
*Almont Township, Lapeer County
Aloha Township, Cheboygan County
Amber Township, Mason County
Amboy Township, Hillsdale County
Antioch Township, Wexford County
Antrim Township, Shiawassee County
*Antwerp Township, Van Buren County
Arcada Township, Gratiot County
Arcadia Township, Lapeer County
Arcadia Township, Manistee County
Arenac Township, Arenac County
Argyle Township, Sanilac County
Arlington Township, Van Buren County
Arthur Township, Clare County
Arvon Township, Baraga County
*Ash Township, Monroe County
Ashland Township, Newaygo County
*Athens Township, Calhoun County
Attica Township, Lapeer County
Au Gres Township, Arenac County
Au Sable Township, Roscommon County
Au Train Township, Alger County
Austin Township, Mecosta County
Austin Township, Sanilac County
Avery Township, Montmorency County
Backus Township, Roscommon County
Bainbridge Township, Berrien County
Baldwin Township, Delta County
Baltimore Township, Barry County
Bangor Township, Van Buren County
*Banks Township, Antrim County
*Baraga Township, Baraga County
Bark River Township, Delta County
*Baroda Township, Berrien County
Barton Township, Newaygo County
Batavia Township, Branch County
Bates Township, Iron County
Bay De Noc Township, Delta County
Bay Mills Township, Chippewa County
Bay Township, Charlevoix County
*Bear Lake Township, Manistee County
Beaver Creek Township, Crawford County
Beaver Township, Newaygo County
Beaverton Township, Gladwin County
Belknap Township, Presque Isle County
*Bellevue Township, Eaton County
Belvidere Township, Montcalm County
Benona Township, Oceana County
Bentley Township, Gladwin County
Benton Township, Berrien County
Benton Township, Eaton County
*Benzonia Township, Benzie County
Bergland Township, Ontonagon County
Berlin Township, St Clair County
*Berrien Township, Berrien County
Bertrand Township, Berrien County
Bessemer Township, Gogebic County
Bethany Township, Gratiot County
Bethel Township, Branch County
Big Creek Township, Oscoda County
Big Prairie Township, Newaygo County
Big Rapids Township, Mecosta County
Bingham Township, Clinton County
*Bingham Township, Huron County
Bismarck Township, Presque Isle County
Blaine Township, Benzie County
Bliss Township, Emmet County
Bloomer Township, Montcalm County
Bloomfield Township, Huron County
Bloomfield Township, Missaukee County
*Bloomingdale Township, Van Buren County
Blue Lake Township, Kalkaska County
Blue Lake Townsip, Muskegon County
Bohemia Township, Ontonagon County
Bois Blanc Township, Mackinac County
*Boon Township, Wexford County
*Boston Township, Ionia County
Bourrett Township, Gladwin County
*Boyne Valley Township, Charlevoix County
*Brady Township, Saginaw County
Brampton Township, Delta County
Branch Township, Mason County
*Brant Township, Saginaw County
Breen Township, Dickinson County
Breitung Township, Dickinson County
Brevort Township, Mackinac County
*Bridgehampton Township, Sanilac County
Bridgeton Township, Newaygo County
Briley Township, Montmorency County
Brockway Township, St Clair County
Bronson Township, Branch County
*Brookfield Township, Huron County
Brooks Township, Newaygo County
Brown Township, Mainstee County
Bruce Township, Chippewa County
*Bruce Township, Macomb County
Buchanan Township, Berrien County
Buckeye Township, Gladwin County
Buel Township, Sanilac County
Buena Vista Township, Saginaw County
*Burdell Township, Osceola County
Burleigh Township, Iosco County
*Burlington Township, Calhoun County
*Burlington Township, Lapeer County
Burnside Township, Lapeer County
*Burr Oak Township, St Joseph County
Burt Township, Alger County
Burt Township, Cheboygan County
*Bushnell Township Montcalm County.
Butler Township, Branch County
Butman Township Gladwin County
Butterfield Township, Missaukee County
Caldwell Township, Missaukee County
Caledonia Township, Alcona County
Caledonia Township, Shiawassee County
California Township, Branch County
*Calumet Township, Houghton County
Calvin Township, Cass County
Cambria Township, Hillsdale County
*Camden Township, Hillsdale County
*Campbell Township, Ionia County
*Carlton Township, Barry County
Carp Lake Township, Emmet County
Carrollton Township, Saginaw County,
Casco Township, Allegan County,
*Case Township, Presque Isle County,
Caseville Township, Huron County
*Casnovia Township, Muskegon County,
*Castleton Township, Barry County,
*Cato Township, Montcalm County,
Cedar Creek Township, Wexford County,
Cedarville Township, Menominee County,
Center Township, Emmet County,
Centerville Township, Leelanau County,
*Central Lake Township, Antrim County,
Champion Township, Marquette County,
Chandler Township, Huron County,
Chapin Township, Saginaw County,
Charlton Township, Otsego County,
Chase Township, Lake County,
Chassell Township, Houghton County,
Cherry Valley Township, Lake County,
*Chesaning Township, Saginaw County,
Cheshire Township, Allegan County,
Chester Township, Eaton County,
Chester Township, Otsego County,
Chester Township, Ottawa County,
Chestonia Township, Antrim County,
Chikaming Township, Berrien County,
Chippewa Township, Chippewa County,
Chippewa Township, Mecosta County,
Churchill Township, Ogemaw County,
Clam Union Township, Missaukee County,
Clarence Township, Calhoun County,
Clarendon Township, Calhoun County,
Clark Township, Mackinac County,
Clay Township, St Clair County,
Clayton Township, Arenac County,
Clearwater Township, Kalkaska County,
Clement Township, Gladwin County,
*Cleon Township, Manistee County,

Cleveland Township, Leelanau County.
Clinton Township, Oscoda County.
Clyde Township, Allegan County.
Coldwater Township, Isabella County.
*Colfax Township, Benzie County
Colfax Township, Huron County.
Colfax Township, Mecosta County.
Colfax Township, Oceana County.
Colfax Township, Wexford County.
Coloma Township, Berrien County.
*Colon Township, St Joseph County.
*Columbia Township, Tuscola County.
*Columbia Township, Van Buren County.
Columbus Township, Luce County.
Comins Township, Oscoda County.
*Concord Township, Jackson County.
*Constantine Township, St Joseph County.
Convis Township, Calhoun County.
Cornell Township, Delta County.
*Corwith Township, Otsego County.
Cottrellville Township, St Clair County.
Covert Township, Van Buren County.
Covington Township, Baraga County.
Crockery Township, Ottawa County.
Cross Village Township, Emmet County.
Crystal Falls Township, Iron County.
Crystal Lake Township, Benzie County.
Crystal Township, Montcalm County.
Crystal Township, Oceana County.
Cumming Township, Ogemaw County.
Curtis Township, Alcona County.
Custer Township, Antrim County.
*Custer Township, Mason County.
Custer Township, Sanilac County.
Dafter Township, Chippewa County.
*Daggett Township, Menominee County.
*Dallas Township, Clinton County.
*Dalton Township, Muskegon County.
*Day Township, Montcalm County.
Dayton Township, Newaygo County.
Dayton Township, Tuscola County.
*De Tour Township, Chippewa County.
*Decatur Township, Van Buren County.
*Deep River Township, Arenac County.
*Deerfield Township, Lenawee County.
Deerfield Township, Livingston County.
*Deerfield Township, Mecosta County.
*Delaware Township, Sanilac County.
Denver Township, Isabella County.
*Denver Township, Newaygo County.
Dickson Township, Manistee County.
Douglas Township, Montcalm County.
Dover Township, Lake County.
*Dover Township, Lenawee County.
Doyle Township, Schoolcraft County.
Drummond Township, Chippewa County.
Duncan Township, Houghton County.
*Dundee Township, Monroe County.
*Duplain Township, Clinton County.
*Dwight Township, Huron County.
Eagle Harbor Township, Keweenaw County.
Easton Township, Ionia County.
Echo Township, Antrim County.
Eckford Township, Calhoun County.
Eden Township, Lake County.
Eden Township, Mason County.
Edwards Township, Ogemaw County.
*Elba Township, Gratiot County.
Elbridge Township, Oceana County.
Elk Township, Lake County.
*Elk Township, Sanilac County.
Ellington Township, Tuscola County.
Ellis Township, Cheboygan County.
*Elisworth Township, Lake County.
Elm River Township, Houghton County.
Elmer Township, Oscoda County.
Elmer Township, Sanilac County.
*Elmwood Township, Tuscola County.
Emerson Township, Gratiot County.
Emmett Township, Calhoun County.
*Emmett Township, St Clair County.
*Empire Township, Leelanau County.
Ensign Township, Delta County.
Ensley Township, Newaygo County.
Enterprise Township, Missaukee County.
Erie Township, Monroe County.
Erwin Township, Gogebic County.
Eureka Township, Montcalm County.
Evart Township, Osceola County.
Eveline Township, Charlevoix County.
Everett Township, Newaygo County.
*Evergreen Township, Montcalm County.
Evergreen Township, Sanilac County.
Ewing Township, Marquette County.
Excelsior Township, Kalkaska County.
*Exeter Township, Monroe County.
Fabius Township, St Joseph County.
Fairbanks Township, Delta County.
Fairfield Township, Lenawee County.
Fairfield Township, Shiawassee County.
*Fairgrove Township, Tuscola County.
Fairhaven Township, Huron County.
*Fairplain Township, Montcalm County.
Faithorn Township, Menominee County.
Fawn River Township, St Joseph County.
Felch Township, Dickinson County.
Ferris Township, Montcalm County.
Ferry Township, Oceana County.
*Fife Lake Township, Grand Traverse County.
Florence Township, St Joseph County.
Flowerfield Township, St Joseph County.
Flynn Township, Sanilac County.
Ford River Township, Delta County.
Forest Township, Cheboygan County.
*Forest Township, Genesee County.
Forester Township, Sanilac County.
*Fork Township, Mecosta County.
Foster Township, Ogemaw County.
Franklin Township, Clare County.
Franklin Township, Houghton County.
*Free Soil Township, Mason County.
Freeman Township, Clare County.
Fremont Township, Isabella County.
Freemont Township, Saginaw County.
Fremont Township, Sanilac County.
*Fremont Township, Tuscola County.
Friendship Township, Emmet County.
Frost Township, Clare County.
*Fulton Township, Gratiot County.
*Galien Township, Berrien County.
Ganges Township, Allegan County.
*Garden Township, Delta County.
Garfield Township, Clare County.
Garfied Township, Kalkaska County.
Garfield Township, Mackinac County.
Garfield Township, Newaygo County.
Genesee Township, Genesee County.
Geneva Township, Midland County.
Geneva Township, Van Buren County.
Germfask Township, Schoolcraft County.
Gibson Township, Bay County.
Gilead Township, Branch County.
Gilford Township, Tuscola County.
*Gilmore Township, Benzie County.
Gilmore Township, Isabella County.
Girard Township, Branch County.
Gladwin Township, Gladwin County.
Golden Township, Oceana County.
Goodar Township, Ogemaw County.
Goodwell Township, Newaygo County.
Gore Township, Huron County.
Gourley Township, Menominee County.
Grant Township, Cheboygan County.
Grant Township, Grand Traverse County.
Grant Township, Huron County.
Grant Township, Iosco County.
Grant Township, Keweenaw County.
Grant Township, Mason County.
Grant Township, Mecosta County.
Grant Township, Newaygo County.
*Grant Township, Oceana County.
Grant Township, St Clair County.
Grattan Township, Kent County.
Green Township, Alpena County.
Green Township, Mecosta County.
Greenbush Township, Alcona County.
Greenbush Township, Clinton County.
Greendale Township, Midland County.
Greenland Township, Ontonagon County.
Greenleaf Township, Sanilac County.
Greenwood Township, Clare County.
Greenwood Township, Oceana County.
Greenwood Township, St Clair County.
Greenwood Township, Wexford County.
Grim Township, Gladwin County.
Grout Township, Gladwin County.
*Gustin Township, Alcona County.
Hagar Township, Berrien County.
Haight Township, Ontonagon County
Hamilton Township, Clare County
Hamilton Township, Gratiot County
Hamilton Township, Van Buren County
Hancock Township, Houghton County
*Handy Township, Livingston County
*Hanover Township, Wexford County
Harris Township, Menominee County
Harrisville Township, Alcona County
Hart Township, Oceana County
Hartford Township, Van Buren County
Hartwick Township, Osceola County
Hastings Township, Barry County
Hawes Township, Alcona County
Hay Township, Gladwin County
Hayes Township, Clare County
Hanes Township, Alcona County
Heath Township, Allegan County
Hebron Township, Cheboygan County
Hematite Township, Iron County
Henderson Township, Wexford County
Hendricks Township, Mackinac County
Henrietta Township, Jackson County
*Hersey Township, Oseola County
Highland Township, Osceola County
Hill Township, Ogemaw County
*Hillman Township, Montmorency County
Hinton Township, Mecosta County
Holland Township, Missaukee County
*Holly Township, Oakland County
Holmes Township, Menominee County
Holton Township, Muskegon County
*Home Township, Montcalm County
Home Township, Newaygo County
*Homer Township, Calhoun County
*Homestead Township, Benzie County
Hope Township, Barry County
Hope Township, Midland County
*Hopkins Township, Allegan County
Horton Township, Ogemaw County
Houghton Township, Keweenaw County
Hudson Township, Charlevoix County
*Hudson Township, Lenawee County
Hudson Township, Mackinac County
Hulbert Township, Chippewa County
Humboldt Township, Marquette County
Huron Township, Huron County
Imlay Township, Lapeer County

*Indianfields Township, Tuscola County
Inland Township, Benzie County
Interior Township, Ontonagon County
Inwood Township, Schoolcraft County
*Ionia Township, Ionia County
Ira Township, St. Clair County
Iron River Township, Iron County
Ironwood Township, Gogebic County
*Irving Township, Barry County
Jasper Township, Midland County
Jefferson Township, Cass County
Jefferson Township, Hillsdale County
*Jonesfield Township, Saginaw County
Jordan Township, Antrim County
Joyfield Township, Benzie County
Juniata Township, Tuscola County
Kalamo Township, Eaton County
*Kalkaska Township, Kalkaska County
Kasson Township, Leelanau County
Kawkawlin Township, Bay County
*Kearney Township, Antrim County
Keeler Township, Van Buren County
Keene Township, Ionia County
Kenockee Township, St. Clair County
Kimball Township, St. Clair County
*Kingston Township, Tuscola County
Kinross Township, Chippewa County
Klacking Township, Ogemaw County
Koehler Township, Cheboygan County
*Koylton Township, Tuscola County
Krakow Township, Presque Isle County
*La Grange Township, Cass County
La Salle Township, Monroe County
Lafayette Township, Gratiot County
Laird Township, Houghton County
Lake Township, Benzie County
Lake Township, Berrien County
Lake Township, Lake County
Lake Township, Menominee County
Lake Township, Roscommon County
Lakefield Township, Luce County
Lakefield Township, Saginaw County
Lamotte Township, Sanilac County
*Lanse Township, Baraga County
*Lawrence Township, Van Buren County
*Le Roy Township, Osceola County
*Leavitt Township, Oceana County
*Lebanon Township, Clinton County
Lee Township, Allegan County
Lee Township, Calhoun County
Lee Township, Midland County
Leelanau Township, Leelanau County
Leighton Township, Allegan County
*Lenox Township, Macomb County
Leoni Township, Jackson County
Leonidas Township, St. Joseph County
*Lexington Township, Sanilac County
Liberty Township, Wexford County
Lilley Township, Newaygo County
Limestone Township, Alger County
Lincoln Township, Arenac County
Lincoln Township, Clare County
*Lincoln Township, Huron County
Lincoln Township, Isabella County
Lincoln Township, Newaygo County
Litchfield Township, Hillsdale County
Little Traverse Township, Emmet County
*Littlefield Township, Emmet County
Logan Township, Mason County
Logan Township, Ogemaw County
London Township, Monroe County
Long Rapids Township, Alpena County
Loud Township, Montmorency County
Lovells Township, Crawford County
Lowell Township, Kent County
Lyon Township, Roscommon County
*Lyons Township, Ionia County
*Mackinaw Township, Cheboygan County
Macon Township, Lenawee County
Madison Township, Lenawee County
*Mancelona Township, Antrim County
*Manistee Township, Manistee County
Manistique Township, Schoolcraft County
Manlius Township, Allegan County
Mansfield Township, Iron County
Maple Forest Township, Crawford County
*Maple Grove Township, Barry County
*Maple Grove Township, Manistee County
Maple Ridge Township, Delta County
*Maple River Township, Emmet County
Maple Valley Township, Montcalm County
Maple Valley Township, Sanilac County
*Marathon Township, Lapeer County
*Marcellus Township, Cass County
Marengo Township, Calhoun County
Marenisco Township, Gogebic County
Marilla Township, Manistee County
Marion Township, Charlevoix County
*Marion Township, Osceola County
Marion Township, Saginaw County
*Marion Township, Sanilac County
Markey Township, Roscommon County
*Marlette Township, Sanilac County
Marquette Township, Mackinac County
*Martin Township, Allegan County
Martiny Township, Mecosta County
*Mason Township, Arenac County
Mason Township, Cass County
Masonville Township, Delta County
*Mastodon Township, Iron County
Matchwood Township, Ontonagon County
Mathias Township, Alger County
Matteson Township, Branch County
Mayfield Township, Grand Traverse County
*McKinley Township, Emmet County
McKinley Township, Huron County
*McMillan Township, Luce County
McMillan Township, Ontonagon County
*Meade Township, Huron County
Meade Township, Mason County
*Mecosta Township, Mecosta County
Medina Township, Lenawee County
Mellen Township, Menominee County
Melrose Township, Charlevoix County
*Mendon Township, St. Joseph County
Mentor Township, Cheboygan County
Mentor Township, Oscoda County
Merrill Township, Newaygo County
Merritt Township, Bay County
Metz Township, Presque Isle County
Meyer Township, Menominee County
Michigamme Township, Marquette County
Middle Branch Township, Osceola County
Mikado Township, Alcona County
Millbrook Township, Mecosta County
Millen Township, Alcona County
*Millington Township, Tuscola County
Mills Township, Midland County
Mills Township, Ogemaw County
Milton Township, Antrim County
*Minden Township, Sanilac County
Mitchell Township, Alcona County
Moffatt Township, Arenac County
Moltke Township, Presque Isle County
Monroe Township, Monroe County
Monroe Township, Newaygo County
Montcalm Township, Montcalm County
Monterey Township, Allegan County
Montmorency Township, Montmorency County
Moore Township, Sanilac County
Moorland Township, Muskegon County
*Morton Township, Mecosta County
Moscow Township, Hillsdale County
Mottville Township, St. Joseph County
Mount Forest Township, Bay County
Mount Morris Township, Genesee County
Mueller Township, Schoolcraft County
Mullet Township, Cheboygan County
Munising Township, Alger County
Munro Township, Cheboygan County
*Mussey Township, St. Clair County
*Nadeau Township, Menominee County
Nahma Township, Delta County
Napoleon Township, Jackson County
*Nelson Township, Kent County
Nester Township, Roscommon County
New Haven Township, Gratiot County
New Haven Township, Shiawassee County
Newark Township, Gratiot County
Newberg Township, Cass County
*Newfield Township, Oceana County
*Newkirk Township, Lake County
Newton Township, Mackinac County
Niles Township, Berrien County
Noble Township, Branch County
Norman Township, Manistee County
North Allis Township, Presque Isle County
*North Branch Township, Lapeer County
*North PLains Township, Ionia County
North Shade Township, Gratiot County
North Star Township, Gratiot County
Norvell Township, Jackson County
Norway Township, Dickinson County
Norwich Township, Missaukee County
Norwich Township, Newaygo County
Norwood Township, Charlevoix County
Nottawa Township, Isabella County
*Nottawa Township, St Joseph County
Novesta Township, Tuscola County
*Nunda Township, Cheboygan County
Ocqueoc Township, Presque Isle County
*Odessa Township, Ionia County
Ogden Township, Lenawee County
Ogemaw Township, Ogemaw County
*Oliver Township, Huron County
*Onekama Township, Manistee County
Onota Township, Alger County
*Ontonagon Township, Ontonagon County
*Ontwa Township, Cass County
Orange Township, Ionia County
Orange Township, Kalkaska County
Orangeville Township, Barry County
Orient Township, Osceola County
Orleans Township, Ionia County
*Oronoko Township, Berrien County
Osceola Township, Houghton County
Osceola Township, Osceeola County
Oscoda Township, Iosco County
Ossineke Township, Alpena County
Otisco Township, Ionia County
Otto Township, Oceana County
Ovid Township, Branch County
*Ovid Township, Clinton County
Palmyra Township, Lenawee County
*Paradise Township, Grand Traverse County
Paris Township, Huron County
Park Township, St Joseph County
*Parma Township, Jackson County
*Paw Paw Township, Van Buren County
Penn Township, Cass County
Pentland Township, Luce County
Pickford Township, Chippewa County
*Pierson Township, Montcalm County
Pinconning Township, Bay County
Pine Grove Township, Van Buren County
Pine River Township, Gratiot County

Pine Township, Montcalm County
Pinora Township, Lake County
Pioneer Township, Missaukee County
*Pipestone Township, Berrien County
Pittsford Township, Hillsdale County
Plainfield Township, Iosco County
Platte Township, Benzie County
*Pleasant Plains Township, Leelanau County
*Pleasant Plains TWP, Lake County
Pleasanton Township, Manistee County
Pokagon Township, Cass County
Polkton Township, Ottawa County
*Port Austin Township, Huron County
Port Huron Township, St Clair County
Portage Township, Houghton County
Portage Township, Mackinac County
Porter Township, Cass County
Porter Township, Midland County
Portsmouth Township, Bay County
*Posen Township, Presque Isle County
Powell Township, Marquette County
Prairieville Township, Barry County
Pulaski Township, Jackson County
Pulawski Township, Presque Isle County
*Putnam Township, Livingston County
*Quincy Township, Branch County
Quincy Township, Houghton County
Ransom Township, Hillsdale County
*Ravenna Township, Muskegon County
Reading Township, Hillsdale County
Readmond Township, Emmet County
Redding Township, Clare County
Reeder Township, Missaukee County
Reno Township, Iosco County
Republic Township, Marquette County
*Reynolds Township, Montcalm County
Rich Township, Lapeer County
Richland Township, Missaukee County
Richland Township, Montcalm County
*Richland Township, Ogemaw County
Richmond Township, Marquette County
Richmond Township, Osceola County
*Ridgeway Township, Lenawee County
Riga Township, Lenawee County
Riverside Township, Missaukee County
Riverton Township, Mason County
*Rock River Township, Alger County
Rockland Township, Ontonagon County
Rolland Township, Isabella County
*Rollin Township, Lenawee County
Rome Township, Lenawee County
Ronald Township, Ionia County
Roscommon Township, Roscommon County
Rose Lake Township, Osceola County
Rose Township, Ogemaw County
Royal Oak Township, Oakland County
*Rubicon Township, Huron County
Rudyard Township, Chippewa County
Rush Township, Shiawassee County
Rust Township, Montmorency County
Sage Township, Gladwin County
Sagola Township, Dickinson County
Sand Beach Township, Huron County
*Sandstone Township, Jackson County
*Sanilac Township, Sanilac County
Sauble Township, Lake County
*Schoolcraft Township, Houghton County
Scipio Township, Hillsdale County
Sebewa Township, Ionia County
*Sebewaing Township, Huron County
Selma Township, Wexford County
Seneca Township, Lenawee County
Seney Township, Schoolcraft County
Seville Township, Gratiot County
Sharon Township, Washtenaw County
*Shelby Township, Oceana County
Sheridan Township, Calhoun County
Sheridan Township, Clare County
Sheridan Township, Huron County
Sheridan Township, Mason County
Sheridan Township, Mecosta County
Sheridan Township, Newaygo County
Sherman Township, Gladwin County
Sherman Township, Huron County
Sherman Township, Isabella County
Sherman Township, Keweenaw County
*Sherman Township, Mason County
Sherman Township, Newaygo County
Sherman Township, Osceola County
*Sherwood Township, Branch County
*Shiawassee Township, Shiawassee County
*Sidney Township, Montcalm County
Sigel Township, Huron County
Silver Creek Township, Cass County
Skandia Township, Marquette County
*Slagle Township, Wexford County
Sodus Township, Berrien County
Solon Township, Leelanau County
Soo Township, Chippewa County
South Arm Township, Charlevoix County
South Branch Township, Crawford County
South Haven Township, Van Buren County
*Spalding Township, Menominee County
*Sparta Township, Kent County
Spaulding Township, Saginaw County
*Speaker Township, Sanilac County
Spencer Township, Kent County
Springdale Township, Manistee County
Springfield Township, Kalkaska County
*Springport Township, Jackson County
*Springville Township, Wexford County
Spurr Township, Baraga County
*St Charles Township, Saginaw County
St James Township, Charlevoix County
Stambaugh Township, Iron County
Standish Township, Arenac County
Stannard Township, Ontonagon County
Stanton Township, Houghton County
Star Township, Antrim County
Stephenson Township, Menominee County
Stronach Township, Manistee County
Sugar Island Township, Chippewa County
Summerfield Township, Monroe County
Summit Township, Mason County
Sumner Township, Gratiot County
*Sunfield Township, Eaton County
Superior Township, Chippewa County
Sweetwater Township, Lake County
Sylvan Township, Osceola County
Tawas Township, Iosco County
*Tekonsha Township, Calhoun County
Thompson Township, Schoolcraft County
*Three Oaks Township, Berrien County
Tompkins Township, Jackson County
Torch Lake Township, Houghton County
Trout Lake Township, Chippewa County
Trowbridge Township, Allegan County
Troy Township, Newaygo County
Turin Township, Marquette County
*Turner Township, Arenac County
Tuscarora Township, Cheboygan County
Tuscola Township, Tuscola County
*Tyrone Township, Kent County
Unadilla Township, Livingston County
*Union Township, Branch County
Valley Township, Allegan County
Vermontville Township, Eaton County
Vernon Township, Shiawassee County
Verona Township, Huron County
Victory Township, Mason County
Vienna Township, Montmorency County
Volinia Township, Cass County
Wakefield Township, Gogebic County
Wales Township, St Clair County
Walker Township, Cheboygan County
Walton Township, Eaton County
Warner Township, Antrim County
Washington Township, Gratiot County
*Washington Township, Sanilac County
Waterloo Township, Jackson County
Watersmeet Township, Gogebic County
Watertown Township, Sanilac County
Watertown Township, Tuscola County
Watervliet Township, Berrien County
Watson Township, Allegan County
Waucedah Township, Dickinson County
Waverly Township, Cheboygan County
Waverly Township, Van Buren County
Wayland Township, Allegan County
Wayne Township, Cass County
Weare Township, Oceana County
*Webber Township, Lake County
Weesaw Township, Berrien County
*Weldon Township, Benzie County
Wellington Township, Alpena County
Wells Township, Delta County
Wells Township, Marquette County
Wells Township, Tuscola County
West Branch Township, Dickinson County
West Branch Township, Ogemaw County
Wexford Township, Wexford County
Wheatland Township, Hillsdale County
Wheatland Township, Mecosta County
Wheatland Township, Sanilac County
*Wheeler Township, Gratiot County
*White Pigeon Township, St Joseph County
White River Township, Muskegon County
Whitefish Township, Chippewa County
Whitney Township, Arenac County
Wilcox Township, Newaygo County
*Wilmot Township, Cheboygan County
Wilson Township, Alpena County
Wilson Township, Charlevoix County
Winfield Township, Montcalm County
*Winsor Township, Huron County
Winterfied Township, Clare County
Wise Township, Isabella County
Wisner Township, Tuscola County
Woodbridge Township, Hillsdale County
*Woodland Township, Barry County
*Woodstock Township, Lenawee County
Worth Township, Sanilac County
*Wright Township, Hillsdale County
Wright Township, Ottawa County
Yates Township, Lake County

New Hampshire

Acworth Town, Sullivan County
Albany Town, Carroll County
Alexandria Town, Grafton County
Alstead Town, Cheshire County
Ashland Town, Grafton County
Bartlett Town, Carroll County
Bath Town, Grafton County
Benton Town, Grafton County
Bradford Town, Merrimack County
Campton Town, Grafton County
Canaan Town, Grafton County
Carroll Town, Coos County
Center Conway Town, Carroll County
Center Harbor Town, Belknap County
Chatham Town, Carroll County
Clarksville Town, Coos County
Colebrook Town, Coos County
Columbia Town, Coos County
Dalton Town, Coos County
Deering Town, Hillsborough County
Dorchester Town, Grafton County

Dublin Town, Cheshire County
Dummer Town, Coos County
Durham Town, Strafford County
Eaton Town, Carroll County
Effingham Town, Carroll County
Farmington Town, Strafford County
Franconia Town, Grafton County
Gorham Town, Coos County
Grafton Town, Grafton County
Greenfield Town, Hillsborough County
Groton Town, Grafton County
Henniker Town, Merrimack County
Hill Town, Merrimack County
Jefferson Town, Coos County
Lancaster Town, Coos County
Landaff Town, Grafton County
Lempster Town, Sullivan County
Lincoln Town, Grafton County
Lisbon Town, Grafton County
Littleton Town, Grafton County
Lyman Town, Grafton County
Middleton Town, Strafford County
Milan Town, Coos County
Nelson Town, Cheshire County
New Hampton Town, Belknap County
Newbury Town, Merrimack County
Northumberland Town, Coos County
Piermont Town, Grafton County
Pittsburg Town, Coos County
Plymouth Town, Grafton County
Springfield Town, Sullivan County
Stark Town, Coos County
Stewartstown Town, Coos County
Stratford Town, Coos County
Troy Town, Cheshire County
Unity Town, Sullivan County
Wakefield Town, Carroll County
Warner Town, Merrimack County
Warren Town, Grafton County
Wentworth Town, Grafton County
Whitefield Town, Coos County
Winchester Town, Cheshire County
Woodstock Town, Grafton County

New Jersey

City of Orange Township
Commercial Township, Cumberland County
Deerfield Township, Cumberland County
Dennis Township, Cape May County
Downe Township, Cumberland County
Fairfield Township, Cumberland County
Greenwich Township, Cumberland County
Hillside Township, Union County
Lakewood Township, Ocean County
Lawrence Township, Cumberland County
Lower Alloways Creek Township, Salem County
Mannington Township, Salem County
Maurice River Township, Cumberland County
Middle Township, Cape May County
Montclair Township, Essex County
Mount Holly Township, Burlington County
Mullica Township, Atlantic County
Neptune Township, Monmouth County
New Hanover Township, Burlington County
North Bergen Township, Hudson County
Oldmans Township, Salem County
Oxford Township, Warren County
Pilesgrove Township, Salem County
Pittsgrove Township, Salem County
Plumsted Township, Ocean County
Pohatcong Township, Warren County
Riverside Township, Burlington County
Shrewsbury Township, Monmouth County
Stow Creek Township, Cumberland County
Upper Deerfield Township, Cumberland County
Washington Township, Burlington County
Weehawken Township, Hudson County
Woolwich Township, Gloucester County

New York

*Adams Town, Jefferson County
*Addison Town, Steuben County
*Afton Town, Chenango County
Alabama Town, Genesee County
*Albion Town, Orleans County
*Albion Town, Oswego County
*Alden Town, Erie County
*Alexander Town, Genesee County
*Alexandria Town, Jefferson County
*Alfred Town, Allegany County
*Allegany Town, Cattaraugus County
Allen Town, Allegany County
Alma Town, Allegany County
*Altamont Town, Franklin County
Altona Town, Clinton County
Amenia Town, Dutchess County
*Amity Town, Allegany County
*Amsterdam Town, Montgomery County
Ancram Town, Columbia County
*Andes Town, Delaware County
*Andover Town, Allegany County
*Angelica Town, Allegany County
Annsville Town, Oneida County
*Antwerp Town, Jefferson County
*Arcadia Town, Wayne County
*Argyle Town, Washington County
Arietta Town, Hamilton County
Arkwright Town, Chautauqua County
Ashford Town, Cattaraugus County
*Ashland Town, Chemung County
Ashland Town, Greene County
*Athens Town, Greene County
*Attica Town, Wyoming County
*Au Sable, Clinton County
*Augusta Town, Oneida County
*Aurelius Town, Cayuga County
*Aurora Town, Erie County
Ava Town, Oneida County
*Avoca Town, Steuben County
*Avon Town, Livingston County
*Bainbridge Town, Chenango County
Baldwin Town, Chemung County
Bangor Town, Franklin County
Barre Town, Orleans County
Barrington Town, Yates County
*Berton Town, Tioga County
Batavia Town, Genesee County
*Bath Town, Steuben County
Beekmantown Town, Clinton County
Belfast Town, Allegany County
Bellmont Town, Franklin County
Benson Town, Hamilton County
*Benton Town, Yates County
Berlin Town, Rensselaer County
Bethany Town, Genesee County
Bethel Town, Sullivan County
Birdsall Town, Allegany County
Black Brook Town, Clinton County
Bleecker Town, Fulton County
Blenheim Town, Schoharie County
*Bolivar Town, Allegany County
Bolton Town, Warren County
Bombay Town, Franklin County
*Boonville Town, Oneida County
Bovina Town, Delaware County
Boylston Town, Oswego County
Bradford Town, Steuben County
Brandon Town, Franklin County
*Brant Town, Erie County
Brasher Town, St Lawrence County
*Bridgewater Town, Oneida County
Brighton Town, Franklin County
Broadalbin Town, Fulton County
Brookfield Town, Madison County
*Brownville Town, Jefferson County
*Brutus Town, Cayuga County
*Burke Town, Franklin County
Burlington Town, Otsego County
*Burns Town, Allegany County
*Butler Town, Wayne County
Cairo Town, Greene County
*Callicoon Town, Sullivan County
*Cambridge Town, Washington County
*Camden Town, Oneida County
Cameron Town, Steuben County
Campbell Town, Steuben County
*Canajoharie Town, Montgomery County
*Candor Town, Tioga County
Caneadea Town, Allegany County
*Canisteo Town, Steuben County
*Canton Town, St Lawrence County
*Cape Vincent Town, Jefferson County
Carlton Town, Orleans County
Caroga Town, Fulton County
Caroline Town, Tompkins County
*Carrollton Town, Cattaraugus County
*Castile Town, Wyoming County
*Catharine Town, Schuyler County
Catlin Town, Chemung County
*Cato Town, Cayuga County
Caton Town, Steuben County
*Catskill Town, Greene County
Cayuta Town, Schuyler County
Centerville Town, Allegany County
*Champion Town, Jefferson County
*Champlain Town, Clinton County
Charleston Town, Montgomery County
*Charlotte Town, Chautauqua County
*Chateaugay Town, Franklin County
*Chautauqua Town, Chautauqua County
Chazy Town, Clinton County
Chemung Town, Chemung County
*Cherry Creek Town, Chautauqua County
*Cherry Valley Town, Otsego County
Chester Town, Warren County
*Chesterfield Town, Essex County
Cincinnatus Town, Cortland County
Clare Town, St Lawrence County
*Claverack Town, Columbia County
*Clayton Town, Jefferson County
Clifton Town, St Lawrence County
Clinton Town, Clinton County
Clymer Town, Chautauqua County
*Cobleskill Town, Schoharie County
*Cohocton Town, Steuben County
Colchester Town, Delaware County
Cold Spring Township, Cattaraugus County
Colden Town, Erie County
*Collins Town, Erie County
Colton Town, St Lawrence County
Columbia Town, Herkimer County
Columbus Town, Chenango County
*Concord Town, Erie County
Conesville Town, Schoharie County
*Conewango Town, Cattaraugus County
Conquest Town, Cayuga County
Constable Town, Franklin County
Copake Town, Columbia County
*Corinth Town, Saratoga County
*Corning Town, Steuben County
*Cortlandville Town, Cortland County
Coventry Town, Chenango County
*Covert Town, Seneca County
Covington Town, Wyoming County
*Coxsackie Town, Greene County
*Croghan Town, Lewis County
Crown Point Town, Essex County

Cuyler Town, Cortland County
*Dannemora Town, Clinton County
Dansville Town, Steuben County
Danube Town, Herkimer County
Darien Town, Genesee County
Day Town, Saratoga County
*Dayton Town, Cattaraugus County
*De Kalb Town, St Lawrence County
De Peyster Town, St Lawrence County
Decatur Town, Otsego County
Deerpark Town, Orange County
Delaware Town, Sullivan County
*Delhi Town, Delaware County
*Denmark Town, Lewis County
Denning Town, Ulster County
*Diana Town, Lewis County
Dickinson Town, Franklin County
*Dix Town, Schuyler County
Dover Town, Dutchess County
Dresden Town, Washington County
Dunkirk Town, Chautauqua County
Durham Town, Greene County
Eagle Town, Wyoming County
East Otto Town, Cattaraugus County
*Easton Town, Washington County
*Eaton Town, Madison County
Eden Town, Erie County
Edinburg Town, Saratoga County
Edmeston Town, Otsego County
*Edwards Town, St Lawrence County
*Elba Town, Genesee County
Elizabethtown Town, Essex County
Ellenburg Town, Clinton County
*Ellery Town, Chautauqua County
*Ellicottville Town, Chattaraugus
Ellington Town, Chautauqua County
*Ellisburg Town, Jefferson County
Enfield Town, Tomplins County
Ephratah Town, Fulton County
Erin Town, Chemung County
Esopus Town, Ulster County
Essex Town, Essex County
*Evans Town, Erie County
Exeter Town, Otsego County
*Fairfield Town, Herkimer County
*Fallsburg Town, Sullivan County
Farmersville Town, Cattaraugus County
Fenner Town, Madison County
Fine Town, St Lawrence County
Florence Town, Oneida County
Fort Covington Town, Franklin County
*Fort Edward Town, Washington County
Fowler Town, St Lawrence County
*Frankfort Town, Herkimer County
*Franklin Town, Delaware County
Franklin Town, Franklin County
*Franklinville Town, Cattaraugus County
Freedom Town, Cattaraugus County
Freetown Town, Cortland County
Fremont Town, Steuben County
Fremont Town, Sullivan County
French Creek Town, Chautauqua County
Friendship Town, Allegany County
Fulton Town, Schoharie County
*Gaines Town, Orleans County
*Gainesville Town, Wyoming County
*Galen Town, Wayne County
Genesee Falls Town, Wyoming County
Genesee Town, Allegany County
*Geneseo Town, Livingston County
Genoa Town, Cayuga County
Georgetown Town, Madison County
*German Flatts Town, Herkimer County
German Town, Chenango County
*Gerry Town, Chautauqua County
Gilboa Town, Schoharie County
*Glen Town, Montgomery County
*Gouverneur Town, St Lawrence County
Granger Town, Allegany County
*Granville Town, Washington County
Great Valley Town, Cattaraugus County
*Green Island Town, Albany County
*Greene Town, Chenango County
Greenfield Town, Saratoga County
Greenville Town, Greene County
*Greenwich Town, Washington County
Greenwood Town, Steuben County
Greig Town, Lewis County
Grove Town, Allegany County
Groveland Town, Livingston County
Guilford Town, Chenango County
Hadley Town, Saratoga County
Hague Town, Warren County
Halcott Town, Greene County
Hamden Town, Delaware County
*Hamilton Town, Madison County
*Hammond Town, St Lawrence County
*Hancock Town, Delaware County
*Hannibal Town, Oswego County
*Hanover Town, Chautauqua County
Hardenbergh Town, Ulster County
Harford Town, Cortland County
*Harmony Town, Chautauqua County
*Harpersfield Town, Delaware County
*Harrietstown Town, Franklin County
Harrisburg Town, Lewis County
Hartford Town, Washington County
*Hartland Town, Niagara County
Hartsville Town, Steuben County
Hartwick Town, Otsego County
Hebron Town, Washington County
*Hector Town, Schuyler County
Henderson Town, Jefferson County
*Herkimer Town, Herkimer County
*Hermon Town, St Lawrence County
Highland Town, Sullivan County
Hillsdale Town, Columbia County
Hinsdale Town, Cattaraugus County
Holland Town, Erie County
*Homer Town, Cortland County
*Hoosick Town, Rensselaer County
Hope Town, Hamilton County
Hopkinton Town, St Lawrence County
Horicon Town, Warren County
Hornby Town, Steuben County
*Hornells Ville Town, Steuben County
*Horseheads Town, Chemung County
*Hounsfield Town, Jefferson County
Howard Town, Steuben County
*Hume Town, Allegany County
Humphrey Town, Cattaraugus County
*Hunter Town, Greene County
Huron Town, Wayne County
Independence Town, Allegany County
Indian Lake Town, Hamilton County
*Ira Town, Cayuga County
Ischua Town, Cattaraugus County
Italy Town, Yates County
Jasper Town, Steuben County
Java Town, Wyoming County
Jay Town, Essex County
Jefferson Town, Schoharie County
*Jerusalem Town, Yates County
Jewett Town, Greene County
Johnsburg Town, Warren County
Junius Town, Seneca County
Keene Town, Essex County
*Kingsbury Town, Washington County
Kortright Town, Delaware County
*Lake George Town, Warren County
Lake Luzerne Town, Warren County
*Lake Pleasant Town, Hamilton County
*Lancaster Town, Erie County
Lapeer Town, Cortland County
Lawrence Town, St Lawrence County
*Le Ray Town, Jefferson County
*Le Roy Town, Genessee County
Lebanon Town, Madison County
*Ledyard Town, Cayuga County
*Lenox Town, Madison County
Leon Town, Cattaraugus County
Lewis Town, Essex County
Lewis Town, Lewis County
Lexington Town, Green County
*Leyden Town, Lewis County
*Liberty Town, Sullivan County
Lincklaen Town, Chenango County
Lindley Town, Steuben County
Lisbon Town, St Lawrence County
*Lisle Town, Broome County
Litchfield Town, Herkimer County
Little Falls Town, Herkimer County
*Little Valley Town, Cattaraugus County
Locke Town, Cayuga County
*Lodi Town, Seneca County
Long Lake Town, Hamilton County
Lorraine Town, Jefferson County
*Lowville Town, Lewis County
*Lyme Town, Jefferson County
Lyndon Town, Cattaraugus County
*Lyons Town, Wayne County
*Lyonsdale Town, Lewis County
Machias Town, Cattaraugus County
Macomb Town, St Lawrence County
*Madison Town, Madison County
Madrid Town, St Lawrence County
*Malone Town, Franklin County
*Mamakating Town, Sullivan County
*Manheim Town, Herkimer County
Mansfield Town, Cattaraugus County
*Marathon Town, Cortland County
Martinsburg Town, Lewis County
*Maryland Town, Otsego County
Masonville Town, Delaware County
*Massena Town, St Lawrence County
*Mayfield Town, Fullton County
McDonough Town, Chenango County
*Mentz Town, Cayuga County
Meredith Town, Delaware County
*Mexico Town, Oswego County
*Middlebury Town, Wyoming County
*Middleton Town, Delaware County
*Milford Town, Otsego County
*Milo Town, Yates County
Mina Town, Chautauqua County
*Minden Town, Montgomery County
Minerva Town, Essex County
*Mohawk Town, Montgomery County
*Moira Town, Frankin County
Montague Town, Lewis County
Montezuma Town, Cayuca County
*Montour Town, Schuyler County
*Mooers Town, Clinton County
*Moravia Town, Cayuga County
Morehouse Town, Hamilton County
*Moriah Town, Essex County
*Morristown Town, St Lawrence County
*Mount Morris Town, Livingston County
*Murray Town, Oleans County
Napoli Town, Cattaraugus County
*New Albion Town, Cattaraugus County
New Baltimore Town, Greene County
*New Berlin Town, Chenango County
*New Brehem Town, Lewis County
New Lisbon Town, Otsego County
*New Paltz Town, Ulster County
Newcomb Town, Essex County

Newfane Town, Niagara County
*Newport Town, Herkimer County
*Newstead Town, Erie County
Niles Town, Cayuga County
*Norfolk Town, St Lawrence County
*North Collins Town, Erie County
*North Dansville Town, Livingston County
*North East Town, Dutchess County
*North Elba Town, Essex County
North Harmony Town, Chautauqua County
North Hudson Town, Essex County
North Norwich Town, Chenango County
*Northampton Town, Fulton County
Norway Town, Herkimer County
Norwich Town, Chenango County
*Oakfield Town, Genesee County
Ohio Town, Herkimer County
Olean Town, Cattaraugus County
*Oppenheim Town, Fulton County
Orange Town, Schuyler County
Orangeville Town, Wyoming County
Orleans Town, Jefferson County
Orwell Town, Oswego County
Osceola Town, Lewis County
*Oswegatchie Town, St Lawrence County
Otselic Town, Chenango County
Otto Town, Cattaraugus County
*Ovid Town, Seneca County
Owasco Town, Cayuga County
*Oxford Town, Chenango County
*Palatine Town, Montgomery County
*Pamelia Town, Jefferson County
*Paris Town, Oneida County
Parishville Town, St Lawrence County
Pavilion Town, Genesee County
*Pembroke Town, Genesee County
*Perry Town, Wyoming County
*Perryburg Town, Cattaraugus County
*Persia Town, Cattaraugus County
Peru Town, Clinton County
Pharsala Town, Chenango County
*Phelps Town, Ontario County
*Philadelphia Town, Jefferson County
Piercefield Town, St Lawrence County
Pierrepont Town, St Lawrence County
*Pike Town, Wyoming County
Pinckney Town, Lewis County
Pitcairn Town, St Lawrence County
Pitcher Town, Chenango County
Pittsfield Town, Otsego County
Plainfield Town, Otsego County
Plattsburgh Town, Clinton County
Plymouth Town, Chenango County
Poland Town, Chautauqua County
*Pomfret Town, Chautauqua County
Portage Town, Livingston County
*Portland Town, Chautauqua County
*Portville Town, Cattaraugus County
*Potsdam Town, St Lawrence County
*Potter Town, Yates County
Prattsburg Town, Steuben County
Prattsville Town, Greene County
Preble Town, Cortland County
Preston Town, Chenango County
Providence Town, Saratoga County
Pulteney Town, Steuben County
Putnam Town, Washington County
*Randolph Town, Cattaraugus County
Rathbone Town, Steuben County
*Reading Town, Schuyler County
Red House Town, Cattaraugus County
Redfield Town, Oswego County
Rensselaerville Town, Albany County
*Richfield Town, Otsego County
Richford Town, Tioga County
*Richland Town, Oswego County
*Richmondville Town, Schoharie County
*Ridgeway Town, Orleans County
Ripley Town, Chautauqua County
Rochester Town, Ulster County
Rockland Town, Sullivan County
Rodman Town, Jefferson County
Root Town, Montgomery County
Rose Town, Wayne County
Roseboom Town, Otsego County
Rossie Town, St Lawrence County
Roxbury Town, Delaware County
*Royalton Town, Niagara County
Rushford Town, Allegany County
Russell Town, St Lawrence County
*Russia Town, Herkimer County
*Rutland Town, Jefferson County
Salamanca Town, Cattaraugus County
*Salem Town, Washington County
Salisbury Town, Herkimer County
*Sandy Creek Town, Oswego County
*Sanford Town, Broome County
*Sangerfield Town, Oneida County
*Saranac Town, Clinton County
Sardinia Town, Erie County
Savannah Town, Wayne County
*Schodack Town, Rensselaer County
*Schoharie Town, Schoharie County
Schroon Town, Essex County
Schuyler Falls Town, Clinton County
Schuyler Town, Herkimer County
Scipio Town, Cayuga County
Scott Town, Cortland County
Sempronius Town, Cayuga County
*Seneca Falls Town, Seneca County
Sennett Town, Cayuga County
Seward Town, Schoharie County
*Shandaken Town, Ulster County
*Sharon Town, Schoharie County
Shawangunk Town, Ulster County
*Shelby Town, Orleans County
*Sherburne Town, Chenango County
Sheridan Town, Chautauqua County
*Sherman Town, Chautauqua County
*Sidney Town, Delaware County
Smithfield Town, Madison County
Smithville Town, Chenango County
*Smyrna Town, Chenango County
*Sodus Town, Wayne County
Solon Town, Cortland County
*Somerset Town, Niagara County
South Valley Town, Cattaraugus County
Southport Town, Chemung County
Springfield Town, Otsego County
*Springport Town, Cayuga County
*St. Armand Town, Essex County
*St. Johnsville Town, Montgomery County
Stafford Town, Genesee County
*Stamford Town, Delaware County
Stark Town, Herkimer County
*Starkey Town, Yates County
Stephentown Town, Rensselaer County
*Sterling Town, Cayuga County
Steuben Town, Oneida County
*Stockbridge Town, Madison County
Stockholm Town, St. Lawrence County
*Stockton Town, Chautauqua County
Stony Creek Town, Warren County
Stratford Town, Fulton County
Summerhill Town, Cayuga County
Summit Town, Schoharie County
*Sweden Town, Monroe County
Taghkanic Town, Columbia County
Taylor Town, Cortland County
*Theresa Town, Jefferson County
*Thompson Town, Sullivan County
Throop Town, Cayuga County
Thurman Town, Warren County
Thurston Town, Steuben County
*Ticonderoga Town, Essex County
Troupsburg Town, Steuben County
Truxton Town, Cortland County
*Turin Town, Lewis County
Tuscarora Town, Steuben County
Tyrone Town, Schuyler County
*Urbana Town, Steuben County
*Van Etten Town, Chemung County
Venice Town, Cayuga County
*Veteran Town, Chemung County
Victory Town, Cayuga County
*Vienna Town, Oneida County
Villenva Town, Chautauqua County
Virgil Town, Cortland County
*Waddington Town, St. Lawrence County
*Walton Town, Delaware County
Warren Town, Herkimer County
Warrensburg Town, Warren County
*Warsaw Town, Wyoming County
*Waterloo Town, Seneca County
Watertown Town, Jefferson County
Watson Town, Lewis County
Waverly Town, Franklin County
*Wawarsing Town, Ulster County
*Wayland Town, Steuben County
Wayne Town, Steuben County
Webb Town, Herkimer County
Wells Town, Hamilton County
*Wellsville Town, Allegany County
West Almond Town, Allegany County
West Sparta Town, Livingston County
*West Turin Town, Lewis County
West Union Town, Steuben County
Western Town, Oneida County
*Westfield Town, Chautauqua County
Westford Town, Otsego County
*Westport Town, Essex County
Westville Town, Franklin County
Wethersfield Town, Wyoming County
Wheatfield Town, Niagara County
Wheeler Town, Steuben County
*Whitehall Town, Washington County
Willet Town, Cortland County
Williamstown Town, Oswego County
Willing Town, Allegany County
Willsboro Town, Essex County
Wilmington Town, Essex County
*Wilna Town, Jefferson County
*Wilson Town, Niagara County
Windham Town, Greene County
*Winfield Town, Herkimer County
*Wirt Town, Allegany County
*Wolcott Town, Wayne County
*Woodhull Town, Steuben County
Worcester Town, Otsego County
Worth Town, Jefferson County
*Yates Town, Orleans County
*Yorkshire Town, Cattaraugus County

Pennsylvania

Abbot Township, Potter County
Adams Township, Cambria County
Adams Township, Snyder County
Addison Township, Somerset County
Albany Township, Bradford County
Aleppo Township, Greene County
Allegany Township, Potter County
Allegheny Township, Butler County
Allegheny Township, Cambria County
Allegheny Township, Somerset County
Allegheny Township, Venango County
Allison Township, Clinton County
Amity Township, Erie County

Amwell Township, Washington County
Annin Township, McKean County
Annville Township, Lebanon County
Anthony Township, Lycoming County
Antis Township, Blair County
Apolacon Township, Susquehanna County
Ararat Township, Susquehanna County
Armagh Township, Mifflin County
Armenia Township, Bradford County
Armstrong Township, Lycoming County
Asylum Township, Bradford County
Athens Township, Bradford County
Athens Township, Crawford County
Auburn Township, Susquehanna County
Ayr Township, Fulton County
Banks Township, Carbon County
Banks Township, Indiana County
Barnett Township, Forest County
Barnett Township, Jefferson County
Barr Township, Cambria County
Barree Township, Huntingdon County
Barry Township, Schuylkill County
Bart Township, Lancaster County
Bastress Township, Lycoming County
Beale Township, Juniata County
Beaver Township, Clarion County
Beaver Township, Columbia County
Beaver Township, Crawford County
Beaver Township, Jefferson County
Beaver Township, Snyder County
Beccaria Township, Clearfield County
Bedford Township, Bedford County
Beech Creek Township, Clinton County
Belfast Township, Fulton County
Bell Township, Clearfield County
Bell Township, Jefferson County
Bell Township, Westmoreland County
Benezette Township, Elk County
Benton Township, Columbia County
Benton Township, Lackawanna County
Berlin Township, Wayne County
Bethel Township, Armstrong County
Bethel Township, Fulton County
Bethel Township, Lebanon County
Bigler Township, Clearfield County
Bingham Township, Potter County
Black Creek Township, Luzerne County
Black Lick Township, Indiana County
Black Township, Somerset County
Blacklick Township, Cambria County
Blaine Township, Washington County
Blair Township, Blair County
Bloom Township, Clearfield County
Bloomfield Township, Bedford County
Bloomfield Township, Crawford County
Bloss Township, Tioga County
Blythe Township, Schuylkill County
Boggs Township, Armstrong County
Boggs Township, Centre County
Boggs Township, Clearfield County
Bradford Township, Clearfield County
Bradford Township, McKean County
Brady Township, Butler County
Brady Township, Clearfield County
Brady Township, Huningdon County
Brady Township, Lycoming County
Bradys Bend Township, Armstrong County
Braintrim Township, Wyoming County
Branch Township, Schuylkill County
Bratton Township, Mifflin County
Brecknock Township, Lancaster County
Broad Top Township, Bedford County
Brokenstraw Township, Warren County
Brookfield Township, Tioga County
Brooklyn Township, Susquehanna County
Brothersvalley Township, Somerset County
Brown Township, Lycoming County
Brown Township, Mifflin County
Brownsville Township, Fayette County
Brush Creek Township, Fulton County
Brush Valley Township, Indiana County
Buck Township, Luzerne County
Buckingham Township, Wayne County
Buffalo Township, Union County
Buffington Township, Indiana County
Bullskin Township, Fayette County
Burlington Township, Bradford County
Burnside Township, Centre County
Burnside Township, Clearfield County
Burrell Township, Armstrong County
Burrell Township, Indiana County
Butler Township, Adams County
Butler Township, Luzerne County
Butler Township, Schuylkill County
Cadogan Township, Armstrong County
Cambria Township, Cambria County
Cambridge Township, Crawford County
Canaan Township, Wayne County
Canoe Township, Indiana County
Canton Township, Bradford County
Canton Township, Washington County
Carbon Township, Huntingdon County
Carbondale Township, Lackawanna County
Casade Township, Lycoming County
Cass Township, Huntingdon County
Cass Township, Schuylkill County
Castanea Township, Clinton County
Catawissa Township, Columbia County
Catharine Township, Blair County
Center Township, Greene County
Center Township, Indiana County
Center Township, Snyder County
Ceres Township, McKean County
Chanceford Township, York County
Chapman Township, Clinton County
Chapman Township, Snyder County
Charleston Township, Tioga County
Chatham Township, Tioga County
Cherry Grove Township, Warren County
Cherry Township, Sullivan County
Cherryhill Township, Indiana County
Cherrytree Township, Venango County
Chest Township, Cambria County
Chest Township, Clearfield County
Clara Township, Potter County
Clarion Township, Clarion County
Clay Township, Butler County
Clay Township, Huntingdon County
Clearfield Township, Butler County
Clearfield Township, Cambria County
Cleveland Township, Columbia County
Clinton Township, Lycoming County
Clinton Township, Wyoming County
Clover Township, Jefferson County
Clymer Township, Tioga County
Coal Township, Northumberland County
Cogan House Township, Lycoming County
Colebrook Township, Clinton County
Colerain Township, Bedford County
Colerain Township, Lancaster County
Colley Township, Sullivan County
Columbia Township, Bradford County
Concord Township, Butler County
Concord Township, Erie County
Conemaugh Township, Cambria County
Conemaugh Township, Indiana County
Conemaugh Township, Somerset County
Conewago Township, Adams County
Conewago Township, York County
Conewango Township, Warren County
Conneaut Township, Crawford County
Conneaut Township, Erie County
Conyngham Township, Columbia County
Conyngham Township, Luzerne County
Coolbaugh Township, Monroe County
Coolspring Township, Mercer County
Cooper Township, Clearfield County
Corydon Township, McKean County
Covington Township, Clearfield County
Covington Township, Lackawanna County
Covington Township, Tioga County
Cowanshannock Township, Armstrong County
Cresson Township, Cambria County
Cromwell Township, Huntingdon County
Croyle Township, Cambria County
Cumberland Township, Greene County
Cumberland Valley Township, Bedford County
Cummings Township, Lycoming County
Curtin Township, Centre County
Cussewago Township, Crawford County
Damascus Township, Wayne County
Darlington Township, Beaver County
Davidson Township, Sullivan County
Dean Township, Cambria County
Decatur Township, Mifflin County
Deer Creek Township, Mercer County
Deerfield Township, Tioga County
Deerfield Township, Warren County
Delano Township, Schuylkill County
Delaware Township, Juniata County
Delaware Township, Mercer County
Delaware Township, Northumberland County
Delmar Township, Tioga County
Derry Township, Mifflin County
Derry Township, Montour County
Derry Township, Westmoreland County
Dimock Township, Susquehanna County
Donegal Township, Butler County
Donegal Township, Washington County
Donegal Township, Westmoreland County
Dorrance Township, Luzerne County
Dreher Township, Wayne County
Dublin Township, Fulton County
Dublin Township, Huntingdon County
Dunbar Township, Fayette County
Duncan Township, Tioga County
Dunkard Township, Greene County
Dunnstable Township, Clinton County
Dyberry Township, Wayne County
Earl Township, Lancaster County
East Bethlehem Township, Washington County
East Cameron Township, Northumberland County
East Carroll Township, Cambria County
East Chillisquaque Township, Northumberland County
East Deer Township, Allegheny County
East Fairfield Township, Crawford County
East Fallowfield Township, Crawford County
East Finley Township, Washington County
East Franklin Township, Armstrong County
East Hanover Township, Lebanon County
East Hopewell Township, York County
East Huntingdon Township, Westmoreland County
East Mahoning Township, Indiana County
East Manchester Township, York County
East Mead Township, Crawford County
East Norwegian Township, Schuylkill County
East Nottingham Township, Chester County
East Penn Township, Carbon County
East Providence Township, Bedford County
East St. Clair Township, Bedford County
East Taylor Township, Cambria County

East Union Township, Schuylkill County
East Vincent Township, Chester County
East Wheatfield Township, Indiana County
Eden Township, Lancaster County
Elder Township, Cambria County
Eldred Township, Jefferson County
Eldred Township, McKean County
Eldred Township, Monroe County
Eldred Township, Schuylkill County
Eldred Township, Warren County
Elk Creek Township, Erie County
Elk Lick Township, Somerset County
Elk Township, Clarion County
Elk Township, Tioga County
Elkland Township, Sullivan County
Elkland Township, Tioga County
Exeter Township, Wyoming County
Fairfield Township, Crawford County
Fairfield Township, Westmoreland County
Fairhope Township, Somerset County
Fairmont Township, Luzerne County
Fairview Township, Butler County
Fairview Township, Mercer County
Fallowfield Township, Washington County
Falls Township, Wyoming County
Fannett Township, Franklin County
Farmington Township, Clarion County
Farmington Township, Tioga County
Farmington Township, Warren County
Fawn Township, York County
Fayette Township, Juniata County
Fell Township, Lackawanna County
Fermanagh Township, Juniata County
Findley Township, Mercer County
Fishing Creek Township, Columbia County
Forks Township, Sullivan County
Forward Township, Butler County
Foster Township, Luzerne County
Foster Township, Schuylkill County
Fox Township, Sullivan County
Frailey Township, Schuylkill County
Franklin Township, Adams County
Franklin Township, Bradford County
Franklin Township, Carbon County
Franklin Township, Columbia County
Franklin Township, Fayette County
Franklin Township, Greene County
Franklin Township, Huntingdon County
Franklin Township, Luzerne County
Franklin Township, Lycoming County
Franklin Township, Snyder County
Franklin Township, Susquehanna County
Frankstown Township, Blair County
Freedom Township, Adams County
Freedom Township, Blair County
Freehold Township, Warren County
Freeport Township, Greene County
French Creek Township, Mercer County
Gaines Township, Tioga County
Gallagher Township, Clinton County
Gallitzin Township, Cambria County
Gaskill Township, Jefferson County
Genesee Township, Potter County
Georges Township, Fayette County
German Township, Fayette County
Gibson Township, Cameron County
Gibson Township, Susquehanna County
Gilmore Township, Greene County
Gilpin Township, Armstrong County
Girard Township, Clearfield County
Girard Township, Erie County
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Goshen Township, Clearfield County
Graham Township, Clearfield County
Grant Township, Indiana County
Granville Township, Bradford County
Granville Township, Mifflin County
Gray Township, Greene County
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Greene Township, Mercer County
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Greenfield Township, Erie County
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Greenwood Township, Clearfield County
Greenwood Township, Columbia County
Greenwood Township, Crawford County
Greenwood Township, Juniata County
Gregg Township, Centre County
Gregg Township, Union County
Grove Township, Cameron County
Gulich Township, Clearfield County
Haines Township, Centre County
Halfmoon Township, Centre County
Hamilton Township, Adams County
Hamilton Township, McKean County
Hamilton Township, Monroe County
Hamilton Township, Tioga County
Hamiltonban Township, Adams County
Hamlin Township, McKean County
Hanover Township, Luzerne County
Harford Township, Susquehanna County
Harmony Township, Forest County
Harmony Township, Susquehanna County
Harrison Township, Allegeny County
Harrison Township, Bedford County
Harrison Township, Potter County
Hartley Township, Union County
Hayfield Township, Crawford County
Hazle Township, Luzerne County
Hebron Township, Potter County
Hector Township, Potter County
Hegins Township, Schuylkill County
Heidelberg Township, Lebanon County
Heidelberg Township, Lehigh County
Hemlock Township, Columbia County
Henderson Township, Huntingdon County
Henderson Township, Jefferson County
Henry Clay Township, Fayette County
Herrick Township, Bradford County
Hickory Township, Forest County
Hickory Township, Lawrence County
Highland Township, Clarion County
Highland Township, Elk County
Hillsgrove Township, Sullivan County
Hollenback Township, Luzerne County
Homer Township, Potter County
Hopewell Township, Bedford County
Hopewell Township, Cumberland County
Hopewell Township, Huntingdon County
Hopewell Township, Washington County
Hopewell Township, York County
Horton Township, Elk County
Hovey Township, Armstrong County
Howard Township, Centre County
Howe Township, Forest County
Hubley Township, Schuylkill County
Hunlock Township, Luzerne County
Huntington Township, Adams County
Huntington Township, Luzerne County
Huston Township, Blair County
Huston Township, Centre County
Independence Township, Washington County
Irwin Township, Venango County
Jackson Township, Butler County
Jackson Township, Cambria County
Jackson Township, Columbia County
Jackson Township, Greene County
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Jackson Township, Mercer County
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Juniata Township, Bedford County
Juniata Township, Blair County
Juniata Township, Huntingdon County
Karthaus Township, Clearfield County
Keating Township, McKean County
Keating Township, Potter County
Kelly Township, Union County
Kimmel Township, Bedford County
King Township, Bedford County
Kingsley Township, Forest County
Kingston Township, Luzerne County
Kiskiminetas Township, Armstrong County
Kline Township, Schuylkill County
Knox Township, Clearfield County
Knox Township, Jefferson County
La Plume Township, Lackawanna County
Lack Township, Juniata County
Lackawannock Township, Mercer County
Lake Township, Luzerne County
Lake Township, Mercer County
Lamar Township, Clinton County
Laporte Township, Sullivan County
Larimer Township, Somerset County
Lathrop Township, Susquehanna County
Lawrence Township, Clearfield County
Lawrence Township, Tioga County
Le Boeuf Township, Erie County
Leacock Township, Lancaster County
Lebanon Township, Wayne County
Lehigh Township, Carbon County
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Liberty Township, McKean County
Liberty Township, Susquehanna County
Liberty Township, Tioga County
Licking Creek Township, Fulton County
Licking Township, Clarion County
Limerick Township, Montgomery County
Limestone Township, Union County
Lincoln Township, Bedford County
Lincoln Township, Huntingdon County
Lincoln Township, Somerset County
Litchfield Township, Bradford County
Little Beaver Township, Lawrence County
Little Britain Township, Lancaster County
Little Mahanoy Township, Northumberland County

Locust Township, Columbia County
Logan Township, Blair County
Logan Township, Clinton County
Logan Township, Huntingdon County
Londonderry Township, Bedford County
Lower Augusta Township, Northumberland County
Lower Chanceford Township, York County
Lower Chichester Township, Delaware County
Lower Mahanoy Township, Northumberland County
Lower Mount Bethel Township, Northampton County
Lower Oxford Township, Chester County
Lower Towamensing Township, Carbon County
Lower Turkeyfoot Township, Somerset County
Lower Tyrone Township, Fayette County
Lower Windsor Township, York County
Lower Yoder Township, Cambria County
Loyalhanna Township, Westmoreland County
Loyalsock Township, Lycoming County
Lumber Township, Cameron County
Lurgan Township, Franklin County
Luzerne Township, Fayette County
Madison Township, Armstrong County
Madison Township, Clarion County
Madison Township, Columbia County
Madison Township, Lackawanna County
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Menallen Township, Adams County
Menallen Township, Fayette County
Menno Township, Mifflin County
Meshoppen Township, Wyoming County
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Middle Taylor Township, Cambria County
Middlebury Township, Tioga County
Middlecreek Township, Snyder County
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Morgan Township, Greene County
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Mount Carmel Township, Northumberland County
Mount Joy Township, Adams County
Mount Pleasant Township, Adams County
Mount Pleasant Township, Columbia County
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North Union Township, Fayette County
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Northeast Madison TWP, Perry County
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Oakland Township, Susquehanna County
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Oilcreek Township, Venango County
Oliver Township, Jefferson County
Oliver Township, Mifflin County
Oregon Township, Wayne County
Orwell Township, Bradford County
Osceola Township, Tioga County
Oswayo Township, Potter County
Otter Creek Township, Mercer County
Otto Township, McKean County
Overfield Township, Wyoming County
Overton Township, Bradford County
Oxford Township, Adams County
Paint Township, Somersat County
Paradise Township, Lancaster County
Parker Township, Butler County
Parks Township, Armstrong County
Patterson Township, Beaver County
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Penn Township, Centre County
Penn Township, Huntingdon County
Penn Township, Lycoming County
Penn Township, Snyder County
Perry Township, Armstrong County
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Plain Grove Township, Lawrence County
Plainfield Township, Northampton County
Plains Township, Luzerne County
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Plumcreek Township, Armstrong County
Plunketts Creek Township, Lycoming County
Plymouth Township, Luzerne County
Point Township, Northumberland County
Polk Township, Jefferson County
Portage Township, Cambria County
Portage Township, Potter County
Porter Township, Clarion County
Porter Township, Clinton County
Porter Township, Huntingdon County
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Redbank Township, Clarion County
Redstone Township, Fayette County
Reilly Township, Schuylkill County
Rice Township, Luzerne County
Richhill Township, Greene County
Richland Township, Clarion County
Richmond Township, Crawford County
Richmond Township, Tioga County
Ridgebury Township, Bradford County
Ridgway Township, Elk County
Roaring Creek Township, Columbia County
Robinson Township, Washington County
Rockdale Township, Crawford County
Rockefeller Township, Northumberland County
Rome Township, Bradford County
Rome Township, Crawford County
Ross Township, Luzerne County
Ross Township, Monroe County
Roulette Township, Potter County

Rush Township, Centre County
Rush Township, Northumberland County
Rush Township, Susquehanna County
Rutland Township, Tioga County
Ryan Township, Schuylkill County
Sadsbury Township, Lancaster County
Salem Township, Clarion County
Salem Township, Luzerne County
Salem Township, Mercer County
Salem Township, Wayne County
Salisbury Township, Lancaster County
Saltlick Township, Fayette County
Sandy Creek Township, Mercer County
Sandy Lake Township, Mercer County
Saville Township, Perry County
Schuylkill Township, Schuylkill County
Scott Township, Lackawanna County
Scott Township, Wayne County
Scrubgrass Township, Venango County
Sergeant Township, McKean County
Shade Township, Somerset County
Shamokin Township, Northumberland County
Sharon Township, Potter County
Sheffield Township, Warren County
Shenango Township, Lawrence County
Sheshequin Township, Bradford County
Shippen Township, Cameron County
Shippen Township, Tioga County
Shippensburg Township, Cumberland County
Shirley Township, Huntingdon County
Shrewsbury Township, Lycoming County
Shrewsbury Township, Sullivan County
Slippery Rock Township, Butler County
Slocum Township, Luzerne County
Smith Township, Washington County
Smithfield Township, Bradford County
Smithfield Township, Huntingdon County
Snake Spring Township, Bedford County
Snow Shoe Township, Centre County
Snyder Township, Blair County
Somerset Township, Somerset County
South Bend Township, Armstrong County
South Creek Township, Bradford County
South Fayette Township, Allegheny County
South Huntingdon Township, Westmoreland County
South Lebanon Township, Lebanon County
South Mahoning Township, Indiana County
South Manheim Township, Schuylkill County
South Pymatung Township, Mercer County
South Shenango Township, Crawford County
South Versailles Township, Allegheny County
South Woodbury Township, Bedford County
Southampton Township, Bedford County
Southampton Township, Somerset County
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Springfield Township, Bradford County
Springfield Township, Erie County
Springfield Township, Fayette County
Springfield Township, Huntingdon County
Springfield Township, Mercer County
Springhill Township, Fayette County
Springhill Township, Greene County
Springville Township, Susquehanna County
Spruce Creek Township, Huntingdon County
Spruce Hill Township, Juniata County
St Clair Township, Westmoreland County
St Thomas Township, Franklin County
Standing Stone Township, Bradford County
Sterling Township, Wayne County
Steuben Township, Crawford County
Stevens Township, Bradford County
Stewart Township, Fayette County
Stonycreek Township, Somerset County
Stowe Township, Allegheny County
Straban Township, Adams County
Sugar Grove Township, Warren County
Sugarcreek Township, Armstrong County
Sugarloaf Township, Columbia County
Sullivan Township, Tioga County
Summerhill Township, Cambria County
Summerhill Township, Crawford County
Summit Township, Butler County
Summit Township, Potter County
Summit Township, Somerset County
Susquehanna Township, Cambria County
Susquehanna Township, Juniata County
Susquehanna Township, Lycoming County
Sweden Township, Potter County
Sylvania Township, Potter County
Taylor Township, Blair County
Taylor Township, Centre County
Taylor Township, Fulton County
Tell Township, Huntingdon County
Terry Township, Bradford County
Thompson Township, Fulton County
Thompson Township, Susquehanna County
Tinicum Township, Delaware County
Tioga Township, Tioga County
Tionesta Township, Forest County
Toboyne Township, Perry County
Toby Township, Clarion County
Tod Township, Huntingdon County
Todd Township, Fulton County
Towanda Township, Bradford County
Tremont Township, Schuylkill County
Troy Township, Bradford County
Troy Township, Crawford County
Turbett Township, Juniata County
Tuscarora Township, Bradford County
Tuscarora Township, Juniata County
Tyrone Township, Adams County
Tyrone Township, Blair County
Ulster Township, Bradford County
Ulysses Township, Potter County
Union Township, Bedford County
Union Township, Clearfield County
Union Township, Crawford County
Union Township, Erie County
Union Township, Fulton County
Union Township, Huntingdon County
Union Township, Lebanon County
Union Township, Luzerne County
Union Township, Mifflin County
Union Township, Schuylkill County
Union Township, Snyder County
Union Township, Tioga County
Union Township, Union County
Upper Mahanoy Township, Northumberland County
Upper Mahantonga Township, Schuylkill County
Upper Mifflin Township, Cumberland County
Upper Nazareth Township, Northampton County
Upper Turkeyfoot Township, Somerset County
Upper Tyrone Township, Fayette County
Valley Township, Armstrong County
Valley Township, Chester County
Vanpart Township, Beaver County
Venango Township, Butler County
Venango Township, Crawford County
Venango Township, Erie County
Vernon Township, Crawford County
Victory Township, Venango County
Walker Township, Centre County
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Warren Township, Bradford County
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Warrior's Mark Township, Huntingdon County
Warsaw Township Jefferson County
Washington Township, Armstrong County
Washington Township, Butler County
Washington Township, Cambria County
Washington Township, Clarion County
Washington Township, Fayette County
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Wayne Township, Schulkill County
Wells Township, Bradford County
Wells Township, Fulton County
West Abington Township, Lackawanna County
West Beaver Township, Snyder County
West Bethlebem Township, Washington County
West Branch Township, Potter County
West Buffalo Township, Union County
West Burlington Township, Bradford County
West Cameron Township, Northumberland County
West Carroll Township, Cambria County
West Chillisquaque Township, Northumberland County
West Fallowfield Township, Crawford County
West Finley Township, Washington County
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West Keating Township, Clinton County
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West Mahanoy Township, Schuylkill County
West Mahoning Township, Indiana County
West Penn Township, Schuylkill County
West Perry Township, Snyder County
West Pike Run Township, Washington County
West Providence Township, Bedford County
West Salem Township, Mercer County
West Shenango Township, Crawford County
West St. Clair Township, Bedford County
West Taylor Township, Cambria County
West Township, Huntington County
West Wheatfield Township, Indiana County
Westfield Township, Tioga County
Wetmore Township, McKean County
Wharton Township, Fayette County
Wharton Township, Potter County
White Township, Cambria County

Whitely Township, Greene County
Wilkes-Barre Township, Luzerne County
Wilmington Township, Lawrence County
Wilmington Township, Mercer County
Wilmot Township, Bradford County
Windham Township, Bradford County
Windham Township, Wyoming County
Winfield Township, Butler County
Winslow Township, Jefferson County
Wolf Creek Township, Mercer County
Wood Township, Huntington County
Woodbury Township, Bedford County
Woodbury Township, Blair County
Woodcock Township, Crawford County
Woodward Township, Lycoming County
Worth Township, Centre County
Worth Township, Mercer County
Wyalusing Township, Bradford County
Wysox Township, Bradford County
Young Township, Indiana County
Young Township, Jefferson County
Zerbe Township, Northumberland County

Rhode Island

Bristol Town, Bristol County
New Shoreham Town, Washington County
Warren Town, Bristol County
West Warwick Town, Kent County

Vermont

Addison Town, Addison County
*Albany Town, Orleans County
*Alburg Town, Grand Isle County
Athens Town, Windham County
Bakersfield Town, Franklin County
Barnet Town, Caledonia County
*Barton Town, Orleans County
Belvidere Town, Lamoille County
Benson Town, Rutland County
Berkshire Town, Franklin County
Bethel Town, Windsor County
Bloomfield Town, Essex County
Braintree Town, Orange County
Brattleboro Town, Windham County
Bridport Town, Addison County
Brighton Town, Essex County
*Bristol Town, Addison County
Brownington Town, Orleans County
Brunswick Town, Essex County
*Burke Town, Caledonia County
*Cabot Town, Washington County
*Cambridge Town, Lamoille County
Canaan Town, Essex County
Castleton Town, Rutland County
Charleston Town, Orleans County
Chelsea Town, Orange County
Concord Town, Essex County
Corinth Town, Orange County
Coventry Town, Orleans County
Craftsbury Town, Orleans County
Danby Town, Rutland County
Danville Town, Caledonia County
*Derby Town, Orleans County
Dover Town, Windham County
Duxbury Town, Washington County
East Haven Town, Essex County
Eden Town, Lamoille County
Elmore Town, Lamoille County
*Enosburg Town, Franklin County
Fair Haven Town, Rutland County
Fairfield Town, Franklin County
Fairlee Town, Orange County
Franklin Town, Franklin County
Glover Town, Orleans County
Granby Town, Essex County
Greensboro Town, Orleans County
Groton Town, Caledonia County
Guildhall Town, Essex County
Halifax Town, Windham County
*Hardwick Town, Caledonia County
Highgate Town, Franklin County
Holland Town, Orleans County
Hubbardton Town, Rutland County
*Hyde Park Town, Lamoille County
Ira Town, Rutland County
Irasburg Town, Orleans County
Jamaica Town, Windham County
Jay Town, Orleans County
*Johnson Town, Lamoille County
Leicester Town, Addison County
Lemington Town, Essex County
Lincoln Town, Addison County
Lowell Town, Orleans County
*Ludlow Town, Windsor County
Lunenburg Town, Essex County
*Lyndon Town, Caledonia County
Maidstone Town, Essex County
Marlboro Town, Windham County
*Marshfield Town, Washington County
Montgomery Town, Franklin County
Moretown Town, Washington County
Morgan Town, Orleans County
*Morristown Town, Lamoille County
Newark Town, Caledonia County
Newport Town, Orleans County
Norton Town, Essex County
Orange Town, Orange County
Orwell Town, Addison County
Pawlet Town, Rutland County
Peacham Town, Caledonia County
*Plainfield Town, Washington County
Plymouth Town, Windsor County
*Poultney Town, Rutland County
Reading Town, Windsor County
*Richford Town, Franklin County
Ripton Town, Addison County
Rochester Town, Windsor County
*Rockingham Town, Windham County
Roxbury Town, Washington County
Royalton Town, Windsor County
Ryegate Town, Caledonia County
Sandgate Town, Bennington County
Sharon Town, Windsor County
Sheffield Town, Caledonia County
Sheldon Town, Franklin County
St Johnsbury Town, Caledonia County
Stannard Town, Caledonia County
Starksboro Town, Addison County
*Stowe Town, Lamoille County
Strafford Town, Orange County
Sudbury Town, Rutland County
Sutton Town, Caledonia County
*Swanton Town, Franklin County
Topsham Town, Orange County
Townshend Town, Windham County
*Troy Town, Orleans County
Tunbridge Town, Orange County
Vershire Town, Orange County
Victory Town, Essex County
Walden Town, Caledonia County
Waltham Town, Addison County
Wardsboro Town, Windham County
Washington Town, Orange County
*Waterbury Town, Washington County
Waterville Town, Lamoille County
Wells Town, Rutland County
West Fairlee Town, Orange County
West Haven Town, Rutland County
West Rutland Town, Rutland County
Westfield Town, Orleans County
*Westminster Town, Windham County
Westmore Town, Orleans County
Weybridge Town, Addison County
Wheelock Town, Caledonia County
*Whitingham Town, Windham County
Williamstown Town, Orange County
Windsor Town, Windsor County
Wolcott Town, Lamoille County
Woodbury Town, Washington County
Woodford Town, Bennington County
Worcester Town, Washington County

Puerto Rico

Adjuntas Municipio, Municipio
Aguada Municipio
Aguas Buenas Municipio
Aibonito Municipio
Anasco Municipio
Arroyo Municipio
Barceloneta Municipio
Barranquitas Municipio
Cabo Rojo Municipio
Camuy Municipio
Canovanas Municipio
Catano Municipio
Cayey Municipio
Ceiba Municipio
Ciales Municipio
Cidra Municipio
Coama Municipio
Comerio Municipio
Corozal Municipio
Culebra Municipio
Dorado Municipio
Florida Municipio
Guanica Municipio
Guayama Municipio
Guayanilla Municipio
Gurabo Municipio
Hatillo Municipio
Hormigueros Municipio
Humacao Municipio
Isabela Municipio
Jayuya Municipio
Juana Diaz Municipio
Juncos Municipio,
Lajas Municipio
Las Marias Municipio
Las Piedras Municipio
Loiza Municipio
Luquillo Municipio
Manati Municipio
Maricao Municipio
Maunabo Municipio
Moca Municipio
Morovis Municipio
Naguabo Municipio
Naranjito Municipio
Orocovis Municipio
Patillas Municipio
Penuelas Municipio
Quebradillas Municipio
Rincon Municipio
Rio Grande Municipio
Sabana Grande Municipio
Salinas Municipio
San German Municipio
San Lorenzo Municipio
San Sebastian Municipio
Santa Isabel Municipio
Toa Alta Municipio

Utuado Municipio
Vega Alta Municipio
Vega Baja Municipio
Vieques Municipio
Villalba Municipio
Yabucoa Municipio
Yauco Municipio

Dated: October 9, 1985.

Alfred C. Moran,

Assistant Secretary for Community Planning and Development.

[FR Doc. 85-24991 Filed 10-21-85; 8:45 am]

BILLING CODE 4210-29-M

federal register

Tuesday
October 22, 1985

Part III

Department of Health and Human Services

Food and Drug Administration

Guidance for the Emergency Use of Unapproved Medical Devices; Availability

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85D-0291]

Guidance for the Emergency Use of Unapproved Medical Devices; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing guidance, developed by FDA's Center for Devices and Radiological Health (CDRH), with respect to those emergency situations in which the agency would not object to a physician's using a potentially life-saving medical device for a use for which the device ordinarily is required to have, but does not have, an approved application for premarket approval or an investigational device exemption. The guidance is contained in a document entitled "guidance for the Emergency Use of Unapproved Medical Devices."

DATE: Comments by December 23, 1985.

ADDRESSES: Requests for single copies of the guidance document should be sent to Tracy A. Summers, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Halyna Breslawec, Center for Devices and Radiological Health (HFZ-403), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION: FDA is making available for comment guidance concerning the emergency use of an unapproved medical device. For the purpose of the guidance, an unapproved medical device is a device which, under section 501(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 351(f)), is subject to premarket approval to provide reasonable assurance of its safety and effectiveness for the purpose, condition, or use for which it is intended but which does not have in effect for such purpose, condition, or use either (1) a premarket approval application (PMA) under section 515 of the act (21 US.C. 360e) or (2) an Application for an Investigational Device Exemption (IDE) under section 520(g) of the act (21 U.S.C. 360j(g)) and Part 812 of FDA's regulations (21 CFR Part 812). In short, an unapproved device is a device that is utilized for a purpose, condition, or use for which the device ordinarily is required to have, but does not have, an approved PMA or IDE.

The guidance also concerns the emergency use by a physician of a device that is the subject of an approved IDE when the physician (i) is an investigator for the sponsor of the approved application but does not use the device in accordance with the terms and conditions of the application or (ii) is not an investigator.

An unapproved medical device may be used in human subjects only if it is approved for investigational use under an IDE and is used by an investigator for the sponsor in accordance with the terms and conditions of the application. IDE applications are reviewed by FDA promptly, and are deemed approved 30 days after their receipt by FDA, unless FDA notifies the sponsor that the investigation may not begin. FDA recognizes, however, that during the early phases of device design, development, and testing, an emergency may arise where, in a physician's judgment, an approved device would offer the only alternative for saving the life of a dying patient. Such a situation occurred recently with the use of an artificial heart. Realizing that there is a need for guidance on the use of unapproved devices in similar situations, CDRH developed a document that provides guidance to the physician with respect to emergency situations that require the use of such devices.

The guidance document discusses: (1) The criteria necessary for a situation to be considered an emergency; (2) the patient protection procedures the physician should follow before using an unapproved device in an emergency situation; (3) the procedures the physician should follow after using an unapproved device in an emergency situation; and (4) the situations in which use of an unapproved medical device is not justified, even though an emergency exists. The document also provides guidance to the sponsor of an approved IDE when the device that is the subject of the approved application is used in an emergency by a physician who is an investigator for the sponsor but who does not use the device in accordance with the terms and conditions of the application, or by a physician who is not an investigator. Finally, the document provides guidance to the physician in either of those circumstances.

FDA expects physicians to make the determination as to whether the criteria for emergency use of an unapproved medical device set forth in the guidance have been met. FDA will consider taking regulatory action if an unapproved device is used in inappropriate situations.

For the convenience of interested persons, FDA is including in this notice the entire guidance document:

Guidance for the Emergency Use of Unapproved Medical Devices

This guidance applies to the emergency use of an unapproved medical device. For the purpose of the guidance, an unapproved medical device is a device that is utilized for a purpose, condition, or use for which the device requires, but does not have, an approved application for premarket approval under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) or an approved Application for an Investigational Device Exemption (IDE) under section 520(g) of the act (21 U.S.C. 360j(g)) and Part 812 of FDA's regulations (21 CFR Part 812).

An unapproved device may be used in human subjects only if it is approved for clinical testing under an IDE. An emergency need to use an unapproved device may occur when an IDE for the device does not exist, when a physician wants to use the device in a way not approved under the IDE, or when a physician or institution is not approved under the IDE.

In an orderly developmental process, the device's developer—a physician, scientist, or manufacturer—anticipates the need to conduct clinical studies and uses the IDE to ensure that adequate preclinical testing has been done, that the appropriate subjects will be selected, that subjects participate only after providing informed consent, that the device will be used properly, that subjects will be monitored adequately after the device is used, and that complete scientific data will be collected promptly. These data form the basis for subsequent marketing approval of the device.

The Food and Drug Administration (FDA) recognizes that even during the earliest phases of device design, development, and testing, emergencies arise where an unapproved device offers the only alternative for saving the life of a dying patient, but an IDE has not yet been approved for the device or the use, or an IDE has been approved but the physician who wishes to use the device is not an investigator under the IDE. Using its enforcement discretion, FDA will not object if a physician chooses to use an unapproved device in such an emergency, provided that the physician later justifies to FDA that an emergency actually existed.

Each of the following conditions should exist for a situation to be considered an emergency:

1. The patient is in a life-threatening condition that needs immediate treatment;

2. No generally acceptable alternative for treating the patient is available; and

3. Because of the immediate need to use the device, there is no time to use existing procedures to get FDA approval for the use.

FDA expects the physician to determine whether these criteria have been met, to assess the potential for benefits from the unapproved use of the device, and to have substantial reason to believe that benefits will exist. FDA further expects the physician not to conclude that an "emergency" situation exists in advance of the time when treatment may be needed based solely on the expectation that IDE approval procedures may require more time than remains. Physicians should be aware that FDA expects them to exercise reasonable foresight with respect to potential emergencies and to make appropriate arrangements under the IDE procedures far enough in advance to avoid creating a situation in which such arrangements are impracticable.

In the event that a device is used in circumstances meeting the criteria listed above, FDA would expect the physician to follow as many patient protection procedures as possible. These include obtaining:

1. An independent assessment by an uninvolved physician;

2. Informed consent from the patient or a legal representative;

3. Institutional clearance as specified by institutional policies;

4. The Institutional Review Board (IRB) chairperson's concurrence, and

5. Authorization from the sponsor, if an approved IDE for the device exists.

FDA would not object if an unapproved device were shipped without FDA approval to a physician who claims to be faced with, and describes, the kind of emergency situation discussed above. The person shipping the device should notify FDA—by telephone (301-427-8162)—immediately after shipment is made. An unapproved device may not be shipped in anticipation of an emergency.

After an unapproved device is used in an emergency, the physician should:

1. Notify the IRB and otherwise comply with provisions of the IRB regulations (21 CFR Part 56) and the informed consent regulations (21 CFR Part 50);

2. Evaluate the likelihood of a similar need for the device in the future: If it is likely, immediately initiate efforts to obtain IRB approval and an approved IDE for the device's subsequent use;

3. If an IDE exists, notify the sponsor of the emergency use of the device: The sponsor must comply with the reporting requirements of the IDE regulations; and

4. If an IDE does not exist, notify FDA of the emergency use of the device and provide FDA with a written summary of the conditions constituting the emergency, patient protection measures, and any scientific results.

Subsequent use of the device in an emergency situation may not occur unless the physician or another person obtains approval of an IDE for the device and its use. If an IDE application for subsequent use has been filed with FDA and FDA disapproves the IDE application, the device may not be used even if the circumstances constituting an emergency exist. Developers of devices that could be used in emergencies should anticipate the likelihood of emergency uses and should obtain an approved IDE. FDA will consider taking regulatory action if an unapproved device is used in inappropriate situations.

CDRH developed this guidance in response to a situation concerning the emergency use of an unapproved cardiovascular device. CDRH will apply this guidance to other types of potentially life-saving unapproved devices in emergency situations. In all situations in which the use of an unapproved device would not meet the criteria for emergency use under this guidance, such unapproved device may not be used without an approved IDE.

Interested persons may, on or before December 23, 1985, submit written comments to the Dockets Management Branch (address above). Two copies of any comments should be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. FDA will consider any comments received. The document and comments received may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 12, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc 85-25063 Filed 10-21-85; 8:45 am]

BILLING CODE 4160-01-M

Federal Register

Tuesday
October 22, 1985

Part IV

Department of Transportation

Research and Special Programs Administration

14 CFR Part 241

Aviation Economic Regulations; Uniform System of Accounts and Reports for Large Certificated Air Carriers; Passenger Origin-Destination Survey

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 241

[Docket No. 43473; Notice No. 85-15]

Aviation Economic Regulations; Passenger Origin-Destination Survey

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Department of Transportation (DOT) in this proposed rule requests comments on the potential for reducing the burden on large certificated air carriers of collecting and reporting a standard systematic scientific sample size (10% of lifted tickets) to provide the Passenger Origin-Destination Survey data. The Department suggests reduction of the reporting burden of such large air carriers by more closely aligning the data collected with that needed to fulfill its aviation responsibilities under the Federal Aviation Act of 1958, as amended. The Department's analysis indicates that a lesser sample size may be appropriate for large domestic markets which are tentatively defined as 1,000 major city-pairs with directional origin-destination passengers in excess of 35,000 passengers per year.

DATES: Comments on the proposed rule must be received on or before December 23, 1985.

ADDRESS: Comments should be directed to the Docket Clerk, Docket 43473, Room 4107, Office of the Secretary, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jack M. Calloway or Donald Bright, Office of Aviation Information Management, Data Requirements and Public Reports Division, DAI-10, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 426-7372.

SUPPLEMENTARY INFORMATION:

Executive Order 12291, Regulatory Flexibility Act, and Paperwork Reduction Act of 1980

This proposed action has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions. Furthermore, this proposed rule would not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. These proposed regulations would result in a reduction in reporting burden for large certificated air carriers. Accordingly, a regulatory impact analysis is not required.

This proposed regulation is significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because it involves important Departmental policies. Its economic impact should be minimal and a full regulatory evaluation is not required.

I certify that this rule will not have a significant economic impact on a substantial number of small entities.[1] The proposed amendments would affect only large certificated air carriers.

The collection of information requirements in this proposal are subject to the Paperwork Reduction Act, Pub. L. 96-511, 44 U.S.C. Chapter 35. These requirements will be submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the collection-of-information requirements to OMB. Comments should be directed to Sam Fairchild, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. It would be appreciated if a copy of any comments sent to OMB is also sent to the DOT rules docket.

Comments Invited

Interested persons are invited to participate in this rulemaking action 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. Communications should identify the regulatory docket number and be submitted in duplicate to the address listed above. Commenters wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on Docket No. 43473. The postcard will be date/time stamped and returned to the commenter. All communications received between the specified opening and closing dates for comments will be considered by the Administrator before taking action on any further rulemaking. Also, this proposal may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with DOT personnel concerned with this rulemaking will be filed in the docket.

Background

The Civil Aeronautics Board Sunset Act of 1984 (Pub. L. 98-443) requires the Department of Transportation, under the amended authority of the Secretary of Transportation (49 U.S.C. 329(b)(1)), to "(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under Title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441, et seq.)) including, at a minimum information on (A) the origin and destination of passengers (as those terms are used in such Act), . . ." The Department is examining its need for passenger origin and destination data and tentatively proposes that, for certain large domestic city-pair markets, a sample size smaller than 10% of lifted tickets is sufficient to meet its legislative mandate. Based on this analysis, DOT suggests reduction of the data collection burden to the large certificated air carrier participants in the Passenger Origin-Destination (O & D) Survey by:

(1) Eliminating the provision in 14 CFR Part 241, Sec. 19-7(c) that "A 10 percent sample of flight coupons shall be collected for reporting . . .;" and requiring that O & D Survey data be based upon a statistically valid sample of lifted ticket passenger flight coupons—or an alternate procedure,[2]

[1] For purposes of its aviation economic regulations, Departmental policy categorizes certificated air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act.

[2] Regarding alternate procedures, the Department is open to consideration of new technology and more flexible modern approaches to providing the required O & D data. For instance, while no one has as yet suggested an alternate O & D data source, there may be other sources that are just as good as tickets, so the sampling procedures do not have to be forever tied to lifted tickets. With the rapid advances in automation of computer reservations system (CRS) data, it may in the future be possible for each large carrier to use the CRS data base for Origin-Destination sampling. Data validity problems may be a factor, since some carriers' CRS data may be distorted by no-shows and ticket reissuances unless the preliminary reservations data are conformed to actual experience (the final passenger counts and the related fare codes and monies paid for each ticket) including the flights of downline carriers. Since some major carriers do actively edit such data and use the results in their advance sales/seat inventory management programs, DOT

Continued

requested in writing by the carrier, that is approved by the Director, Office of Aviation Information Management, RSPA, pursuant to the authority in 14 CFR 385.27 and the established waiver procedures in section 1-2 of 14 CFR Part 241; and

(2) Defining (in the Department's opinion) a statistically valid sample, and requiring any deviations from this definition to be approved in writing, under the waiver procedures in section 1-2 of 14 CFR Part 241.

The Department has tentatively determined that a statistically valid sample of the passengers' lifted ticket flight coupons shall consist of at least 1% (one percent) of the lifted coupons in the largest domestic markets and 10% of others—including domestic, international and territorial markets. However, carriers may collect larger sample sizes, if such data are needed for their own internal purposes. If carriers want to continue to report the current 10% sample size, the provisions of 14 CFR 385.27 permit such a flexible response. Therefore, if a smaller sample size is ultimately adopted at the conclusion of this rulemaking process, and carriers wish to make no changes in their current procedures, they may do so by obtaining a waiver from the Director, Office of Aviation Information Management.

Description of Current Survey

Participation in the O & D Survey is mandatory for all large U.S. certificated air carriers operating scheduled passenger service, except helicopter and intra-Alaska carriers. As of March 31, 1985, fifty-one large certificated carriers [3] (about half of all certificated carriers) were required to report O & D Survey data. Those carriers excluded from the Survey include all-charter carriers and all-cargo carriers and small certificated carriers. The fifty-one large businesses in the Survey are all in the category of regional, national or major air carriers.

O & D Survey data are collected based on a continuous 10% statistical sample of all lifted ticket flight coupons. Under current sampling procedures, carriers are to select for examination the following flight coupons:

1. All single passenger flight coupons with ticket serial numbers ending with the digit zero.
2. All group ticket flight coupons with 10 or fewer passengers with ticket serial numbers ending with the digit zero.
3. All group ticket flight coupons with 11 or more passengers without regard to serial number.

In certain special situations a 100 percent sample may be taken at the carrier's option with prior Departmental approval. Refer to Attachment IV for the Survey design, sampling, processing procedures, etc. A brief history of the O & D Survey is provided below.

The current procedures for a 10% sample of passenger's lifted ticket flight coupons have been in effect since 1968. It should be noted that while the 10% sample size of lifted ticket flight coupons is the primary sampling strategy in the current system, the O & R Survey "Instructions" in 1966 and thereafter do provide special handling procedures for certain mass movement tickets (such as the Eastern shuttle and group tickets). In such situations, other sampling strategies have been found to be appropriate, including a 100% sample. The focus of this proposal is on the primary or 10% sampling strategy.

The use of a 10% sample was first instituted on January 1, 1959; however, until January 1, 1968, the 10% sample size was essentially based upon the participating carriers' ticket "auditor" coupon rather than the lifted flight coupon (although the participating carriers did report some incomplete data on nonparticipating carriers, based upon the participating carriers' "ticket lifts" of the flight coupons of nonparticipating carriers). The switch from sampling the "auditor" coupon to the lifted flight coupon solved the data accuracy problem caused by passengers who reserved a flight on one itinerary routing, but then changed to a different itinerary routing. It also avoided distortions caused by "no-shows" and reissued tickets. Because of this the current Survey shows how the passenger actually traveled, rather than an initial intent or offical schedule. Prior to 1959, there were also various predecessor versions of the Survey that were collected and published at various intervals and in varying sample sizes. In the early years of the Survey it was common to sample twice a year in March and September for a whole month or fourteen day perod. For instance, in 1946, when it was called the "AIRLINE TRAFFIC SURVEY," the Survey was based on all tickets issued during the month of September 1946. Then, as now, the sharing of the O & D data in cooperation with Canada was an important consideration of the Survey. Canada and the U.S. have exchanged such data for more than thirty years, and Article 14, Section B of the continuing 1966 Air Transportation Agreement between the U.S. and Canada reaffirms the established practice of exchanging Origin-Destination data.

While the prior Surveys had advantages of limited burden due to limited sampling, there also were disadvantages in interpreting the data and defining its reliability or precision. One obvious problem was how to project a sample for a brief period of time, such as one month, to a longer period, such as a year, because of traffic seasonality and the volatile nature of passenger traffic in the air traffic system as a whole.

Thus, a continuous sample, such as the current 10% sample size, is considered more representative of the passenger traffic population. Further, the precision of the estimates may not be defined, as they could not be in the 1930's and 1940's. Instead of just reporting an estimate in hypothetical case that 1,000 passengers comprise the market between hypothetical cities 00A and 00B, it is now possible to state that, on the basis of a systematic sample, data users are almost sure (with a confidence level of 95%) of the experience shown in the following table.

Sample size	Estimated annual passengers in a category in the population	Sampling error rate as a percent of population estimate	Therefore, the "True" number of passengers for the market is in the range below, with a 95 percent confidence level
10 percent of tickets	1,000 passengers 00A-00B	24.6	Between 1,248 and 752 passengers
5 percent of tickets	do	34.7	Between 1,347 and 653 passengers
1 percent of tickets	do	77.7	Between 1,777 and 223 passengers

has no reason to believe that CRS data is an unlikely source for O & D data collection, if accuracy problems could be solved (including the communication of edit data from downline carriers to the originating carrier). However, the current system is working well, and provides useful data at relatively low costs to the carriers and the Government. The current system satisfies DOT's legal requirement to collect the O & D Survey. In summary, while open to new concepts, DOT will insist that any new approaches to the Survey be reasonably comparable alternatives, providing results that are as useful and statistically valid as the current Survey.

[3] The proposed participating O & D Survey carriers are listed in Attachments I and III.

The impact of the loss of precision in estimating the total population is vividly demonstrated at the 5% and 1% sampling levels. These examples also demonstrate why the Department proposes to adopt stratified sampling and not disturb the current 10% sample size for markets as small as one thousand passengers per year—since data from such markets are already subject to significant sampling error. However, the Department's program staff have determined that the current sample size does produce tolerable sampling error rates in small markets above four passengers per day on an annual basis. As explained more fully in Attachment V, data with a large rate of sampling error, such as those from very tiny markets becomes too imprecise for most users. Such data must be used cautiously, with complete understanding of its lack of precision.

In the above calculations, with a 1% sample size, the passenger traffic flow 00A-00B has been identified as a significant market of interest; however, it is critical to note that the "true" total passenger count and other market characteristics fit within a much wider range than a larger sample would provide. Whatever the sample size selected, the ability to state such facts with precision is an important aspect of the current Survey. For more precise determinations of passenger counts and for dollar yield market valuation analyses, it is clear that a 10% sample size gives more precise market data than does a 1% sample size for small markets. In this proposal, small markets of 1,000 passengers or less per year are not affected. In fact, the Department's proposal retains the currrent 10% sample size for all markets except for domestic major markets of more than 35,000 passengers per year, as shown on Attachment II.

The decision to adopt the current Survey procedures in 1968, and to continue using a 10% sample size, was made in full coordination with the air carriers and data users, because participation in the Survey was completely voluntary in 1968. The Survey did not become mandatory until January 1, 1981, when Amendment No. 41 to 14 CFR Part 241 (Docket 37088) became effective. This action was taken in full compliance with the Administrative Procedures Act. A notice of proposed rulemaking was issued to consider the growing problems of voluntary compliance in a deregulated industry, and a mandatory reporting procedure was found necessary at the conclusion of the rulemaking process. Basically, the industry (which then was represented by less than thirty carriers) and the Civil Aeronautics Board (which collected O & D data prior to January 1, 1985) and the user groups combined resources to develop the voluntary Survey. With the least burdensome sample size possible to provide the desired precision, it was designed to replicate, and continuously portray, what was happening in the whole air transport system—insofar as that could be ascertained from U.S. carriers, since no foreign carriers were sampled. As an aside, it is noted that foreign carrier data and data of other U.S. carriers not participating in the Survey (such as commuters and air taxis) are represented (incompletely) in the Survey, because their passengers often interline with (or share a portion of a trip itinerary on a ticket coupon) with a large U.S. carrier participating in the Survey.

The fact is that the current Survey procedures were designed so as to balance carrier burden against the quality of Survey data collected in order to provide useful data for both small and large markets. It is important to note that many carriers have insisted repeatedly (most recently in Docket 37088) that a 10% sample is necessary to provide valid data on the total population of "thin" markets, because even a 10% sample borders on the "too small" in terms of unacceptably large sampling error for passenger markets of about a thousand per year or several per day. A table of the approximate percentage of sampling error of the current Survey is included in Attachment V, which contains a mathematical description of the Survey. An important attraction of using a 10% sample is its simplicity of administration without requiring stratified sampling or other complex procedures.

In summary, any decision as to sample size in the context of scientific sampling is a judgment call or management decision that by its very definition prescribes the most efficient (or least burdensome) sample size necessary to meet certain prescribed objectives. Statisticians indicate that the number count of a sample when evaluated against the total population (rather than its percent relationship) is the better indicator of the sample's potential usefulness. A 10% sample of a small population of 1,000 may not be as meaningful as a 1% sample of a larger population such as 500,000. The important question that must be resolved in setting the objectives of the sample are the limits of precision that are necessary. Since the O & D Survey today, as in 1968, continues to have among its objectives the need to obtain valid data within tolerable sampling error rates for very small markets, a broad sample size as 10% is required for smaller markets. In the Department's judgment, a 10% sample size is the smallest sample size that will provide useful data on the smaller markets *i.e.*, those down to the size of about four passengers per day.

In developing this notice of proposed rulemaking, the Department as the central government source for aviation data, conducted a comprehensive review of the data elements[4] currently reported by all carriers on the O & D Survey (RSPA Form 2787) in order to determine what data elements the Department needs to administer its various aviation responsibilities, including air carrier safety, airport development and planning, carrier fitness, international fares and routes, and forecasting. The review was conducted by RSPA's Office of Aviation Information Management (OAIM) whose staff members met with the senior aviation program managers in the Office of the Secretary, DOT, and the Federal Aviation Administration (FAA) in order to determine: (1) What O & D Survey data elements are relied on for decisionmaking in aviation related matters; (2) what DOT programs are benefitted; (3) what is the frequency of data use; (4) what data are needed by entity;[5] (5) what domestic entity data are needed; and (6) what alternative sources of data are available for meeting DOT information requirements.

Data Requirements

Air Carrier Safety

The Department is responsible for monitoring the safety levels and regulatory compliance disposition of individual air carrier operators. The financial and traffic results of individual air carriers are analyzed at least quarterly and the FAA Administrator is kept informed of the financial and operational health of carrier operators. Passenger traffic flow information is one of the factors that is used by the FAA in allocating its safety inspection program resources to the various inspection sites.

O & D data elements needed are domestic and international passengers'

[4] Data element is a distinct or single piece of information such as name, amount, terms, number, abbreviation, symbol, etc.

[5] Entity is a distinct geographical area. The entities are domestic and international with international being further broken down into Atlantic, Pacific and Latin America for scheduled operations.

origin and destination from a statistically valid sample size.

International Negotiations

The ten percent O & D Survey supports a wide range of international civil aviation negotiations, talks, and conferences and supports the United States in areas ranging from carrier market capacity to comprehensive economic "balance of benefits" positions.

The Survey is the basic source of scheduled passenger measurement in: a) Evaluations of need for proposed gateways or increased service at existing gateways as well as in the estimate of behind "feed" traffic from small and intermediate sized cities; b) estimates of Fifth Freedom[6] traffic moving on U.S. carriers in foreign markets (between foreign points) and an indication as to traffic carried by foreign carriers between the United States and third countries; and c) estimates of passenger revenue by fare class and fare category in major United States international markets.

These analyses combine information from the O & D Survey, Forms 41 and 217, INS Form I–92 and airborne trade data from the Bureau of Census.

Ongoing analysis of these information sources measure the benefits of existing agreements and provide warning of future problem areas.

O & D data elements needed are:

Int. O & D data for international entity
Dom. O & D data for domestic entity

1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
4. Fare basis code, such as F or Y, FD or YD (up to six codes in a two position field)
5. Points of stopover or connection (intraline or interline)
6. Number of passengers
7. Total dollar value of ticket (fare plus tax)

International Fares and Rates

O & D Survey data are an important data source for evaluating pricing articles in bilateral aviation agreements. The Survey provides insight into the volume of traffic revenue moving on specific fare codes, and the yield (passenger revenue per revenue passenger-mile) in the community(s) of interest. The partial insight into fares used by foreign carriers (which are reflected in the Survey to the extent that the foreign carriers interline with U.S. carriers) is also important to this International program area.

The O & D Survey data elements needed are:

Int. O & D data on International entities

1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
4. Fare basis code
6. Number of passengers
7. Total dollar value of ticket (fare plus tax)

International Routes

In carrier selection cases for international routes, the carriers include an operating plan containing proposed pricing and detailed costs. Current and historical cost data for carriers with the same aircraft type, type of service and length of haul are used to analyze the proposed operating plan. This review provides evidence concerning the reliability of management forecasts, including an evaluation of the proposed fare levels.

In reviewing an operating plan, the Department examines the carrier's revenue generation estimates by analyzing historical fare levels and projecting traffic patterns (seasonality). Also reviewed are the current and projected passenger traffic flows and the related yield (passenger revenues expressed in cents per revenue passenger-mile) as reported by the carriers participating in the O & D Survey. In a route case where a carrier proposes "primary service" and "behind gateway" service, by taking an existing flight and extending it from points A–B to C, O & D data are necessary to evaluate the projected volume of passenger traffic that will be carried over the primary (B–C) segment and revenue generated by that traffic. The timely, consistent, credible O & D data provide evidence to support a determination of whether there is enough "support" traffic or "beyond" traffic at adequate fares feeding into or flowing from the proposed route to generate the projected revenues.

The historical O & D data are also used to evaluate passenger flows and the dollar worth of passenger markets with respect to seasonal factors as well as long-term trend analyses. It is important to have O & D data available on a timely basis to respond to short-notice administrative proceedings (where procedural deadlines of several months are mandated by the Federal Aviation Act). The fact that O & D data are universally credible so as to be accepted as reliable evidence in court and administrative proceedings with a minimum of legal debate as to the form, content and reliability of the data further enhances the usefulness of the Survey.

Reliable O & D data are needed for very small markets (as few as 1,000 passengers per year) in estimating traffic in both the primary and beyond markets. Fare basis coding and dollar amount of ticket data are also employed in estimating revenues likely to accrue to the various carrier route applicants. Such assessments are at the heart of the carrier selection process, indicating to DOT decision-makers whether the carrier applicant's proposed fare and service levels are reasonable in view of market conditions. Absent reliable O & D data, DOT's ability to select the carrier applicant that will best serve U.S. aviation interests would be severely undercut.

The O & D Survey data elements needed in route cases are:

Int. O & D data on International entities
Dom. O & D data on Domestic entities

1. Point of origin
2. Point of destination
3. Carrier on each flight stage (per the lifted ticket flight coupon)
4. Fare basis code
5. Points of stopover or connection (intraline and interline)
6. Number of passengers
7. Total dollar value of ticket

Applications for Permits by Foreign Carriers

Foreign carrier applications include a forecast of the total traffic and financial results of the proposed services for the first full year of normal operations as well as the supporting data employed to calculate the financial forecast. Data reported by certificated U.S. carriers with the same or similar aircraft type and characteristics such as fare levels, class of service and length of haul are used to analyze the validity of the foreign carrier's data submission.

O & D Survey data are important to this program area, because the Survey is a valuable source of partial information on foreign carriers' passenger markets (and the estimated value of those markets) and it also provides timely information on U.S. carriers' share of such communities of interest.

The O & D Survey is a basic tool used by the Department to monitor city-pair markets (communities of interest between the U.S. and foreign countries) and the monetary value (yield stated as cents per revenue passenger-mile) of the passengers in such markets.

The O & D data elements that are needed are:

Int. O & D data on International entities

[6] The traffic "freedoms" are types of broad traffic rights relating to international air transportation that one country receives from the other when a bilateral agreement is made. For instance, the fifth freedom is the right to enplane traffic in one foreign country and deplane it in another foreign country.

Dom. O & D data on Domestic entities
1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
4. Fare basis code
5. Points of stopover or connection (intraline and interline)
6. Number of passengers
7. Total dollar value of ticket

Air Carrier Fitness

New Authority or Substantial Changes

Fitness determinations are made for applicants for certificate authority that are not currently certificated and for established air carriers proposing a substantial change in operations.

Noncertificated applicants are required under 14 CFR Part 204 to file with the Department a balance sheet and income statement for their three most recent calendar or fiscal years. Also required are data on aircraft inventory and aircraft purchase plans. Filing requirements also include, among other things, the number of passengers and number of tons of mail and cargo carried and the estimated traffic that would be generated in each market receiving the proposed service. Evaluations of such service proposals and forecasts by DOT decisionmakers rely heavily on O & D Survey data because the Survey permits the market analyses that are discussed in the routes and negotiations areas.

The data submitted by the applicants are compared to the revenue, expense and operating data for a carrier or carriers with the same aircraft type and similar operating characteristics such as length of haul and available class of service and fares. This comparative review of the proposed operating plan indicates the reliability of the submitted forecasts and, at the same time, provides additional evidence concerning the competency of management.

Certificated air carriers that seek to substantially change their operations must also undergo fitness determination. Section 204.2 of the Department's Economic Regulations defines "substantial change in operations" as including, but not limited to, changes in operations from charter to scheduled service, cargo to passenger service, short-haul service to long-haul service, or a large increase in the number of markets served. Air carriers falling within this category are required under § 204.4(g) to provide a description of their current aircraft fleet and plans, including financing arrangements, for purchasing or leasing additional aircraft.

Section 204.4(f) provides for the submission of an operating forecast for the first normalized year of proposed operations, including, among other things, the number of passengers and number of tons of mail and cargo carried and an estimate of the traffic which would be generated in each market receiving the proposed service.

As with noncertificated carriers undergoing a fitness determination, the data submitted by carriers proposing a significant change in operations are also compared to reported data by other carriers operating the same aircraft type and having similar operating characteristics.

It should be noted that the Department's regulations on the data to be filed in fitness determinations are formulated so as to minimize the data collection burden by providing that where the required data have been previously filed with the Department or another Federal agency (from which the data are available to the Department), the affected carrier need only identify the data and provide a citation for the date and place of filing.

O & D Survey data elements needed are:

Int. O & D data for the International entity

Dom. O & D data for the Domestic entity
1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
4. Fare basis code
5. Points of stopover or connection (intraline and interline)
6. Number of passengers
7. Total dollar value of ticket (fare plus tax)

Continuing Fitness

Section 401(r) of the Act mandates that "the requirement that each applicant for a certificate or any other authority under this title must be found fit, willing and able to perform properly the transportation covered by its application, and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board under this Act, shall be a continuing requirement applicable to each such air carrier with respect to the transportation authorized by the Board." [1]

As indicated above, the continuing fitness requirement applies to all certificated air carriers. In evaluating an operating carrier's fitness to perform its authorized levels of transportation, the Department requires certain basic passenger traffic flow data. O & D Survey data are used to establish trend lines that may be extended into the future to analyze the continued viability of the air transportation enterprise.

Certificated air carriers that have not begun operating within two years of certification are subject to a continuing fitness review before starting service.

O & D Survey data elements needed are:

Int. O & D data for the International entity

Dom. O & D data for the Domestic entity
1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
4. Fare basis code
5. Points of stopover or connection (intraline and interline)
6. Number of passengers
7. Total dollar value of ticket (fare plus tax)

Airport Programs

The Department uses carrier data for: (1) Allocating Federal funds for airport development, (2) assessing the current level of airport security personnel and equipment and forecasting future requirements in this area, (3) projecting the anticipated level of activity for individual airports to forecast future requirements for airport facilities and staffing levels, and (4) assessing the level and frequency of service at individual airports in order to determine the environmental noise impact of carrier operations.

The Airport and Airway Improvement Act of 1982 (Pub. L. 97-248) specifies that fifty percent of the Federal funds allocated shall be distributed to primary airports on the basis of revenue passengers enplaned each calendar year immediately preceding the fiscal year in which the funds are appropriated. Revenue passenger enplanements by airport, which are reported by certificated air carriers, are used to both calculate the initial allocation of funds to the affected airports and resolve questions that may arise during the calendar year as to the level of enplanements used to disburse the Federal monies. O & D Survey data are used in this question resolution process in the event that reliable enplanements are not available and inputs from carriers or airports do not resolve the problem. It is critical that a reliable, certified, source of data be available for computing fund allocations since serious disruptions in individual airport planning, development and funding commitments could occur should funds be misallocated and the Department forced to seek recovery.

[1] "Title" refers to Title IV "Air Carrier Economic Regulation" of the Federal Aviation Act of 1958, as amended. The authority of the "Board" to determine continuing fitness transferred to the Secretary of Transportation on January 1, 1985, under the provisions of the Civil Aeronautics Board Sunset Act of 1984.

The Airport planning program has a continuous need for O & D Survey data to determine the impact of true origin-destination passenger flows on airports and to spot trends for growth and development in specific markets. O & D data are used for airport planning analysis by enabling the Department to keep up with market developments such as the impact on particular airports of air carrier "hub and spoke" operations, and the impact of new or deemphasized hubs, and related operational realignments. It should be noted that some significant airports might not be able to survive on their own if they were relying only on passengers first enplaned at those facilities—as opposed to the much larger number of "through" passengers flowing through such airports. O & D data are necessary for DOT to ascertain where such passengers came from, where they are going, and the revenue from such passenger markets. A 10% sample of tickets is needed to ensure reliable data on small city-pair markets.

The Department uses O & D Survey data in its hub airports forecasting program. Reliable historical passenger counts are required to accurately forecast passenger flows between city-pairs for each hub airport. Once again a 10% sample of tickets is needed to obtain data that are reliable enough to use in forecasting many of the smaller city-pairs.

The O & D Survey data elements needed for airport forecasting and airport planning are:

Int. O & D data for the International entity

Dom. O & D data for the Domestic entity

1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
5. Points of stopover or connection (intraline and interline)
6. Number of passengers

Air Carrier Acquisitions and Mergers

Air carrier acquisition and merger proposals are reviewed to determine if there are any potential anti-competitive effects applicable to a specific proposal. In determining potential anti-competitive or anti-trust implications, the degree of competition in the markets served by the affected carriers is analyzed. This analysis includes a review of the volume of traffic handled by each carrier at specific airports and in specific markets which would be affected by the proposed acquisition or merger.

In domestic markets, theoretically, no one carrier can indefinitely dominate a market where other competing carriers are free to enter the marketplace. In acquisition and merger proposals, careful analyses of factors which may inhibit free competition are necessary. One of the primary tools of such market analyses is the O & D data which are necessary to establish the impact on specific markets of proposed air carrier combinations.

The 10% sample of tickets is necessary to analyze the potential loss of passenger traffic when the Department determines whether to approve airline mergers and acquisitions, because small city-pair markets are often key elements in such analyses. A smaller sample size has the potential for providing unreliable data in such small markets and would preclude an adequate competitive analysis.

O & D Survey data elements needed are:

Int. O & D data for the International entity

Dom. O & D data for the Domestic entity

1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
4. Fare basis code
5. Points of stopover or connection (intraline and interline)
6. Number of passengers
7. Total dollar value of ticket (fare plus tax)

War Air Service Program

In a time of national emergency, the Survey would be used to define major or critical markets and minor markets, and to allocate mobilized U.S. air carrier aircraft resources accordingly.

The O & D Survey data elements needed:

Int. O & D data for the International entity

Dom. O & D data for the Domestic entity

1. Point of origin
2. Point of destination
3. Carrier on each flight coupon stage
5. Points of stopover or connection (intraline and interline)
6. Number of passengers

Data Collection Alternatives

In addition to analyzing various data collection alternatives, the Department reviewed existing data sources that might be used in lieu of passenger ticket lifted flight coupons to provide O & D-like data. An inherent problem that was discovered with data sources was that they do not provide a complete picture of the passenger traffic flows. In other words, when the passenger changes flights or changes carriers, you "lose" the passenger's true trip itinerary routing and are "blinded" as to where the passenger came from (origin) and the passenger's destination.

To illustrate this concept, if these potential alternate sources (such as Form 298–C, Form 41 Service Segment/T–9 Data or INS Form I–92, which are described in more detail below) were the only information available on airline passenger travel markets, one might conclude, erroneously, that the bulk of the air carriers' passengers were only interested in traveling between large cities, such as Los Angeles-Chicago and Chicago-New York. In fact, of course, the true passenger markets may be masked or obscured by the airlines "hub and spoke" operations—which group large banks of their flights at a major hub such as Chicago. A passenger who flies Los Angeles-Chicago-New York on two different carriers or two different flights may have only traveled that route since the flights operate that way; if the passenger really wanted to travel from Los Angeles to New York, that is the "true" O & D. Other potential data sources, such as Service Segment, are deficient in that they cannot discern this true O & D; only the Survey can.

The O & D Survey's continuous sampling of a few basic items from passengers' tickets is an efficient way to portray the intricate web of relationships in the extremely fluid, complex universe of constantly shifting passenger traffic flows and carrier service patterns. The following data sources do satisfy valid Departmental requirements for point-to-point traffic data, but are blind to true O & D and do not offer the market insight of O & D data, which the Department needs to administer its aviation responsibilities.

Commuter Online O & D from Form 298–C, Schedule T–1

This form contains for a particular carrier the online (which means data for that carrier's routes and flights) origin and destination of the passengers it transports on a 100% basis. It discloses, to use a fictitious example, that ATTLAIR AIR transported 1,000 passengers from Origin Airport Code ATL (Atlanta) to Destination Airport Code MYR (Myrtle Beach) during the September quarter. From the available technology, DOT would be unable to justify even considering this type of report for the large carriers, because it is a 100% sample. It is appropriate for the small commuters and for small certificated carriers, because of the small size of their operations, but would be totally impracticable for the large certificated carriers. Probably the most significant problem, however, (as discussed in the preceding paragraph) is the fact the Form 298–C, Schedule T–1 does not show true passenger origin-

destination data, so it cannot satisfy the Survey's objectives in that regard without placing significant new burdens on the carriers affected.

Service Segment Data (SSD)/Form 41, Schedule T–9 "Nonstop Market Report"

SSD disclose the passenger flows in terms of passengers enplaned and transported between a pair of airport points. The Form 41, Schedule T–9 is basically a non-automated version of the SSD. While the date available from these sources are superficially similar to the O & D Survey passenger count, there are very significant differences. These result from the same basic data flaw as afflicts the Form 298–C, Schedule T–1 data and the Immigration and Naturalization Service's Form I–92; namely, Service Segment/T–9 Data do not show true passenger origin-destination and trip itinerary routing.

For instance, a gross comparison on a carrier-by-carrier basis of the O & D Survey passenger count data with the passenger enplanements from the Form 41 "T" schedules reveals that the directional O & D passenger count data (when "blown up" by a factor of 10, because the "DOD" or directional O & D Survey data are stated as a ten percent sample) are about half (50%) or less of the Form 41 enplanement data. This is consistent with logic. The Form 41 "T" schedule passenger enplanements should be higher than the O & D Survey passenger count, because several enplanements may be accomplished in a single passenger movement (the origin-destination of a trip itinerary). This difference illustrates the unique nature of the Survey and its value in assessing and interpreting passenger traffic flows; such insights into "true" passenger traffic flows are not available from any other comparable source that would provide as reliable, cost-effective data.

International Passenger Data from INS

The passenger data collected by the Immigration and Naturalization Service of the Justice Department have some potential as alternate data sources providing apparently similar information on passenger traffic flows. However, these data suffer from the same basic deficiencies as Service Segment/T–9 Data, providing point-to-point city-pair data (for example, passengers from a "gateway" city such as Houston to a major foreign "gateway" such as London). The problem with these data is that the passengers may have come, in part from cities surrounding Houston, but the INS data may be "blind" as to where those passengers came from (the traffic "feed" to Houston from the surrounding communities of interest). The INS data may also be "blind" as to where the passengers traveled beyond London. Since foreign gateways such as London and Paris are often only intermediate stops in passengers' trips, INS data, while useful, do not wholly meet the Department's needs. The primary origins and the ultimate destinations as well as the fare/dollars of the "beyond traffic" passengers are critical components in many international negotiations and route awards. Since INS data do not satisfy these DOT program needs in their present format, such data cannot substitute for the O & D Survey. INS data include the following data items:

- Airline
- Flight number
- Port of arrival/departure
- Date of arrival/departure
- Last foreign port before arrival
- First foreign port before departure
- Passengers (U.S. Alien, Total)
- Airport where passenger boarded
- Type of transport (U.S. Military, Commercial-Scheduled or Chartered, and Foreign Military)

In order for the INS Forms I–94 and I–92 to supply O & D-like statistics (although the data would be on a 100% sample basis, which is inherently more burdensome than the O & D Survey's scientific statistical sampling techniques), the INS Forms would have to show data on:

- The price or total dollar value of tickets (fare plus tax)
- The fare basis code (coach, first class, discount, military, etc.)
- The carrier(s) used, since more than one carrier is often used in a passenger's trip itinerary
- The passengers' city of origin
- The passengers' city of destination
- Intermediate stops (interline and intraline connections, and ground travel or break in the itinerary).

Among the most valuable data elements of the O & D Survey are the ticket dollar value and fare basis code items, which permit the Department to determine the passenger revenues related to particular markets, expressed as a passenger revenue yield (cents per revenue passenger-mile).

Basically, these data sources (INS data and O & D) are both useful for analysis purposes, but neither data system obviates the need for the other. Although these may be used to corroborate one another at certain points (passenger counts U.S. gateway to foreign gateway), this does not indicate that either may completely substitute for the other, because their basic design objectives are different. While the INS data are useful to the Department, the data do not show true passenger origin-destination, passenger routings, and passenger trip/market value permitting yield analysis, which are all essential data for the Department's various programs, as documented under the DATA REQUIREMENTS caption. In summary, these INS data do not appear to offer any potential for replacing the O & D Survey.

The Official Airline Guide (OAG) Flight Schedules

Similarly, the Official Airline Guide data on the actual flight schedules that U.S. and foreign carriers offer to the public are extremely useful data—but flight schedules (that show available capacity that passengers may purchase) are completely different from actual passenger traffic flow data. Since passenger load factor (the percentage of the seats offered for sale on a flight segment that were actually purchased and occupied by passengers) may range from 100% in certain time slots on some heavily traveled routes (such as between major U.S. gateway cities and major foreign gateway cities) to only a fraction of available capacity (such as only ⅓ or fewer of the seats occupied) on some of the other city-pair markets, there may be a vast difference between capacity offered (the OAG flight schedules) and actual performance (the true passenger count and market value of a particular passenger trip stage of a flight itinerary). Many Departmental decisions hinge on precisely this issue—how balanced are the offerings of available capacity versus actual traffic in a particular international city-pair market, and what precisely are the economic contributions, or liabilities, of "feed" and "beyond" traffic to the city-pair market. Absent the O & D Survey's statistically valid data on actual passengers' origins, destinations, itinerary routings, and values of the markets, vital decisions either could not be made by the Department, or would be made in the vacuum created by the absence of reliable data.

Voluntary reporting through trade associations or data utility firms such as the Air Transport Association, I. P. Sharp, or STSC, Inc. has also been considered by the Department and tentatively rejected due to the problems that have been experienced in the past with carrier compliance under voluntary systems. The CAB previously attempted to use a private sector firm for collecting small air carrier financial data for fitness determinations. The program had to be dropped due to a very low compliance rate. As to large air carriers,

the Passenger Origin and Destination Survey was for years a voluntary system between the participating carriers and the Federal government until the advent of deregulation and freer market entry. New entrants balked or refused to participate in the Survey with the participating carriers threatening to drop out if the newly certificated carriers did not join. Consequently, the CAB made the system mandatory. Carriers have also expressed a preference for reporting to a governmental agency due to their concern over the confidentiality of their data in private sector hands.

As can be seen from the above discussion, none of these alternative data collection methods and data sources can be used to satisfy the Department's requirement for "true" passenger flow or trip itinerary data.

Data Collection Frequency

Among the alternatives considered by the Department was a change in the collection frequency of the O & D data. As noted previously, the most recent major revisions to the Survey (in 1959 and in 1968) provided for a continuous quarterly 10 percent sample in order to provide the ability to project the sample characteristics to the sampled population. The capability to project sample results is essential to meet the data requirements of the Department's aviation programs. The DOT review of these programs has also surfaced the need for retaining the current quarterly frequency of reportng to meet critical program requirements for timely data on passenger itineraries and dollar amount of fares. For example, quarterly reporting is especially critical in the international program area which is concerned with tracking changes in traffic flows due to seasonality, carrier route changes and passenger preferences.

Alternative sampling strategies

In a further effort to consider potential methods for reducing reporting burden, the Department has utilized the services of a consulting statistician from the Transportation Systems Center to review alternative sampling strategies. The statistician's review of the current Survey procedures is included in Attachment V. While the Department is considering alternative sampling strategies it also recognizes certain inherent drawbacks to changing the established procedures on an industry-wide basis, as opposed to the carrier-by-carrier exception basis that has been employed to date; namely,

(1) *Initial Implementation Costs:* One-shot initial procedural change costs and retraining of personnel to adopt the revised practices as opposed to "sunk" (absorbed) costs for current system, and

(2) *Continuing Processing Costs:* Potential for alternative procedures to be more burdensome than the standard 10% sample size requirements that they replace. Some carriers may be concerned about the potential costs and complexities that they may face if stratified sampling techniques are employed, even though such strata might lead to a reduction in the overall sample size—*i.e.*, fewer tickets to be selected, processed and reported.

Such information and public comments are among the input being requested to this notice of proposed rulemaking and this rulemaking gives the carriers the option of reducing burden—rather than forcing procedural changes on carriers.

Based on the DOT's (1) need for a statistically valid sampling strategy that provides a reasonable sampling error rate for both large and small markets and (2) desire to reduce carrier reporting burden in handling an increasing volume of passenger ticket records,[8] the Department is considering reduction of the sample size for Domestic major city-pair markets to 1%, based on the proposed stratified sampling procedures as defined in the revisions to O & D Survey reporting instructions provided as Attachment I.

However, the Department is willing to consider continuing procedures exactly as currently established, if the responses to the proposed rule indicate that is the most prudent and cost-effective course to preserve the quality of the O & D Survey data at an acceptable level of usefulness.

Further, the Department is willing to consider any other options proposed by the public to modify the current system, provided that:

(1) The suggested alternatives are not more burdensome than the current Survey system procedures, and

(2) the proposed alternative meets the Department's data/information accuracy and timeliness needs (as defined under the program areas included in this rule), and it satisfies the treaty and legislative requirements described in this proposed rule.

In considering reduction of the sampling of Domestic major city-pair markets to the 1% level, the Department also reaffirms its continued need for a 10% sample of flight coupons for International markets and small to medium Domestic markets. The 10% sample would ensure the continued availability of the data the Department needs to effectively administer its mandated aviation responsibilities.

In its review of the current sampling procedures, the Department concluded that the International sample is already bordering on a "too-small" sample size, because it is only a partial sample (excludes foreign carriers). Since the U.S. carriers which do participate in the O & D Survey may have less than a dominant position in the International markets, a 10% sample is necessary to compensate for nonparticipating foreign carriers. Further, there are already data losses of from one to two percentage points for some carriers due to error filtering, which reduces the 10% sample to one that is approximately 9% or less. Users also expressed concerns as to the effects of seasonality and the current reliability problems regarding fare data and dollar value—which they expect would be further compounded by the larger sampling error attributable to a smaller International sample size. These indications of user concerns for reliable data dictate that a 10% sample size should be continued for International and Territorial markets.

For the Domestic markets, it appears that a 1% sample would be adequate for the larger markets (such as the top 1,000 city-pairs). The Transportation Systems Center (TSC) statistician has expressed the opinion that there is a certain size market where the issues of tolerable sampling error and data losses from error filtering are so minimal that a 1% sample would provide the Department with the degree of sample reliability it needs in order to properly administer its aviation responsibilities. Changing from a 10% sample size to a 1% for such major domestic markets may still provide valid information that is within the Department's tolerable sampling error range. In recognition of this fact, the Department has developed a proposal for a stratified, systematic sample, to reduce any oversampling of these markets.

In order to arrive at the proposed stratified systematic sample the TSC statistician converted the sampling error rates (SER) for the current 10% sample of class A and class B passenger data (see Attachment VII), to an SER for a projected 1% sample, (one-tenth of the 10% sample), at the 95% confidence level. This was done by using a multiplier of 3.2 to convert the 10% SERs

[8] Since 1975, the total number of flight coupon records reported in the O & D Survey has increased from 2.6 million to a 1985 projected 5 million coupons, representing a 92% increase in the number of reported industry records. The Department believes that as many as two-fifths of the five million ticket coupon records now reported to DOT each year could be eliminated by the proposed sample error reliability if all affected carriers adopt the stratified sample approach.

to the 1% SERs, since the square root (other things being equal) of the 10% sample size SERs is the 1% SERs. The reconstructed 1% sample SERs were then surveyed to determine a potential cutoff point below which markets would have an SER greater than the ±20%, an estimate too imprecise for most users' purposes. The Department intents to establish the number of major markets to which a 1% sampling rate will apply (now estimated at approximately 1,000) based on sampling error rates which are acceptable to the users. The sampling error rates, however, must be based not only on passenger data, but on fare code and fare data, as well. The Department's designation of major markets will be based on acceptable SERs for passenger, fare and fare code data. The 1% sample size was selected to minimize carrier burden resulting from use of a stratified sampling plan. Major market ticket coupons ending in double-zero ("00"), rather than zero ("0") as now required, is the only alteration necessary to comply with the proposed sampling plan. Alternate proposals have not been advanced utilizing 5% and 7% sampling rates, because these proposals would inordinately complicate the carriers ticket selection process compared to the 10% versus 1% sampling rates.

The Department is proposing the following sampling strategy for the major Domestic markets:

- There will continue to be a review of all zero-ending tickets (a 10% review of all tickets, as requried by the current Survey procedures).
- If the zero-ending ticket number is not a single coupon or two-coupon round-trip ticket, continue with current Survey procedures.
- If the O & N city-pair is not a *Domestic major* market, (which the Department would identify annually at December 31, based upon a June 30 evaluation of market size), the current procedures apply.
- If the O & D city-pair is a *Domestic major* market city-pair, the data from the lifted ticket flight coupon *need not be reported* unless it is a *double-zero* ending ticket number.

In summary, the Department proposes to collect essentially a 1% sample on Domestic major markets, while preserving intact the current 10% procedures for International markets and for Domestic small to medium markets.

Nonstandard Ticketing

In addition to providing that carriers may elect to retain their current sampling procedures, the proposed rule provides for continuing the current data collection flexibility for carriers using nonstandard ticketing procedures, or those which do not interline, to report their passengers' actual on-line O & D data. For example, the Department currently permits carriers to use (1) source documents other than "standard" ticket stock (*e.g.*, cash register receipts) and (2) procedures other than scientific sampling (*e.g.* a 100% tabulation of tickets or other DOT approved source documents). The proposed rule would also retain the current requirement that such departures from standard Survey practices be approved in writing by the Department.

Intra-Alaska Markets

Proposed for elimination is the outmoded restriction against reporting Intra-Alaska markets, when such are served by the large certificated carriers who are participating in the Survey. By removing this restriction, and permitting carriers to report these Intra-Alaska markets, such significant markets will gain representation in the Survey.

This adjustment to remove the prohibition against reporting Intra-Alaska markets should impose no new burdens on carriers. The Alaskan "bush" operators are already excluded from the burden of the Survey, because of their small size. Larger participating carriers may actually want to report the data to ensure proper representation of their markets in the Survey. Further, this proposed modification may actually reduce the reporting burden on the present carriers participating in the Survey, since such carriers will avoid a labor-intensive decision-point as to whether to report the ticket coupon.

Duplicate Reporting

To further simplify data collection (and to give the carrier personnel the option of eliminating one decision point) the Department has tentatively decided it could accept submission of all selected ticket coupons in the sample without any decision as to whether a particular coupon is "reportable" or not. Under this proposal, the Department could assume the total responsibility to edit the reported data so as to avoid duplicate reporting. We invite carrier comments in this area, because the downside of the carriers shifting the decision burden to DOT would be the reporting of more individual records than required by the current Survey procedures.

This proposal would also render moot the "preceding" carrier reporting requirement in the current system. For example, if TWA selects a zero-ending coupon that has the following fictitious data:

TUL — RC /Y — MEM — TW /Y — STL — 310

Origin City—Carrier/fare code—city—carrier/fare code—Destination City—Dollars of fare & tax

The data on the above zero-ending ticket coupon would be nonreportable for TWA, because the preceding carrier (Republic) is a participating carrier—and Republic would have already selected and reported the lifted flight coupon. This decision point could be eliminated, since the Department has the technology to screen such data duplications in its edit procedures. On the other hand, the carriers with established procedures may want to continue their current edits in order to avoid reporting excess data. The Department is proposing to accept data submissions under either alternative. Under this proposal, the O & D Instructions are being revised to include a current list of the participating carriers and give carriers the option of (a) reporting all 10% of the tickets selected for review, or (b) eliminating ticket coupon data where a prior segment of the flight was operated by a participating carrier.

Fare Codes

Comments are also requested on the usefulness and format of the currently reported fare code data. Among these, the Department requests comments on whether all fare basis codes should be summarized (either by the Department or the carriers) into one of four classes. These are First class full fare, First class Discount or restricted, Coach compartment full fare and Coach compartment discounted or restricted. If the carriers report all fare basis code data exactly as they are on the tickets, the Department could summarize them into four codes, or the carriers may reduce the fare code data. Retaining the current procedures is also an option, but the identification of restricted fares would improve the usefulness of the fare basis codes to the Department.

The Department needs fare code data for both International and Domestic markets. Domestically the fare codes and dollar values of tickets are needed for economic and antitrust analyses to determine the competitive aspects of markets. Internationally, these data elements are used to value markets and revenues in bilateral negotiations. These data elements, both domestic and international, are also used in carrier selection proceedings to estimate the revenues that will accrue to the carrier applicants if they are selected. Comments are specifically requested on

the need for and the usefulness of fare basis codes and the dollar values of tickets in purely domestic markets.

Program Impact if the O & D Survey Were Not Available

The elimination of the O & D Survey could result in the air transportation industry having to meet a myriad of reporting requirements that would be generated by DOT and other Federal, State, and local agencies to meet program data needs that now rely on the Department's data collection.

The greatest need for O & D data is in the International Program. Without this data the U.S. negotiating position would be severely compromised. Not only does the O & D provide itinerary data for those travelers flying on a U.S. carrier, but it also provides comparable data for passengers traveling on a foreign carrier that interlines with a U.S. carrier. Without O & D data we would not be in a reasonable position to foster trade between countries or seek access for U.S. carriers to international markets.

Other DOT programs would also be compromised since the Survey portrays the true origin and destination of the passenger. These programs could possibly use Service Segment Data but it only portrays on-flight O & D or where the passengers got on and off the reporting carrier's system. Another drawback to using Service Segment Data as an analytical tool is that it contains no interlining foreign carrier data.

As to the Department's aviation programs, the following list highlights the aviation program impact from the elimination of the Survey:

- Individual carrier passenger traffic flows in terms of true origin-destination, and the dollar worth of those market revenues expressed as a yield of cents per passenger mile would not be available to support those programs of the Department that have identified a need for such data in the caption, DATA REQUIREMENTS.
- International negotiations on the levels of service would be significantly disadvantaged due to the lack of carrier data that are needed for evaluating the United States' position in a market.
- Carrier selections to serve international routes may be delayed and undermined due to the lack of comparable industry data for evaluating carrier operating plan proposals.
- Market data would not be available to determine the level of air service needed in international markets.
- Market data (domestic and international) would not be available to evaluate the economic viability of carrier proposals to serve international routes. Such carrier proposals often involve service "behind and beyond" the U.S. gateway. Thus, domestic data are needed to determine the domestic segment or segments which will feed traffic onto the international primary segment are economically viable.
- O & D passenger traffic flow data would not be available to satisfy the Department's needs for forecasting and analysis of airport facility, security, and safety requirements. O & D traffic are more useful and relevant than the enplanement data (such as city pair point A–B) reported on the Form 41 "T" schedules and Services Segment Data (SSD). For example, one O & D trip may include several passenger enplanements, and the Form 41 and SSD enplanement data do not adequately portray the "true" passenger traffic flow—the passenger routings "behind and beyond" the enplanement city-pair. The Department needs this "true" O & D data for both domestic and international entities.
- U.S. carrier data would not be as timely or as credible for use in evaluating foreign air carrier applications and service proposals, although some U.S. carrier data could be obtained in *ad hoc* reports.
- Individual carrier traffic data by airport and market would not be available for use in evaluating the potential competitive harm from carrier merger proposals. Both domestic and international O & D data are needed by the Department for this purpose, because merger cases are affected by all entities operated by the carrier applicants or other parties to the merger proposal.
- Carrier fitness reviews would be delayed due to the lack of comparable carrier or industry data that are used to assess carrier operations. Financial fitness is only one aspect of the fitness determination, and other aspects—such as management's operating plans—involve evaluations which require the revenue yield and passenger traffic projection capability provided by the O & D Survey.
- The Department would be required to establish an alternative data collection system to ensure the continued availability of the data elements it must submit to Canada in compliance with a bilateral obligation. Under this bilateral agreement, the Department exchanges transborder O & D information with the Canadian government. These transborder data include the data elements of fare basis codes, passengers, carriers, itineraries, and points of origin and destination, where the trip itineraries include:

a. Both a U.S. point and a Canadian point,

b. A U.S. carrier to a Canadian point,

c. A Canadian carrier to a U.S. point.

Estimated Burden Reduction

The Survey procedures require a 10 percent sample of lifted tickets, which is defined as every zero ending ticket. For the fourth quarter of 1984, this meant that more than one million ticket coupons were reviewed (1.23 million coupons, precisely), in a ticket coupons-per-carrier range from less than 100 coupons to almost 200,000 coupons, with an average of 500 burden hours per participating carrier.

The staff has estimated the annual cost of the O & D Survey to the respondents (the participating carriers) to be about $850,000 in addition to about $265,000 to the Department for collecting, processing, compiling and publishing the Survey. While we do not have actual cost data for each carrier, we have made an informed estimate that the 500 burden hours for each participating carrier may be reduced by the use of a stratified systematic sampling approach. This is because we believe the overall number of coupons selected for the sample will be reduced by 20 to 50 percent depending on the number and size of the large domestic markets under the 1% sampling procedures. Although the proposed sampling procedures introduce a new selection criteria in determining which coupons are to be reported, the result is a lower number of coupons to be selected and processed for reporting, thereby yielding a net decrease in carrier reporting burden. The Department requests carrier input on the potential cost savings or burden reduction to them from the proposed stratified sample.

Other Federal Users of O & D Survey Data

While this rulemaking notice identifies only DOT's need for air carrier data, the Department recognizes that other Federal agencies have come to rely on former CAB, now DOT, data collections to administer various Federal programs that utilize air transportation data. A list of those agencies that have expressed a need for O & D Survey data, along with their affected programs, follows.

Department of Commerce—Bureau of Economic Analysis and Bureau of Census.

- Estimation of Gross National Product.
- Analysis of International Transactions Accounts.

• Compilation of Input-Output Tables of the United States.

Department of Labor—Bureau of Labor Statistics.

• Calculation of Consumer Price Index (CPI).

International Trade Administration.

• Office of Service Industries Service Sector Mission (to improve service industries' access to foreign markets)

The Department invites all Federal agencies, especially those listed above to carefully review the proposed changes to the O & D Survey. These changes are based on RSPA's zero based data element review of DOT's need for O & D Survey data and the Department would appreciate knowing whether such changes in the continued collection of aviation data would adversely affect their program administration. Conversely, we also seek comments reaffirming other Federal agency requirements for those data elements that are also needed for DOT programs.

List of Subjects In 14 CFR Part 241

Air carriers and Uniform system of accounts and reports.

Proposed Rule

PART 241—[AMENDED]

Accordingly, the Department of Transportation proposes to amend 14 CFR Part 241, *Uniform System of Accounts and Reports for Large Certificated Air Carriers* as follows:

1. The authority for Part 241 continues to read as follows:

Authority: Secs. 204, 401, 407, 416, 417, 901, 902, 1002, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 766, 771, 783, 784, 788, 76 Stat. 145 49 U.S.C. 1324, 1371, 1377, 1386, 1387, 1471, 1472 and 1482.

2. Section 19–7 is revised to read as follows:

Sec. 19–7 Passenger Origin-Destination Survey.

(a) All U.S. large certificated air carriers conducting scheduled passenger operations (except helicopter carriers) shall participate in a Passenger Origin-Destination (O & D) Survey covering domestic and international operations, as described in the instruction manual entitled, *Instructions to Air Carriers for Collecting and Reporting Passenger Origin-Destination Survey Statistics*, and in *Passenger Origin-Destination Directives* issued by the Department's Research and Special Programs Administration (RSPA), Office of Aviation Information Management (OAIM). Copies of these *Instructions* and *Directives* are provided to each large certificated carrier participating in the Survey. Copies are also available from the OAIM's Data Administration Division, DAI–20, Room 4123, RSPA, DOT, 400 Seventh Street, SW., Washington, DC 20590.

(b) Those participating air carriers having access to automatic data processing (ADP) services shall generally utilize magnetic computer tape for transmitting the prescribed data. However, those carriers who want to use alternative media, such as computer "floppy discs" or RSPA Form 2787 in typewritten form, shall coordinate these reporting formats with OAIM's Data Administration Division, which will accept practicable alternative media.

(c) A statistically valid sample of flight coupons shall be selected for reporting purposes. The sample shall consist of at least one percent (1%) of the total lifted ticket flight coupons for all large domestic markets listed in the *Instructions* and ten percent (10%) for all others—including domestic, international and territorial markets. The sample shall be selected and reported in accordance with the requirements of paragraph (a) of this section, except that the participating O & D carriers with nonstandard ticketing procedures, or other special operating characteristics, may propose alternative procedures, such departures from standard O & D Survey practices shall be approved in writing by the Director, OAIM under the procedures in sec. 1–2 of 14 CFR Part 241 and the authority assigned in 14 CFR 385.27. Carriers that elect to collect and report a larger sample may do so, upon their written application to and the approval of the Director, OAIM. The data to be recorded and reported from selected lifted ticket flight coupons, as stipulated in the *Instructions* and *Directives*, shall include the following data elements: point of origin; carrier on each flight-coupon stage; fare-basis code on each flight-coupon stage; points of stopover or connection (interline and intraline); point of destination; number of passengers; and total dollar value of ticket (fare plus tax).

(d) Data covering the operations of non-U.S. carriers (that are similar to the information collected by the international Passenger Origin-Destination Survey) are generally not available to the Department, the U.S. carriers, or U.S. interests. Therefore, because of the damaging competitive impact on U.S. flag carriers and the adverse effect upon the public interest that would result from unilateral disclosure of the U.S. survey data, the Department has determined its policy to be that the international data in the Passenger Origin-Destination Survey shall be disclosed only as follows:

(1) To an air carrier directly participating in, and contributing input data to, the Survey or to a legal or consulting firm designated by an air carrier to use on its behalf O & D data in connection with a specific assignment by such carrier.

(2) To parties to any proceeding before the Department to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the Administrative Law Judge or by the Department's decision-maker. Any data to which access is granted pursuant to this section may be introduced into evidence subject to the normal rules of admissability of evidence.

(3) To agencies and other components of the U.S. Government.

(4) To other persons upon a showing that the release of the data will serve specifically identified needs of U.S. users which are consistent with U.S. interest.

(5) To foreign governments and foreign users as provided in formal reciprocal arrangements between the foreign and U.S. governments for the exchange of comparable O & D data.

(e) The Department reserves the right to make such other disclosures of the subject data as is consistent with its regulatory functions and responsibilities.

Issued in Washington, DC on October 9, 1985.

M. Cynthia Douglass,

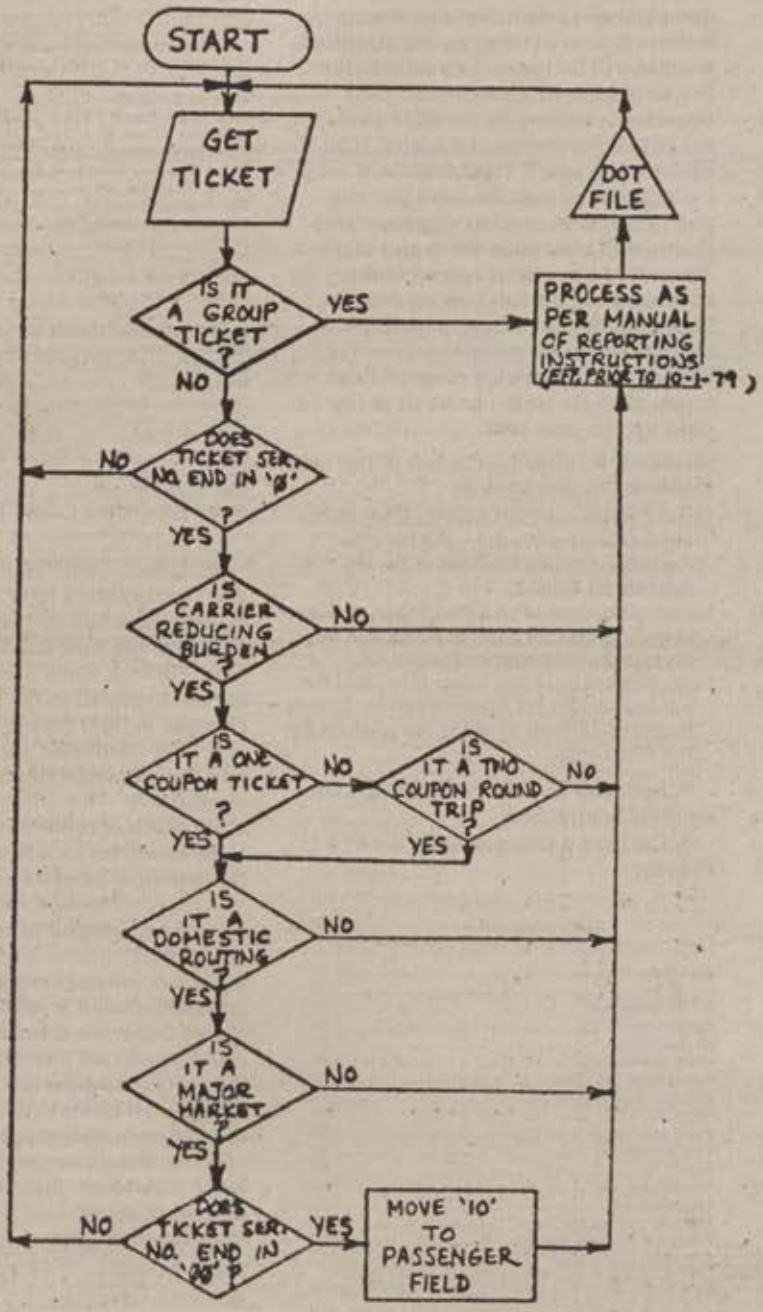
Administrator, Research and Special Programs Administration, DOT.

BILLING CODE 4910-62-M

Attachment I.—Instructions to Air Carriers for Collecting and Reporting Passenger Origin-Destination Survey Statistics—U.S. Department of Transportation, Research and Special Programs Administration

I. REPORTING INSTRUCTIONS FOR O & D SURVEY

A. GENERAL FLOW OF O & D REPORTING FROM TICKETS 1/



1/ The Department has proposed a 1% sample size for domestic major markets and chosen only two strata (major markets and other) because these procedures are considered to be most compatible with established air carrier procedures. Only minor changes (selecting major market ticket coupons ending in double-zero ("00") and zero-ending ("0") ticket coupons in all other markets) are anticipated as necessary to existing procedures--minimizing costly computer reprogramming and retraining of personnel.

B. Proposed modifications to an existing manual of instructions to air carriers for collecting and reporting passenger origin and destination survey statistics are shown below. A revised "INSTRUCTIONS TO AIR CARRIERS FOR COLLECTING AND REPORTING PASSENGER ORIGIN-DESTINATION SURVEY STATISTICS" will be issued with the final rule.

1. Editorial corrections/modifications are as follows:

(a) Change all references to the "Civil Aeronautics Board" to the "Department of Transportation."

(b) Change "CAB Form" to "RSPA Form."

(c) Change "CAB" to "DOT" or "Board" to "DOT."

(d) Change "Distribution Section, OASO" to "Data Administration Division, RSPA."

(e) Change "Data Systems Management Division, Office of the Comptroller" to "Data Administration Division, RSPA."

2. Use the following address for communication with the Department of Transportation:

—Data Administration Division, DAI–20, Room 4125, Office of Aviation Information Management, Research and Special Programs Administration, DOT, 400 Seventh Street, SW., Washington, DC 20590

—Telephone (202) 426–8703

—Contents of the revised "INSTRUCTIONS" are proposed to be generally consistent with the current format (with only minor changes) that cover the following areas:

Section	Reference
(a) Inquiries on manual	Inside cover
(b) Forms	IV–C
(c) Filing Address	IV–E
(d) Optional reporting	V–C–1 and V–C–2
(e) Recording of data	V–D–3–C
(f) Control of sample	VIII–A–1 and 2.

3. References to the exclusion of "Intra-Alaska" tickets are to be deleted, and Intra-Alaska tickets will be handled like other routings *by the large carrier participants in the Survey*. Small carriers which are not participants (such as the Alaskan bush operators) are not affected by this change to the "INSTRUCTIONS."

4. Section IX.C. should be amended to include "a revised list of the major domestic markets to be used during the following year in creating the stratified sample will be issued annually in the fourth quarter of the calendar year based on a review by the DOT of data submitted for the quarter ended June 30 of the same year." For example, it may be determined that the top 1,000 city pairs (based on number of passengers flown) will constitute the major markets. The initial list will be issued at the conclusion of the rulemaking process. Significantly, not all participating carriers are in all major markets. For instance, the following ranges of carriers in top markets were observed in the data for the year 1984:

Number of Participating Carriers in Top 1,000 Domestic City-Pair Markets

Major Carriers—From fewer than 100 of the top markets for Western and for Pan American to more than 300 of the top markets for United.

National Carriers—From fewer than 20 of the major markets for New York Air and for Braniff to almost 100 for Southwest.

Large Regionals—From fewer than 20 of the top markets for Jet America and for Florida Express to almost 50 of the top markets for Air Wisconsin.

A tentative list of the domestic major markets is attached.

5. Carriers participating in the O & D Survey:

Participating carrier	Code
Air Atlanta, Inc	CC
AirCal, Inc	OC
Air Wisconsin, Inc	ZW
Alaska Airlines, Inc	AS
All Star Airlines, Inc	EP
Aloha Airlines, Inc	AQ
American Airlines, Inc	AA
America West Airlines, Inc	HP
Arrow Air, Inc	JW
Aspen Airways, Inc	AP
Best Airlines, Inc	IW
Braniff, Inc	BN
Britt Airways, Inc	RU
Capitol Air, Inc	CL
Cascade Airways, Inc	CZ
Challenge Air Transport, Inc	3C
Continental Air Lines, Inc	CO
Delta Air Lines, Inc	DL
Eastern Air Lines, Inc	EA
Empire Airlines	UR
Florida Express, Inc	ZO
Frontier Airlines	FL
Hawaiian Airlines, Inc	HA
Horizon Air	QX
Jet America Airlines, Inc	SI
Midway Airlines, Inc	ML
Midwest Express Airlines, Inc	YX
Muse Air Corporation	MC
New York Air Lines, Inc	NY
Northwest Airlines, Inc	NW
Ozark Air Lines, Inc	OZ
Pacific Interstate Airlines	QT
Pacific Southwest Airlines	PS
Pan American World Airways, Inc	PA
People Express Airlines, Inc	PE
Piedmont Aviation, Inc	PI
Pilgrim Airlines, Inc	PN
Reeve Aleutian Airways, Inc	RV
Republic Airlines, Inc	RC
Samoa Airlines, Inc	MB
South Pacific Island Airways, Inc	HK
Southwest Airlines	WN
Sunworld Int'l Airways, Inc	JK
Tower Air, Inc	FF
Transamerica Airlines, Inc	TV
Trans World Airlines, Inc	TW
United Air Lines, Inc	UA
US Air, Inc	AL
Western Air Lines, Inc	WA
Wien Air Alaska, Inc	WC
World Airways, Inc	WO

Note that carriers such as Emerald and Northeastern have in the past been classified as Survey participants, but these are not now submitting O & D data. Further, some prior participants are not included in the list, because of changes in their reporting requirements and their small size, including Sky West and Royale, which operate only small aircraft.

5. Length of reported routings (Section V–D–4) will be as follows: References to twenty-three *stages* and twenty-third *city and carrier* and twenty-fourth *city* should be changed to seven *stages* and seventh *city and carrier* and eighth *city*. However, carriers reporting the Survey prior to October 1, 1979 may continue to report under the former requirements.

6. The current "INSTRUCTIONS" and the most recent pertinent "PASSENGER ORIGIN-DESTINATION DIRECTIVE" have been widely disseminated to carriers, data users and the public at large. Therefore, these INSTRUCTIONS are not included here.

BILLING CODE 4910–62–M

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
1	BOS JFK	422110	1.89	0.4%	1.2%
2	JFK DCA	324480	1.45		
3	ORD JFK	285950	1.28		
4	LAX JFK	272945	1.22		
5	DFW IAH	228883	1.02		
6	LAX SFO	206531	.92		
7	MIA JFK	196215	.88		
8	BUF JFK	162465	.73		
9	FLL LGA	159260	.71		
10	NYC PGI	157750	.70		
11	JFK PIT	149463	.67		
12	JFK SFO	135673	.61		
13	IAH JFK	129588	.58		
14	HNL OGG	128380	.57		
15	JFK TPA	117696	.53		
16	ORD MSP	114267	.51		
17	HNL LAX	110944	.50		
18	DTW JFK	108315	.48		
19	JFK ORF	102856	.46		
20	JFK MCO	100276	.45		
	CUMULATIVE	3614049	16.15		
21	CMH JFK	98344	.44		
22	DFW JFK	96757	.43		
23	ATL JFK	95020	.42		
24	SAN SFO	93438	.42		
25	LAS LAX	89005	.40		
26	IAH MSY	86854	.39		
27	LAX PHX	86356	.39		
28	HNL LIH	86204	.39		
29	JFK SYR	85723	.38		
30	BOS DCA	80766	.36		
31	DFW SAT	80360	.36		
32	ORD DTW	80111	.36		
33	ORD IAD	76332	.34		
34	AUS DFW	73823	.33		
35	ORD DFW	71826	.32		
36	DEN JFK	71463	.32		
37	ORD LAX	70435	.31		
38	JAX JFK	69616	.31		
39	MSP JFK	68004	.30		
40	CLE JFK	67419	.30		
	CUMULATIVE	5241965	23.43		
41	IAH LAX	65531	.29		
42	ITO HNL	62433	.28		
43	MIA MCO	62235	.28		
44	HNL SFO	62204	.28		
45	LAX SJC	60540	.27		
46	BUR SFO	60416	.27		
47	BOS ORD	60004	.27		

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		REFER TO NOTE /1			
48	MIA TPA	60000	.27		
49	SFO SEA	58132	.26		
50	ORD STL	58027	.26		
51	LAX IAD	57396	.26		
52	LAX OAK	56893	.25		
53	LAX SEA	56555	.25		
54	BOS PHL	55439	.25		
55	JFK SRQ	54754	.24		
56	ORD CLE	53404	.24		
57	ORD DEN	52392	.23		
58	BWI JFK	51918	.23		
59	HNL KOA	51805	.23		
60	DEN LAX	51730	.23		
	CUMULATIVE	6393793	28.57		
61	JFK PWM	51569	.23		
62	ORD PHL	51200	.23		
63	ORD SFO	50985	.23		
64	BTV JFK	50297	.22		
65	DTW LAX	49584	.22		
66	DEN PHX	49364	.22		
67	DFW MSY	49036	.22		
68	DFW TUL	48875	.22		
69	LAX SMF	48124	.22		
70	SNA SFO	47859	.21		
71	IAH SAT	47641	.21		
72	PHX SAN	47556	.21		
73	LAX SAN	46426	.21		
74	BOS LAX	46409	.21		
75	AUS IAH	46236	.21		
76	JFK ROU	45868	.20		
77	ATL ORD	45422	.20		
78	DFW DEN	44555	.20		
79	ORD PHX	44186	.20		
80	ORD MIA	44049	.20		
	CUMULATIVE	7349236	32.84		
81	MSY JFK	43905	.20		
82	JFK STL	43837	.20		
83	DFW MAF	43717	.20		
84	DFW LBB	43334	.19		
85	ORD MCI	43184	.19		
86	BOS MCO	42946	.19		
87	JFK ROC	42571	.19		
88	ORD IAH	42467	.19		
89	SFO LAD	41879	.19		
90	MIA DCA	41228	.18		
91	DFW LAX	40215	.18		
92	BOS SFO	39764	.18		
93	DEN IAH	39697	.18		
94	DFW OKC	39520	.18		

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		REFER TO NOTE /1			
95	ORD LAS	38461	.17		
96	BOL JFK	38208	.17		
97	LAX MIA	38140	.17		
98	ORD LGB	38124	.17		
99	PDX SEA	38029	.17		
100	ATL IAD	37968	.17		
	CUMULATIVE	8166010	36.49		
101	JFK PHX	37364	.17	1.3%	4.1%
102	ATL DFW	37327	.17		
103	DEN SLC	37117	.17		
104	ABQ LAX	37027	.17		
105	LAS PHX	36947	.17		
106	ORD TPA	36015	.16		
107	SNA SJC	35822	.16		
108	DFW IAD	35480	.16		
109	BUR SJC	34323	.15		
110	ONT SFO	34222	.15		
111	MLB EWR	34096	.15		
112	PDX SFO	33239	.15		
113	DFW SFO	33200	.15		
114	DEN SFO	33164	.15		
115	BWI BOS	32962	.15		
116	LAS SAN	32375	.14		
117	CVG JFK	32266	.14		
118	LAS SFO	32178	.14		
119	ATL TPA	31916	.14		
120	ANA DFW	31854	.14		
	CUMULATIVE	8854912	39.57		
121	ORD MCO	31407	.14		
122	LAX PHL	31374	.14		
123	DFW STL	31357	.14		
124	JFK SEA	31080	.14		
125	ATL MIA	31074	.14		
126	BUR LAS	30851	.14		
127	ATL MCO	30719	.14		
128	BUR OAK	30686	.14		
129	CLT JFK	30025	.13		
130	JFK OAK	29967	.13		
131	IAH TUL	29911	.13		
132	JFK SAN	29758	.13		
133	BOS DTW	29669	.13		
134	PHX SFO	28936	.13		
135	DFW ELP	28929	.13		
136	HNL JFK	28809	.13		
137	BOS MIA	28750	.13		
138	PHL PIT	28588	.13		
139	RNO SFO	28231	.13		
140	DEN IAD	28036	.13		
	CUMULATIVE	9453071	42.24		
141	ABQ DEN	27982	.13		

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		REFER TO NOTE /1			
142	IAH SFO	27582	.12		
143	GSO JFK	27549	.12		
144	DEN MSP	27540	.12		
145	LAX MSP	27514	.12		
146	BOS FLL	27492	.12		
147	DEN LAS	27445	.12		
148	ABQ DFW	27170	.12		
149	ORD PIT	27027	.12		
150	BOS TPA	26814	.12		
151	CRP IAH	26575	.12		
152	ORD FLL	26416	.12		
153	DFW LIT	26359	.12		
154	ATL BOS	26217	.12		
155	ATL LAX	25891	.12		
156	MIA SFO	25640	.11		
157	MCI JFK	25545	.11		
158	IAH MIA	25344	.11		
159	ORD CVG	25257	.11		
160	ABQ PHX	24939	.11		
	CUMULATIVE	9985409	44.62		
161	DTW WAS	24650	.11		
162	SAN SJC	24645	.11		
163	MSP DCA	24383	.11		
164	BOS DFW	24228	.11		
165	ATL PHL	23872	.11		
166	MCO PHL	23692	.11		
167	LAX PDX	23609	.11		
168	LAS JFK	23577	.11		
169	LAX TUS	23354	.10		
170	DFW LAS	23261	.10		
171	IAH IAD	23198	.10		
172	MSP SFO	22749	.10		
173	DFW DTW	22564	.10		
174	HRL IAH	22385	.10		
175	DEN MCI	22336	.10		
176	MIA PHL	22048	.10		
177	ORD SAN	22021	.10		
178	DTW PHL	21954	.10		
179	IAH OKC	21935	.10		
180	IAH MAF	21838	.10		
	CUMULATIVE	10447748	46.69		
181	DFW MCI	21631	.10		
182	DEN SAN	21382	.10		
183	ATL SFO	21340	.10		
184	IAD JFK	21293	.10		
185	ORD SEA	21283	.10		
186	DFW HRL	21127	.09		
187	ONT PHX	21024	.09		
188	ATL IAH	20910	.09		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
189	SEA OEG	20872	.09		
190	IAH LAS	20806	.09		
191	ORD MSY	20716	.09		
192	STL DCA	20611	.09		
193	LAX MSY	20516	.09		
194	SNA PHX	20485	.09		
195	DEN SEA	20483	.09		
196	ATL MSY	20394	.09		
197	MSP PHX	20374	.09		
198	BUR PHX	20211	.09		
199	DFW LGB	20081	.09		
200	DTW MSP	19995	.09		
	CUMULATIVE	10963212	48.55		
201	ORD CHH	19888	.09	1.7%	5.5%
202	DTW TPA	19860	.09		
203	BNA JFK	19858	.09		
204	DFW PHL	19774	.09		
205	ATL DTW	19603	.09		
206	PHL SFO	19573	.09		
207	LAX SLC	19542	.09		
208	ATL JAX	19509	.09		
209	MCI STL	19498	.09		
210	DTW IAH	19354	.09		
211	ORD HNL	19304	.09		
212	LGB SFO	19235	.09		
213	ORD BUL	19233	.09		
214	FLL PHL	19189	.09		
215	BWI OKD	19103	.09		
216	DFW MSP	18932	.08		
217	ATL CLT	18884	.08		
218	ONT SMF	18859	.08		
219	DEN STL	18802	.08		
220	BWI LAX	18736	.08		
	CUMULATIVE	11249948	50.27		
221	ELP LAX	18692	.08		
222	BUR SMF	18637	.08		
223	DTW SFO	18615	.08		
224	CRP DFW	18607	.08		
225	ANC SEA	18466	.08		
226	LAX RNO	18447	.08		
227	DFW MIA	18408	.08		
228	BOS DCA	18345	.08		
229	FLL TPA	18040	.08		
230	MKE JFK	18023	.08		
231	DFW PHX	17957	.08		
232	DEN DTW	17942	.08		
233	BOS CLE	17916	.08		
234	OAK SNA	17904	.08		
235	HNL SEA	17873	.08		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
236	MIA MSY	17866	.08		
237	IAH STL	17843	.08		
238	ATL RDU	17673	.08		
239	MCO DCA	17663	.08		
240	FAT LAX	17617	.08		
	CUMULATIVE	11612484	51.89		
241	BOS MSP	17607	.08		
242	ORD IND	17460	.08		
243	SAN SEA	17351	.08		
244	PHL TPA	17246	.08		
245	SAN IAD	17198	.08		
246	SMF SAN	17190	.08		
247	OAK SAN	17187	.08		
248	DUG LAX	16923	.08		
249	PHX SJC	16887	.08		
250	BOS PBI	16846	.08		
251	IAH MCI	16644	.07		
252	DTW PHX	16569	.07		
253	SEA IAD	16420	.07		
254	ATL FLL	16324	.07		
255	DTW MIA	16304	.07		
256	CLE IAD	16166	.07		
257	ATL DEN	16136	.07		
258	CLE PHL	16122	.07		
259	ONT SJC	16097	.07		
260	RNO SEA	16007	.07		
	CUMULATIVE	11947168	53.39		
261	TPA IAD	15922	.07		
262	JFK SLC	15901	.07		
263	PHX TUS	15886	.07		
264	OAK ONT	15773	.07		
265	ATL BWI	15728	.07		
266	ATL BNA	15720	.07		
267	CLE LAX	15662	.07		
268	RDU DCA	15621	.07		
269	IAH PHL	15503	.07		
270	ATL MEM	15341	.07		
271	ATL CLE	15321	.07		
272	MEM JFK	15249	.07		
273	ORD OAK	15206	.07		
274	MCI LAX	15195	.07		
275	DEN PHL	15166	.07		
276	DTW MCO	15132	.07		
277	EWR RIC	15037	.07		
278	IAH MCO	14988	.07		
279	DTW LAS	14764	.07		
280	LAX SAT	14750	.07		
	CUMULATIVE	12255013	54.77		
281	DAY JFK	14694	.07		
282	SNA SMF	14679	.07		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
283	IAH PHX	14615	.07		
284	MSP STL	14607	.07		
285	LAS SNA	14510	.06		
286	ATL GSO	14241	.06		
287	SLC SFO	14233	.06		
288	JFK SAT	14228	.06		
289	SDF JFK	14147	.06		
290	LAS STL	14139	.06		
291	ATL STL	13963	.06		
292	DEN OKC	13908	.06		
293	CLE IAH	13873	.06		
294	DEN MIA	13850	.06		
295	LAS ONT	13838	.06		
296	FAT SFO	13759	.06		
297	ORD PBI	13718	.06		
298	LAS RNO	13605	.06		
299	PIT IAD	13572	.06		
300	BOS PIT	13529	.06		
	CUMULATIVE	12536721	56.02		
301	LAX STL	13480	.06	2.2%	7.0%
302	DFW MCO	13283	.06		
303	DTW STL	13254	.06		
304	ABQ ELP	13214	.06		
305	DTW FLL	13203	.06		
306	ORD OMA	13186	.06		
307	BDL MCO	13167	.06		
308	MCI IAD	13157	.06		
309	ELP IAH	13077	.06		
310	DEN SNA	13070	.06		
311	LAX MCO	13038	.06		
312	MCI PHX	13018	.06		
313	CLE DFW	13011	.06		
314	MSY DCA	12959	.06		
315	LAS SJC	12958	.06		
316	ABQ LAS	12891	.06		
317	FMY JFK	12844	.06		
318	MKE MSP	12833	.06		
319	ATL PIT	12817	.06		
320	DEN TUL	12799	.06		
	CUMULATIVE	12797980	57.19		
321	DEN OMA	12785	.06		
322	ORD FMY	12770	.06		
323	DTW MKE	12530	.06		
324	BOS IAH	12340	.06		
325	GSP EWR	12317	.06		
326	MCI OKC	12301	.05		
327	BOS ROC	12173	.05		
328	IAH LAS	12171	.05		
329	MSP MCO	12119	.05		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
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RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
330	MSY SFO	12087	.05		
331	ELP PHX	12064	.05		
332	HNL OAK	12020	.05		
333	FLL SJC	12008	.05		
334	LAX PIT	11922	.05		
335	OGG LIH	11885	.05		
336	MSP SEA	11831	.05		
337	DFW TPA	11820	.05		
338	BWI MCO	11801	.05		
339	MCI LAS	11786	.05		
340	ORD MEM	11715	.05		
	CUMULATIVE	13340423	59.28		
341	ORD SLC	11693	.05		
342	BDL DCA	11691	.05		
343	HNL SAN	11682	.05		
344	IAH TPA	11649	.05		
345	DFW SEA	11608	.05		
346	CLE MIA	11556	.05		
347	ATL SAV	11550	.05		
348	DEN TPA	11540	.05		
349	ATL PBI	11497	.05		
350	IND LAX	11445	.05		
351	CLE DEN	11438	.05		
352	PHX SLC	11436	.05		
353	EWR SAV	11364	.05		
354	JFK PDX	11343	.05		
355	BWI OAK	11266	.05		
356	DEN PDX	11265	.05		
357	HNL LAS	11227	.05		
358	IAH MSP	11156	.05		
359	IAH MEM	11079	.05		
360	MSP PHL	11073	.05		
	CUMULATIVE	13269041	59.30		
361	DEN MSY	11037	.05		
362	ORD SDF	11028	.05		
363	ORD DSM	10975	.05		
364	MCI MSP	10975	.05		
365	MSP OMA	10969	.05		
366	DFW MEM	10956	.05		
367	ATL MSP	10939	.05		
368	MCO PIT	10887	.05		
369	SJC SEA	10883	.05		
370	PHX IAD	10813	.05		
371	BOS PHX	10805	.05		
372	BDL TPA	10769	.05		
373	ABQ SFO	10738	.05		
374	PHL PBI	10728	.05		
375	BOS BUF	10706	.05		
376	ROS ORF	10659	.05		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
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RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
377	BWI PBI	10626	.05		
378	BWI DFW	10608	.05		
379	BOS SEA	10544	.05		
380	ORD SAT	10480	.05		
	CUMULATIVE	13485166	60.26		
381	ORD PDX	10472	.05		
382	IAH SAN	10377	.05		
383	JFK PHL	10375	.05		
384	LAX TPA	10331	.05		
385	DEN OAK	10293	.05		
386	DFW SAN	10239	.05		
387	CLT ORD	10237	.05		
388	BUF ORD	10231	.05		
389	BOS SAN	10155	.05		
390	ORD BNA	10150	.05		
391	BOS STL	10115	.05		
392	MSP SAN	10089	.05		
393	PIT TPA	10020	.04		
394	DTW IND	10019	.04		
395	PDX SJC	10011	.04		
396	PHL STL	9980	.04		
397	AUS MAF	9921	.04		
398	FLL LAX	9886	.04		
399	PDX RNO	9886	.04		
400	ATL RIC	9878	.04		
	CUMULATIVE	13687831	61.17		
401	FLL MCO	9872	.04	2.5%	7.8%
402	CLE TPA	9862	.04		
403	DTW PIT	9860	.04		
404	BOS SYR	9857	.04		
405	AMA IAH	9849	.04		
406	IND TPA	9805	.04		
407	PHX SEA	9782	.04		
408	BWI TPA	9778	.04		
409	BTR DFW	9749	.04		
410	LAS OKC	9729	.04		
411	ABQ JFK	9727	.04		
412	DEN ICT	9716	.04		
413	DAY IAD	9692	.04		
414	ATL CAE	9686	.04		
415	ATL BHM	9677	.04		
416	BOS RDU	9676	.04		
417	BOS LAS	9640	.04		
418	MSP TPA	9640	.04		
419	CNH IAD	9593	.04		
420	AUS LAX	9588	.04		
	CUMULATIVE	13882609	62.04		
421	DEN MCO	9583	.04		
422	CLE FLL	9560	.04		
423	DFW SLC	9499	.04		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
424	ATL MCI	9473	.04		
425	STL SFO	9462	.04		
426	DFW BNA	9456	.04		
427	ATL CVG	9449	.04		
428	MIA STL	9424	.04		
429	PVD DCA	9419	.04		
430	DFW PIT	9406	.04		
431	CLE SFO	9404	.04		
432	ATL CHS	9387	.04		
433	ORD SJC	9380	.04		
434	AUS LBB	9351	.04		
435	ONA PHX	9338	.04		
436	ATL BOL	9318	.04		
437	BOS CVG	9258	.04		
438	JFK OKC	9256	.04		
439	LAX MRY	9245	.04		
440	MSY SAT	9238	.04		
	CUMULATIVE	14070515	62.88		
441	DEN SAT	9230	.04		
442	DTW PBI	9199	.04		
443	JFK TUS	9198	.04		
444	HNL MSP	9193	.04		
445	OAK PHX	9188	.04		
446	DTW SAN	9184	.04		
447	DEN SJC	9156	.04		
448	IAD PBI	9133	.04		
449	CVG DTW	9126	.04		
450	ATL CMH	9115	.04		
451	OAK PDX	9094	.04		
452	JFK TUL	9093	.04		
453	ABQ IAH	9085	.04		
454	LAX OKC	9072	.04		
455	ATL GRF	9062	.04		
456	ATL SJF	9054	.04		
457	ORD RDU	9031	.04		
458	MIA MSP	8968	.04		
459	BWI MIA	8945	.04		
460	MCI TUL	8942	.04		
	CUMULATIVE	14252583	63.69		
461	DTW MCI	8916	.04		
462	SFO GEG	8894	.04		
463	OGG SFO	8881	.04		
464	ELP SAT	8828	.04		
465	ATL SEA	8823	.04		
466	SAT IAD	8822	.04		
467	BOS MSY	8803	.04		
468	MIA PIT	8796	.04		
469	OAK SEA	8780	.04		
470	BWI DTW	8763	.04		

ATTACHMENT II

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YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
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RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
471	DFW HNL	8760	.04		
472	MCI SFO	8737	.04		
473	LGB STL	8716	.04		
474	STL IPA	8703	.04		
475	SLC DCA	8694	.04		
476	GRD TUL	8678	.04		
477	BOL LAX	8630	.04		
478	GRD ONT	8563	.04		
479	DEN ONT	8550	.04		
480	CLE MCO	8549	.04		
	CUMULATIVE	14427459	64.47		
481	SFO SBA	8509	.04		
482	JAX MIA	8493	.04		
483	CLT DEN	8483	.04		
484	BNA DCA	8449	.04		
485	IND DCA	8445	.04		
486	MCO STL	8440	.04		
487	LAS MSP	8406	.04		
488	BUF PHL	8396	.04		
489	ORD OKC	8395	.04		
490	ORD TUS	8351	.04		
491	DSM PHX	8343	.04		
492	ONT SEA	8331	.04		
493	HNL PDX	8330	.04		
494	ORD ORF	8329	.04		
495	SNA SEA	8329	.04		
496	FLL IAH	8289	.04		
497	FLL IAD	8282	.04		
498	FLL PIT	8241	.04		
499	ORD ROC	8233	.04		
500	CVG WAS	8202	.04		
	CUMULATIVE	14594754	65.22		
501	ORD DAY	8177	.04	2.8%	8.6%
502	DFW IND	8155	.04		
503	STL SAN	8134	.04		
504	BUR DEN	8104	.04		
505	CHS JFK	8103	.04		
506	IND MCO	8073	.04		
507	BWI BOL	8063	.04		
508	LAX TUL	8052	.04		
509	AUS ELP	8018	.04		
510	CLT PHL	8011	.04		
511	GRR JFK	7984	.04		
512	DEN TUS	7983	.04		
513	OGG SEA	7961	.04		
514	BOS HNL	7949	.04		
515	AUS JFK	7916	.04		
516	PHL PHX	7857	.04		
517	MSY MCO	7851	.04		

ATTACHMENT II

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YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
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RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
518	ATL IND	7842	.04		
519	PHL SAN	7835	.04		
520	PHX PDX	7823	.03		
	CUMULATIVE	14754685	65.94		
521	IAH SEA	7815	.03		
522	LAS SAT	7814	.03		
523	PIT SFO	7806	.03		
524	LGA OMA	7798	.03		
525	DEN ELP	7795	.03		
526	DEN HNL	7759	.03		
527	FLL ISP	7757	.03		
528	LAS OAK	7757	.03		
529	ITO OGG	7727	.03		
530	PDX SAN	7714	.03		
531	BHM NYC	7674	.03		
532	CLE MSP	7647	.03		
533	CLE PHX	7629	.03		
534	OGG KOA	7625	.03		
535	COS PHX	7619	.03		
536	MSY PHL	7596	.03		
537	BOL PBI	7587	.03		
538	SFO TUS	7584	.03		
539	CLE STL	7565	.03		
540	CVG LAX	7538	.03		
	CUMULATIVE	14908491	66.62		
541	DFW SJC	7527	.03		
542	IAH PIT	7520	.03		
543	MEM BNA	7513	.03		
544	IAH SLC	7456	.03		
545	HNL IAD	7488	.03		
546	MSY STL	7472	.03		
547	BUF DCA	7462	.03		
548	HNL MKK	7456	.03		
549	ORD SRQ	7450	.03		
550	DFW ICT	7425	.03		
551	ROC DCA	7408	.03		
552	BOI SFO	7406	.03		
553	IAH LIT	7391	.03		
554	MCO SFO	7384	.03		
555	KOA LAX	7382	.03		
556	MEM DCA	7374	.03		
557	SMF SEA	7355	.03		
558	LAS SEA	7344	.03		
559	RNO SJC	7343	.03		
560	BOL PHL	7337	.03		
	CUMULATIVE	15057024	67.29		
561	ATL JAN	7283	.03		
562	FAR MSP	7277	.03		
563	DFW FLL	7268	.03		
564	MIA TLH	7229	.03		

ATTACHMENT II

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YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
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RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
565	ABQ SAN	7213	.03		
566	SLC SEA	7213	.03		
567	DAY LAX	7156	.03		
568	ORF IAD	7149	.03		
569	CVG DFW	7143	.03		
570	OAB JFK	7137	.03		
571	MRL SAT	7096	.03		
572	BOS MCI	7074	.03		
573	ATL MDB	7073	.03		
574	FLL SFO	7066	.03		
575	DFW ONT	7062	.03		
576	ORF PHL	7054	.03		
577	ATL TYS	7028	.03		
578	LAS MSY	7028	.03		
579	DEN RNO	7022	.03		
580	CLE LAS	6995	.03		
	CUMULATIVE	15199567	67.92		
581	BUR RNO	6991	.03		
582	AUS ORD	6972	.03		
583	LIH LAX	6962	.03		
584	IAH MEM	6952	.03		
585	PHX STL	6927	.03		
586	ORD SYR	6907	.03		
587	ORD GSO	6903	.03		
588	MSY TPA	6900	.03		
589	ATL PHX	6897	.03		
590	CLT MIA	6873	.03		
591	SFO TPA	6856	.03		
592	SYR DCA	6837	.03		
593	BWI PIT	6818	.03		
594	CMH LAX	6804	.03		
595	CAE JFK	6785	.03		
596	HNL PHL	6781	.03		
597	ORD GRR	6772	.03		
598	PHL SEA	6742	.03		
599	DEN GJT	6720	.03		
600	BOS CMH	6657	.03		
	CUMULATIVE	15336658	68.54		
601	CVG PHX	6696	.03	3.1%	9.5%
602	ALB BUF	6679	.03		
603	SDF DCA	6654	.03		
604	PSP SFO	6653	.03		
605	BUR SEA	6648	.03		
606	SNA SLC	6645	.03		
607	DFW JAN	6617	.03		
608	DFW SHV	6613	.03		
609	DTW HNL	6605	.03		
610	ALB DCA	6540	.03		
611	PIT PBI	6539	.03		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
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RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
612	MKE STL	6509	.03		
613	JAX DCA	6499	.03		
614	CMH DFW	6467	.03		
615	BWI IAH	6466	.03		
616	ELP LAS	6417	.03		
617	ABQ IAD	6401	.03		
618	BDL SFO	6375	.03		
619	LAS PIT	6374	.03		
620	DEN IND	6370	.03		
	CUMULATIVE	15467424	69.12		
621	AUS DFW	6352	.03		
622	LAX OMA	6347	.03		
623	BOS CLT	6335	.03		
624	DFW OAK	6312	.03		
625	ORD RNO	6310	.03		
626	BWI MSY	6308	.03		
627	MCI PHL	6260	.03		
628	DTW SEA	6227	.03		
629	DEN PIT	6225	.03		
630	AUS PHX	6213	.03		
631	PDX DCA	6189	.03		
632	ATL SAT	6188	.03		
633	SAT SFO	6188	.03		
634	LAX MKE	6182	.03		
635	ANC HNL	6140	.03		
636	ATL LAS	6115	.03		
637	BDL PIT	6109	.03		
638	ALB ORD	6087	.03		
639	MCI SEA	6070	.03		
640	ORD JAX	6061	.03		
	CUMULATIVE	15591641	69.68		
641	DEN MKE	6060	.03		
642	ATL SAN	6049	.03		
643	MKE PHX	6046	.03		
644	ATL FMY	6031	.03		
645	IND PHL	6025	.03		
646	MIA ORF	6025	.03		
647	DEN SMF	6007	.03		
648	PIT STL	6004	.03		
649	OMA STL	6000	.03		
650	MSP PDX	5996	.03		
651	JFK SJC	5982	.03		
652	EUG SFO	5966	.03		
653	PHX SMF	5953	.03		
654	TYS LGA	5951	.03		
655	MKE DCA	5950	.03		
656	AUS MSY	5949	.03		
657	ATL OAB	5930	.03		
658	BWI DEN	5925	.03		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE #1			
659	MDT PIT	5920	.03		
660	ONT RNO	5914	.03		
	CUMULATIVE	15711315	70.21		
661	BWI MCI	5906	.03		
662	CLT DFW	5900	.03		
663	BWI OKF	5873	.03		
664	PHX SAT	5839	.03		
665	MCI MCO	5810	.03		
666	ABQ ORD	5805	.03		
667	ONT PDX	5800	.03		
668	MCI SAN	5796	.03		
669	BOL MIA	5794	.03		
670	ORD PWD	5786	.03		
671	SLC SAN	5784	.03		
672	BWI CLE	5783	.03		
673	LAS IAD	5763	.03		
674	MEM MSY	5744	.03		
675	ELP LBB	5743	.03		
676	ATL MKC	5731	.03		
677	MYR JFK	5717	.03		
678	LAS TUS	5711	.03		
679	CVG MIA	5707	.03		
680	PHL RDU	5699	.03		
	CUMULATIVE	15827006	70.73		
681	BWI SFO	5694	.03		
682	ATL SRQ	5673	.03		
683	AUS HRL	5669	.03		
684	SNA PDX	5661	.03		
685	MCI MIA	5649	.03		
686	DFW SNA	5628	.03		
687	MIA SEA	5628	.03		
688	ANC SFO	5623	.03		
689	ATL DAY	5610	.03		
690	DTW BNA	5602	.03		
691	CMH PHL	5577	.02		
692	MKE MCO	5575	.02		
693	OKC SAT	5572	.02		
694	ELP SFO	5565	.02		
695	LAS PHL	5565	.02		
696	DTW BOL	5550	.02		
697	CVG TPA	5549	.02		
698	DFW PDX	5510	.02		
699	ELP MAF	5482	.02		
700	AUS IAD	5478	.02		
	CUMULATIVE	15938866	71.23		
701	SAN TUS	5473	.02	3.4%	10.6%
702	IND MSP	5470	.02		
703	IAH BNA	5452	.02		
704	PDX SLC	5438	.02		
705	GSO DCA	5405	.02		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE #1			
706	MKE TPA	5367	.02		
707	BNA MCO	5329	.02		
708	FAY JFK	5323	.02		
709	ATL PNS	5308	.02		
710	MEM STL	5306	.02		
711	BWI FLL	5303	.02		
712	IND MIA	5301	.02		
713	DFW RNO	5300	.02		
714	DTW MSY	5279	.02		
715	DEN FLL	5261	.02		
716	IND STL	5257	.02		
717	ACY JFK	5251	.02		
718	ATL TLH	5246	.02		
719	SLC SJC	5221	.02		
720	PHX PIT	5219	.02		
	CUMULATIVE	16045375	71.70		
721	IAH LFT	5210	.02		
722	DFW OAY	5209	.02		
723	CLE RSW	5194	.02		
724	COS LAX	5187	.02		
725	DFW BOL	5187	.02		
726	MSP MSY	5180	.02		
727	ORD ICT	5178	.02		
728	BOS IND	5169	.02		
729	STL SAT	5168	.02		
730	DTW PMY	5154	.02		
731	LAS TUL	5154	.02		
732	CLE DTW	5153	.02		
733	MIA BNA	5153	.02		
734	BWI HNL	5146	.02		
735	LAX MEM	5146	.02		
736	ISP MCO	5145	.02		
737	MCI OAK	5119	.02		
738	RSW MSP	5103	.02		
739	OKC IAD	5080	.02		
740	BUF DTW	5062	.02		
	CUMULATIVE	16148472	72.16		
741	AMA AUS	5051	.02		
742	RNO SAN	5041	.02		
743	DFW MKE	5037	.02		
744	CVG SFO	5031	.02		
745	OKC PHX	5016	.02		
746	LEX JFK	4997	.02		
747	DTW SRQ	4994	.02		
748	IAH ONT	4992	.02		
749	BNA PHL	4971	.02		
750	LAS MIA	4962	.02		
751	ORD RIC	4961	.02		
752	CLE BOL	4953	.02		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES STATED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
753	MCI MSY	4953	.02		
754	BGR BOS	4944	.02		
755	IND PHX	4937	.02		
756	HNL IAH	4916	.02		
757	OMA DCA	4915	.02		
758	BTR IAH	4913	.02		
759	ORD TOL	4895	.02		
760	DFW SMF	4888	.02		
	CUMULATIVE	16247839	72.61		
761	BUF BDL	4872	.02		
762	ISP DCA	4818	.02		
763	MSY OKC	4816	.02		
764	LAX GEG	4800	.02		
765	ORD SMF	4789	.02		
766	STL SEA	4780	.02		
767	ELP SAN	4769	.02		
768	LGB SEA	4750	.02		
769	BHM DFW	4744	.02		
770	SDF TPA	4743	.02		
771	FLL IND	4710	.02		
772	HNL PHX	4707	.02		
773	SNA RNO	4705	.02		
774	DSM LAS	4702	.02		
775	CVG STL	4680	.02		
776	MIA RDU	4678	.02		
777	ATL LIT	4673	.02		
778	CVG CLE	4673	.02		
779	JFK HOU	4672	.02		
780	ONT SLC	4670	.02		
	CUMULATIVE	16342590	73.03		
781	ORD FWA	4652	.02		
782	MFR SFO	4650	.02		
783	CMH TPA	4649	.02		
784	DFW RDU	4620	.02		
785	HSV DCA	4613	.02		
786	ELP JFK	4607	.02		
787	MCI TPA	4607	.02		
788	BWI STL	4602	.02		
789	CPR DEN	4601	.02		
790	AUS LAS	4598	.02		
791	DSM LGA	4597	.02		
792	ITH JFK	4586	.02		
793	ANC PDX	4574	.02		
794	ACV SFO	4573	.02		
795	MSP SLC	4571	.02		
796	JFK SMF	4569	.02		
797	IND LAS	4567	.02		
798	CLT PIT	4556	.02		
799	TPA PBI	4552	.02		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES STATED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
800	HNL MCI	4527	.02		
	CUMULATIVE	16434461	73.44		
801	PHL ROC	4511	.02	3.7%	11.7%
802	MSY PIT	4508	.02		
803	CLE SAN	4504	.02		
804	BOS DAY	4492	.02		
805	BOS JAX	4484	.02		
806	CVG IAH	4476	.02		
807	BIL GTF	4470	.02		
808	DTW GRR	4460	.02		
809	JNU SEA	4460	.02		
810	ATL OKC	4449	.02		
811	ATL HNL	4448	.02		
812	ORD LIT	4448	.02		
813	SJC IAD	4433	.02		
814	BIL DEN	4432	.02		
815	ORD LEX	4432	.02		
816	LAS MKE	4430	.02		
817	LAS SLC	4428	.02		
818	BOS PDX	4415	.02		
819	BUF MCO	4412	.02		
820	BHM OKO	4411	.02		
	CUMULATIVE	16523564	73.84		
821	SDF MCO	4411	.02		
822	CVG DEN	4392	.02		
823	TLH TPA	4391	.02		
824	LAX BNA	4389	.02		
825	IAH IND	4383	.02		
826	ATL SLC	4382	.02		
827	TYS IAD	4380	.02		
828	DTW MEM	4362	.02		
829	PHL RIC	4361	.02		
830	AUS OKL	4360	.02		
831	ORD MDT	4358	.02		
832	EWR ONT	4356	.02		
833	STL TUL	4351	.02		
834	CMH MIA	4346	.02		
835	CLT RDU	4338	.02		
836	ORF MCO	4334	.02		
837	MCI SAT	4333	.02		
838	CMH MCO	4320	.02		
839	CLT TPA	4317	.02		
840	BUF TPA	4315	.02		
	CUMULATIVE	16610743	74.23		
841	SAT TUL	4310	.02		
842	PHL SYR	4309	.02		
843	CLE MCI	4304	.02		
844	BGR PDX	4301	.02		
845	HNL STL	4299	.02		
846	BIS MSP	4286	.02		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE #1			
847	IND SFO	4269	.02		
848	AUS SFO	4268	.02		
849	MSY TUL	4259	.02		
850	MEM MIA	4256	.02		
851	BOI LAX	4254	.02		
852	BOS SRQ	4254	.02		
853	MKE SFO	4253	.02		
854	ATL LEX	4240	.02		
855	BOS MKE	4237	.02		
856	BNA TPA	4237	.02		
857	ATL BTR	4236	.02		
858	RSW STL	4236	.02		
859	PHX ICT	4226	.02		
860	MIA PHX	4225	.02		
	CUMULATIVE	16656004	74.41		
861	DFW SDF	4220	.02		
862	MSN JFK	4210	.02		
863	DFW JAX	4194	.02		
864	TUL IAD	4194	.02		
865	BUF LAX	4186	.02		
866	ORD PSP	4184	.02		
867	LAS TPA	4174	.02		
868	BOS RSW	4153	.02		
869	CLT LAX	4145	.02		
870	ATL TUL	4142	.02		
871	MIA MKE	4122	.02		
872	MEM MCO	4119	.02		
873	KOA LIH	4118	.02		
874	OAK RNO	4103	.02		
875	CMH SFO	4101	.02		
876	DSM STL	4094	.02		
877	ATL PDX	4085	.02		
878	DSM MSP	4084	.02		
879	BOS PWM	4082	.02		
880	BOI DEN	4081	.02		
	CUMULATIVE	16778795	74.98		
881	ORD ISP	4081	.02		
882	HNL SLC	4080	.02		
883	ATL AUS	4077	.02		
884	DFW DSM	4073	.02		
885	LIT LGA	4071	.02		
886	CLE MKE	4070	.02		
887	CVG PIT	4046	.02		
888	BOS BNA	4037	.02		
889	DEN DSM	4036	.02		
890	DFW TUS	4029	.02		
891	SJC TUS	4027	.02		
892	PDX GEG	4025	.02		
893	GRR TPA	4022	.02		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE #1			
894	MEM PHL	4018	.02		
895	CMH STL	4015	.02		
896	PHL SAT	4014	.02		
897	BOI SLC	4008	.02		
898	ATL MLB	4007	.02		
899	KTN SEA	3996	.02		
900	JAX ORF	3995	.02		
	CUMULATIVE	16859522	75.34		
901	MSN MSP	3993	.02	3.9%	12.5%
902	JFK RNO	3976	.02		
903	CRW JFK	3971	.02		
904	ORD RST	3969	.02		
905	IAH ICT	3969	.02		
906	ISP PBI	3967	.02		
907	CLE PBI	3966	.02		
908	MCO ROC	3959	.02		
909	LAS PDX	3957	.02		
910	MIA SAN	3948	.02		
911	DAY PHL	3943	.02		
912	LAX MAF	3939	.02		
913	MCO SEA	3939	.02		
914	MKE PHL	3932	.02		
915	ONT IAD	3928	.02		
916	CRW DCA	3926	.02		
917	OKC STL	3926	.02		
918	SDF MIA	3925	.02		
919	DFW OAK	3915	.02		
920	BOS GSO	3914	.02		
	CUMULATIVE	16938494	75.70		
921	LAX ICT	3909	.02		
922	IAH RNO	3878	.02		
923	LAX GKF	3875	.02		
924	CLT BNA	3872	.02		
925	CLT DTW	3864	.02		
926	HNL PIT	3859	.02		
927	BWI PVD	3853	.02		
928	LIT STL	3846	.02		
929	ORD GAB	3842	.02		
930	CVG MCO	3840	.02		
931	ALB PHL	3835	.02		
932	FLL STL	3834	.02		
933	BUR DFW	3826	.02		
934	MIA RIC	3824	.02		
935	RDU SFO	3823	.02		
936	LAS SMF	3820	.02		
937	MSP PSO	3818	.02		
938	MSP PIT	3814	.02		
939	BOS SLC	3802	.02		
940	LAS OMA	3802	.02		
	CUMULATIVE	17015330	76.04		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
941	PHL PVD	3801	.02		
942	SAV DCA	3801	.02		
943	ORD SAV	3790	.02		
944	CLE MHL	3790	.02		
945	CVG MSP	3789	.02		
946	DSM LAX	3787	.02		
947	ABE ORD	3782	.02		
948	AMA LAS	3774	.02		
949	PHX TUL	3772	.02		
950	GGG PGX	3771	.02		
951	BOS SAT	3758	.02		
952	DKI SAN	3754	.02		
953	MSY PHX	3751	.02		
954	ANC LAX	3748	.02		
955	TUS IAD	3737	.02		
956	CLT MCO	3732	.02		
957	JAX PHL	3725	.02		
958	DEN SNA	3723	.02		
959	CLT RIC	3717	.02		
960	ASJ AUS	3708	.02		
	CUMULATIVE	17090540	76.37		
961	IAH SNA	3702	.02		
962	BUR TVL	3698	.02		
963	BWI CLT	3694	.02		
964	LBB SAT	3694	.02		
965	BNA STL	3694	.02		
966	DEN MEM	3690	.02		
967	BHM OCA	3689	.02		
968	GSO PHL	3677	.02		
969	ATL BUF	3674	.02		
970	DAY TPA	3669	.02		
971	IND PIT	3666	.02		
972	ISP TPA	3659	.02		
973	CLT IAH	3653	.02		
974	BOS SJC	3651	.02		
975	SAT SAN	3650	.02		
976	GFK MSP	3649	.02		
977	MIA SAT	3642	.02		
978	LAX PUC	3640	.02		
979	ABQ SAT	3635	.02		
980	MSY SEA	3634	.02		
	CUMULATIVE	17183900	76.80		
981	DEN LGB	3632	.02		
982	ORD TYS	3631	.02		
983	PDX SMF	3631	.02		
984	OKC SFO	3618	.02		
985	ORF PIT	3614	.02		
986	KOA SFO	3609	.02		
987	SDF PHL	3608	.02		

ATTACHMENT II

DOMESTIC CITY PAIR SAMPLES SORTED BY 10 PCT. PASSENGERS
YEAR 1984, FIRST 1,000 OF 51,330 DOMESTIC MARKETS
THAT INCLUDES 22,377,211 PASSENGERS

RANK NUMBER	CITY PAIR	10 PCT. SAMPLE OF PASSENGERS IN MARKET	PCT. OF TOTAL PASSENGERS	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 10 PCT.	SAMPLING ERROR RATE WITH A SAMPLE SIZE OF 1 PCT.
		REFER TO NOTE /1			
988	DFW ORF	3556	.02		
989	GSO MIA	3555	.02		
990	DTW ONT	3553	.02		
991	TYS MEM	3553	.02		
992	PWD TPA	3552	.02		
993	CDS LGA	3584	.02		
994	MEM TPA	3577	.02		
995	IAH OMA	3571	.02		
996	AMA SAT	3569	.02		
997	GSP IAD	3569	.02		
998	TVL LAX	3542	.02		
999	LAS ICT	3535	.02		
1000	ORF TPA	3535	.02	4.2%	13.3%
	CUMULATIVE	17235694	77.02		
	GRAND TOTAL	22377211			

NOTE: 1/ These passenger data are stated as a 10% sample and must be multiplied by 10 to obtain the total estimated population of passengers. In illustration, the total number of passengers in the sample, versus the passenger population is as follows:

	PASSENGERS PER ANNUM, YEAR 1984	
	10% Sample Size	Estimated Total Psgrs. in Population
Market #1, BOS-JFK	422,110	4,221,100
Mkt. #1,000, ORF-TPA	3,535	35,350
1,000 Mkts., SUM	17,235,694	172,356,940
51,330 Mkts., SUM	22,377,211	223,772,110

The source of these data are the Directional Origin-Destination (or "DOD") data, such as those in Table 6 of the Output Tables for the year 1984.

FLIGHT SCHEDULE DATA FOR CARRIERS REPORTING THE O & D SURVEY

Carrier Code	Carriers in # of Markets:	Number of the First 1,000 Domestic Markets Served by Each Participating O & D Survey Carrier as of December 1984** 0-50	51-150	151-250	251-350
CC	Air Atlanta, Inc.	X			
OC	AirCal, Inc.	X			
ZW	Air Wisconsin, Inc.	X			
AS	Alaska Airlines, Inc.	X			
EP	All Star Airlines, Inc.*	X			
AQ	Aloha Airlines, Inc.	X			
AA	American Airlines, Inc.				X
HP	America West Airlines, Inc.	X			
JW	Arrow Air, Inc.*	X			
AP	Aspen Airways, Inc.*	X			
IW	Best Airlines, Inc.*	X			
BN	Braniff, Inc.	X			
RU	Britt Airways, Inc.*	X			
CL	Capitol Air, Inc.	X			
CZ	Cascade Airways, Inc.*	X			
3C	Challenge Air Transport, Inc.*	X			
CO	Continental Air Lines, Inc.		X		
DL	Delta Air Lines, Inc.				X
EA	Eastern Air Lines, Inc.				X
UR	Empire Airlines	X			
ZO	Florida Express, Inc.	X			
FL	Frontier Airlines		X		
HA	Hawaiian Airlines, Inc.	X			
QX	Horizon Air*	X			
SI	Jet America Airlines, Inc.	X			
ML	Midway Airlines, Inc.	X			
YX	Midwest Express Airlines, Inc.*	X			
MC	Muse Air Corporation	X			
NY	New York Air Lines, Inc.	X			
NW	Northwest Airlines, Inc.		X		

* Carrier is not in these major Domestic markets (shown on Attachment II) at December 1984.

** No individual carrier is in more than 350 of these 1,000 major domestic markets at December 1984.

Note: The Official Airline Guide, or OAG, is the basic source of these data. These flight schedule data are published by Official Airline Guides, Inc., 2000 Clearwater Drive, Oak Brook, Illinois 60521.

FLIGHT SCHEDULE DATA FOR CARRIERS REPORTING THE O & D SURVEY

Carrier Code	Carriers in # of Markets:	Number of the First 1,000 Domestic Markets Served by Each Participating O & D Survey Carrier as of December 1984** 0-50	51-150	151-250	251-350
OZ	Ozark Air Lines, Inc.		X		
QT	Pacific Interstate Airlines*	X			
PS	Pacific Southwest Airlines		X		
PA	Pam American World Airways, Inc.		X		
PE	People Express Airlines, Inc.	X			
PI	Piedmont Aviation, Inc.		X		
PN	Pilgrim Airlines, Inc.*	X			
RV	Reeve Aleutian Airways, Inc.*	X			
RC	Republic Airlines, Inc.			X	
MB	Samoa Airlines, Inc.*	X			
HK	South Pacific Island Airways, Inc.*	X			
WN	Southwest Airlines		X		
JK	Sunworld International Airways, Inc.	X			
FF	Tower Air, Inc.	X			
TV	Transamerica Airlines, Inc.	X			
TW	Trans World Airlines, Inc.			X	
UA	United Air Lines, Inc.				X
AL	US Air, Inc.			X	
WA	Western Air Lines, Inc.		X		
WC	Wien Air Alaska, Inc.	X			
WO	World Airways, Inc.	X			

* Carrier is not in these major Donestic markets (shown on Attachment II) at December 1984.

** No individual carrier is in more than 350 of these 1,000 major domestic markets at December 1984.

Note: The Official Airline Guide, or OAG, is the basic source of these data. These flight schedule data are published by Official Airline Guides, Inc., 2000 Clearwater Drive, Oak Brook, Illinois 60521.

BILLING CODE 4910-62-C

Attachment IV.—O & D Survey—History, Background and Output Tables

The following information has over the years since 1968 been incorporated into and published with the O & D Survey output tables, so that users would be aware of the scientific sampling techniques used to obtain the O & D Survey data.

Sample Design and Reliability

Introduction

Beginning January 1, 1959, the twice-a-year sample of domestic passenger origin and destination data was replaced by a 10 percent continuous sample spread over the full year. This shift to a scientifically designed probability sample constitutes a major improvement in the method of O & D data collection, in line with modern methods of scientific management and administration. This Survey was implemented through the joint efforts of the air carriers, the Air Transport Association of America, and the Civil Aeronautics Board, which collected these O & D data prior to the Department of Transportation.

Data collection for the domestic O & D Surveys of airline passenger traffic from 1939 through 1958 was of the census type, covering a relatively short, specified time period. This involved analysis and recording of (1) all domestic airline tickets sold and (2) all domestic tickets lifted, where these tickets were issued by an airline not reporting traffic for the CAB domestic traffic Survey. At first, data were collected for a full month, twice a year. Later, as the volume of airline travel increased, the sample was reduced to a two-week period twice a year.

The twice-a-year census-type of O & D data collection likewise represented a sampling of airline passenger traffic for the full year. However, with such samples, the sampling errors involved in expanding passenger totals for two months or two 14-day periods into totals for a quarter, a half year, or a full year could not be determined. On the other hand, with the use of a probability sample, the sampling errors of estimated totals for any desired time period can be mathematically determined.

Survey Population

The population from which the sample of airline tickets is selected after January 1, 1968, is the ticket flight coupons "lifted" by air carriers when the passengers board the flight. From 1959 to 1968, participating carriers sampled all zero ending ticket coupons they sold (from the "auditor" coupon) as well as the ticket flight coupons they "lifted" that were issued by carriers not participating in the Survey.

Sample Design

The sample design was put into operation on January 1, 1959. It was basically reaffirmed on January 1, 1968—although from 1968 to date the Survey population has been limited to lifted tickets. It provides for a systematic selection of airline tickets on a continuous basis throughout the year. It is noted that when the Survey was changed to lifted tickets in 1968, it was also combined for all entities (Domestic, International, Territorial) rather than providng a separate Survey for the various entities. More specifically , each ticket having a serial number ending in "0" (zero), and which is included in the population, is selected for the sample. This results in a continuous 10-percent sample of the population of airline tickets. This compares with, roughly, a 17-percent sample when two complete months of data were collected in the previous census-type Survey, and an 8 percent sample when two 14-day periods were included.

Survey Reliability

Sample surveys, if properly designed and carried out, provide useful estimates relating to the population. Since these estimates are based on a sample, they can be expected to differ to a certain extent from the results that would have been obtained if a complete census had been taken using the same methods, efficiency, and diligence in data collection, analysis, and compilation. These differences are called sampling errors.

Errors, other than those due to sampling, may occur whether a full census of sample type of Survey is carried out. These involve errors in data collection, analysis, and compilation. Such errors, to the extent that they exist, introduce discrepancies, even if a complete census-type of Survey were carried out.

Sampling Errors: Basic

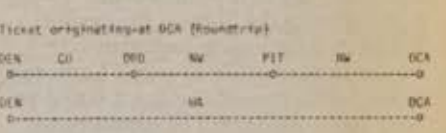
Certain simplifications were employed as a basis for computation of sampling errors. Therefore, the sampling errors computed for number of passengers, by category, are to be considered only approximations.

It was assumed that tickets were selected for the sample by random selection from the population of airline tickets, ignoring the systematic nature of the sample design. The use of this approximation may lead to overstatement in the computed sampling errors.

It is important to note that there are two classes of data in the O & D Survey.

Class B data are the OUTBOUND PLUS INBOUND directional O & D or "DOD's" data that are included in Output Tables, 1, 3, 4, 5, 6, 7, 8, 10, 11, 12 and 15, whereas Class A data are the ticket O & D Data on the ADP Magnetic tape files, *i.e.* one ticket origin-destination record may included multiple "DOD's", as in the example shown on page 3.

The following schematic demonstrates the type of O & D data generated from flight coupon data.



Origins and destinations generated from above ticket:

	Passengers
1. *Ticket O & D*—DCA NW PIT NW ORD CO DEN UA DCA	1
2. *Directional O & D's*—	
DCA NW PIT NW ORD CO DEN	1
DEN UA DCA	1
3. *On-line O & D's*—	
DCA NW ORD	1
ORD CO DEN	1
DEN UA DCA	1
4. *Coupon O & D's*—	
DCA NW PIT	1
PIT NW ORD	1
ORD CO DEN	1
DEN UA DCA	1

From the above examples, it is clear that different analyses of the same ticket will produce different constructions of useful data. These should help further clarify the differences between Class A and Class B data as well as to differentiate between the various ways the ouputs may be compiled. Without such examples, it is difficult for the average user to appreciate the distinctions between coupon O & D, for instance, and directional O & D (or "DOD" as it is commonly referenced by experienced users of the data).

Output

The various current output tables, which may be subject to change based upon the outcome of this proposed rule, are described below. The various issues deferred pending outcome of the O & D rule are:

—content, form, and media of end products.

—end product distribution.

—user charges to offset processing costs.
—user charges to offset data collection costs.
—private sector versus Government processing.

Each quarterly tabulation of Survey outputs shows moving 12-month-to-date totals, and all tables except Tables 3, 4, 6 and 7 also show the amounts for the current quarter, and some tables contain data on average traffic per day per quarter and/or twelve months.

The passenger and passenger-mile figures in all output tables *are 10-percent sample* amounts, and should be *multiplied by 10* to estimate the population in the Survey. Domestic Tables 1, 3 through 8, and 10 are currently accessible as either hardcopy or microfilm format. Tables 2, 9 and 14 have been eliminated or consolidated into other tables. Territorial Tables 15, 16 and 17 are accessible in hardcopy format, whereas, International Tables 15, 16 and 17 are restricted as to availability due to the sensitive nature of the data, as explained more fully in section 19-7 of 14 CFR Part 241.

The following O& D Data Banks and O & D Data Tables are generated from carrier submissions:

O&D data bank number and contents

1—Ticket origin-destination data (Domestic/international territorial)
1A—Flight coupon dollar amount of fare data
2A—Directional origin-destination data (International/territorial)
2B—Directional origin-destination data (Domestic)
3A—Flight coupon origin-destination data (International/territorial)
3B—Flight coupon origin-destination data (Domestic)
4—On-line origin-destination data (Domestic)
5—O&D Survey city/airport nomenclature file
6—Directional origin-destination city-pair summary file (Domestic)
7—U.S.-Canadian transborder operations

O&D output table number and contents

Domestic:

Table 1—Domestic city summary, based on directional origin-destination, with cities arranged alphabetically.

Table 3—Domestic city summary, based on directional origin-destination, cities arranged in rank order of number of passengers.

Table 4—Domestic city summary, based on directional origin-destination, cities arranged in rank order of number of passenger-miles.

Table 5—Domestic summary by length of passenger trip, based on directional origin-destination.

Table 6—Domestic city-pair summary, based on directional origin-destination: Top-ranked 1,000 city pairs in terms of number of passengers.

Table 7—Domestic city-pair summary, based on directional origin-destination: Top-ranked 1,000 city pairs in terms of number of passenger-miles.

Table 8—Domestic city-pair summary, based on directional origin-destination:, city pairs arranged alphabetically (All city pairs, without routings.)

Table 10—Domestic city-pair summary by on-line origin and destination.

Table 11—Domestic city-pair summary, based on directional origin-destination, city pairs arranged alphabetically (All city-pairs, with traffic generation, without routings.)

Table 12—Traffic between domestic cities, based on directional origin-destination, with routings.

Table 13—Total passenger-stage movements (coupon origin-destination) by domestic market, by carrier and fare-basis category.

International/Territorial:

Table 15—Summary of international/territorial traffic between cities, based on directional origin and destination.

Table 16—International/territorial traffic between cities, by routing, based on directional origin/destination.

Table 17—International/territorial passenger stage movements between cities, by carrier and fare basis, based on flight coupon origin-destination.

Statistical Characteristics of the Passenger Origin and Destination Survey

Design Variables

Athough many factors shape the overall design of a large-scale survey such as the Passenger Origin and Destination Survey (O & D), the most important are the informational requirements, for they determine the statistical sample design. The one or two key variables to be estimated from the survey are known as the design variables, which, in the O & D, are the true seasonal origins, destinations and routings of air passengers who travel on some part of their journey on a U.S. certificated air carrier. In quantitative terms, the survey is designed to measure the number of air passengers traveling from origin O to destination D via route R (traveling via ODR) each quarter, where O is not the same city as D, and at least one segment of the trip is via a U.S. scheduled air carrier. Quite often, however, a survey designed for accurately estimating the design variables will yield valuable information on variables of secondary importance as a by-product. In the case of the O & D, the same sample design produces reasonably good estimates of yields paid per flight segment (cents per revenue mile flown by passengers).

Description of Design

In statistical terms, the sample design is a one-stage continuous 10% systematic sample of clusters of unequal sizes from a non-random start taken from a sampling frame ordered by carrier and date. This produces a proportional to size sample by carrier and date, and since carriers and markets (ODRs) are closely related, the design approximates a proportional sample of markets.

This design can be explained in simpler terms. In the O & D survey, the clusters are the lifted ticket flight coupons themselves because each can represent one or more ODR combinations. Since the numbers of ODR combinations varies from ticket to ticket, the clusters have different numbers of elements, hence are of unequal sizes.

The sample is systematic because the coupons are essentially ordered by number, and every tenth one chosen. Since zero-ending tickets are specified, the selection is made with a pre-determined, and not a random, starting point. All ODR combinations are sampled, hence a 100% sample of elements from each flight coupon cluster.

The sample frame is the entirety of all elements from which the sample is chosen. Ideally the sample frame should be the population of interest. In the case of the O & D survey, the sample frame and population of interest are one and the same, that is, every ODR combination with at least one segment occurring on a U.S. scheduled air carrier is eligible and available to be sampled within the existing sample design. Sampling is performed on a continuous basis and reported on a quarterly basis. This procedure results in a sample that evenly represents each quarter's activity, and allows for seasonal activity comparisons.

The list of data items below includes all of the elements collected from the airlines in the survey:

Name of Carrier
Reporting Period
For each flight segment on coupon:
  Carrier Name
  Origin City
  Destination City
  Fare Code
Dollar value of ticket
Number of passengers on ticket

As in any efficient sample design, the items of data collected are all essential to the processing and calculation of the estimates for which the survey was designed; no extraneous items are collected.

Sample size is determined by a number of factors, most importantly the level of detail for which estimates are desired, and the accuracy required for those estimates. When the survey was

designed, the domestic airline industry was under regulation by the CAB, and the CAB felt it needed reasonably accurate estimates of traffic for even the less traveled passenger routings, say those with as few as 2–4 passengers a day. Thus the 10% level of sampling was chosen. The following table is a rough approximation of sampling error for the various levels of traffic encountered on an ODR.

ACCURACY OF ANNUAL ESTIMATES FROM THE 10 PERCENT O & D

Estimate of #Pax/ODR/day	Approximate percent sampling error[1]
1 or less	41 and higher.
2	29.
3	24.
4	21.
5	19.
6 to 10	17 to 13.
11 to 20	12 to 9.
21 to 50	9 to 6.
51 to 100	6 to 4.
101 to 500	4 to 2.
501 to 3,000	2 to 0.8.
More than 3,000	Less than 0.8.

[1] These are approximate sampling error rates based on O & D Survey Class B data. Attachment IV describes the difference between Class A and Class B O & D data.

The estimates plus and minus the sampling error are computed at a 95% confidence limit for the estimate, which can be intrepreted as the range in which the true value for the estimate lies 95% of the time the sample is performed according to the same design. The narrower the interval, the better idea one has of the true value, *i.e.*, the higher the accuracy of the estimate. When the interval becomes wider than ±20% of the estimate, or 40% of the estimate, the estimate becomes too imprecise for most users' purposes.

The O & D sample design has a number of attributes that make it especially effective in its environment. First, a 10% sample of all the applicable air passenger traffic is a good approach for gaining an accurate overall picture of the air system. The 10% sampling system is simple in concept, making feasible the enormity of the task of estimating the passenger traffic on the large number of ODR combinations in the air system. The simplicity of design makes it easier to execute by the numerous parties involved than a more complex design. A more rigid stratified design, for instance, that might vary the sampling percentage depending on the ODR, would not only make the implementation of the O & D more difficult, but it would not naturally adjust to changes in the marketplace, as the current design does. In addition, the sample design distributes the reporting burden proportionally among the participating carriers, so that no one carrier is asked to report a greater percentage of its flights than another.

Design Peformance

The O & D survey has a history dating back to November 1939, when the first survey was taken. The survey has undergone a number of changes in sampling methods, data content, and type of output over the years. The latest major revision in sampling methods and data content was implemented with the 1968 survey, although output tables were modified in 1972.

Therefore, the O & D in its current design has been in operation about 18 years, and has proven to be a valuable, reliable and accurate source of data for its users. It yields a statistically valid sample that effectively portrays the passenger traffic on the U.S. air carrier system, as well as satisfies the secondary objective of producing airfare information. The sample is unbiased to the extent that there is no bias in the use of tickets whose numbers end in zero. As far as DOT has been informed by the airlines, no distinction is made between the issurance of zero and non-zero ending tickets. The survey satisifies its design objectives. In the past, Government staff representatives have visited carriers' offices to assess the operations and performance of the O & D survey, as implemented by the carriers, and such reviews have confirmed that O & D survey system procedures are generally operating as designed.

The only deficiencies in the survey estimates result not from the sample design per se, but from non-sampling errors arising from its implementation. Non-sampling errors are largely uncontrollable and are caused by a number of factors such as non-response, misinterpretation of instructions by respondents, coding and data-entry errors, and others. In the O & D these errors have resulted in the loss of data, causing the estimates reported as 10% of the traffic to be in reality somewhat less.

Some of the error can be attributed to specific sources. DOT editing of airline inputs eliminates as much as 1% to 2% of the data, because of coding errors. It is not practical for DOT to go through the costly and time-consuming process of confirming minor corrections with each airline and re-entering the data. Only in cases of gross errors on the part of the carrier does DOT request the carrier to correct the data or alert users of defects in the available data that cannot be corrected.

Other sources are more difficult to identify and may be due simply to the lack of control DOT has over the carriers in their implementation of the guidelines for sampling and reporting the raw data. The DOT must rely on each airline to interpret instructions and develop its own procedures. The consequences may be differences in what is reported among the airlines, and from what is actually intended to be reported.

A comparison of selected O & D results with 100% data in the ER–586 Service Segment reports where the selected data items coincide reveals that the O & D does under-report traffic by as much as one or two percentage points per carrier, depending on the ODR involved, so that the overall sample per carrier is actually 9% or less, rather than a 10% sample of the population.

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Attachment VI

DOMESTIC ORIGIN-DESTINATION DATA
FOR YEAR ENDED DECEMBER 31, 1984

ESTIMATED PASSENGERS IN THE TOTAL POPULATION FOR FIVE CATEGORIES OF MARKET SIZE
BASED UPON SAMPLE SIZES OF TEN AND ONE PERCENT, RESPECTIVELY

I. A. ESTIMATED PASSENGERS IN THE TOTAL POPULATION
I. B. MARKETS IDENTIFIED BY THE SAMPLES OF 10% AND 1% OF THE TOTAL PASSENGER POPULATION
I. C. SAMPLING ERROR (S.E.) RATES AS A PERCENT OF TOTAL POPULATION PASSENGERS */

Sample Size	Item	Markets of from -0- to 999 psgrs./yr.	1,000-9,999	10,000-99,999	100,000-999,999	Markets of 1,000,000 and more psgrs./yr.	SUM
A.	10% Passengers	5.8 million	20.6 million	61.0 million	100.2 million	36.1 million	223.7 million
B.	10% Markets	42,595	6,389	1,951	375	20	51,330
C.	10% S.E.	247.1-24.7	24.7-7.8	7.8-2.5	2.5-0.8	0.8-0.1	0.1
C.	1% S.E.	247.1-78.1	78.1-24.7	24.7-7.8	7.8-2.5	2.5-0.1	0.1
A.	1% Passengers	5.8 million	20.6 million	61.0 million	100.2 million	36.1 million	223.7 million
B.	1% Markets	17,504	6,389	1,951	375	20	26,239

II. A. PASSENGERS AS A PERCENT OF TOTAL
II. B. MARKET DATA AS A PERCENT OF TOTAL

A.	10% Passengers	2.5%	9.2%	27.3%	44.8%	16.2%	100.0%
A.	1% Passengers	2.5%	9.2%	27.3%	44.8%	16.2%	100.0%
B.	10% Markets	83.0%	12.5%	3.8%	0.7%	- %	100.0%
B.	1% Markets	66.7%	24.3%	7.4%	1.5%	0.1%	100.0%

*/ These sampling error rates are based upon the Class B type of O & D Survey data. The distinction between Class A and Class B data is explained in Attachment IV.

III. DISCUSSION OF SAMPLING ERROR RATES

Passenger estimates of the total population based upon the two sample sizes (10% and 1%) are for convenience shown above as a concrete number (such as 36.1 million passengers in 20 of the largest markets). However, these must be understood to be estimates, stated as an assumed midpoint of a range. This range increases (estimates become less precise) as the sample size decreases, and the range becomes more narrow (for more precise and accurate estimates) as the sample size is increased. For example, the "true" number of passengers in the 20 largest domestic markets would be the midpoint estimate of 36.1 million passengers plus or minus (±) a sampling error factor. Sampling error rates are listed above as I.C. The Department has tentatively selected only two strata (major markets and all other markets) and a 1% sample size for domestic major markets, instead of a larger size (such as 5 or 7%), because a 1% sample size is considered to be the most compatible with the established air carrier procedures, i.e., only minor changes (selecting major market tickets ending in "00" and zero-ending tickets in all other markets) will be necessary to existing procedures--minimizing costly computer reprogramming and retraining of personnel.

APPROXIMATE SAMPLING ERRORS OF ESTIMATED NUMBER OF PASSENGERS IN A CATEGORY FROM A 10% SAMPLE (CLASS A DATA) 1/

Number of Passengers in a Category		12-Month Data				
		Approximate Sampling Error			Range	
In the Sample	In the Population	Number 2/	Percent 3/	Percent 4/	From	To
1	10	19	185.9		1	29
5	50	42	83.2		8	92
10	100	59	58.8		41	159
20	200	83	41.6		117	283
30	300	102	33.9		198	402
40	400	118	29.4		282	518
50	500	131	26.3		369	631
60	600	144	24.0		456	744
70	700	156	22.2		544	856
80	800	166	20.8		634	966
90	900	176	19.6		724	1076
100	1000	186	18.6		814	1186
200	2000	263	13.1		1737	2263
300	3000	322	10.7		2678	3322
400	4000	372	9.3		3628	4372
500	5000	416	8.3		4584	5416
600	6000	455	7.6		5545	6455
700	7000	492	7.0		6508	7492
800	8000	526	6.6		7474	8526
900	9000	558	6.2		8442	9558
1000	10000	588	5.9		9412	10588
2000	20000	831	4.2		19169	20831

1/ See Attachment IV for an explanation of Class A and Class B data.
2/ The chances are 95 out of 100 that the difference between the number of passengers in the population estimated from the sample and the number that would have been obtained from a complete census (using the same methods, efficiency, and diligence in data collection, analysis, and compilation) is less than the sampling error number shown.
3/ Sampling error number as a percentage of the estimated number of passengers in the population computed from unrounded data.
4/ Approximate sampling error rates for a 1% sample size may be calculated by multiplying 3.2 times the larger sample size data. These approximate sampling error rates (SER's) are very conservative, because they were calculated using a formula assuming a random sample, rather than the more efficient systematic sample that is the O & D data. Therefore, the actual sampling errors may be smaller (more precise) than the conservative SER's shown above. Also, these calculations were made about eighteen years ago, when the volume of the 10% sample was much smaller.

APPROXIMATE SAMPLING ERRORS OF ESTIMATED NUMBER OF PASSENGERS IN A CATEGORY FROM A 10% SAMPLE (CLASS A DATA) 1/

Number of Passengers in a Category		12-Month Data				
		Approximate Sampling Error			Range	
In the Sample	In the Population	Number 2/	Percent 3/	Percent 4/	From	To
3000	30000	1019	3.4	10.9	28982	31018
4000	40000	1176	2.9	9.3	38824	41176
5000	50000	1314	2.6	8.3	48686	51314
6000	60000	1440	2.4	7.7	58560	61440
7000	70000	1555	2.2	7.0	68445	71555
8000	80000	1662	2.1	6.7	78338	81662
9000	90000	1763	2.0	6.4	88237	91763
10000	100000	1858	1.9	6.1	98142	101858
20000	200000	2626	1.3	4.1	197374	202626
30000	300000	3214	1.1	3.5	296786	303214
40000	400000	3709	0.9	2.9	396291	403709
50000	500000	4144	0.8	2.6	495856	504144
60000	600000	4537	0.8	2.6	595463	604537
70000	700000	4897	0.7	2.2	695103	704897
80000	800000	5232	0.7	2.2	794768	805232
90000	900000	5546	0.6	1.9	894454	905546
100000	1000000	5842	0.6	1.9	994158	1005842
200000	2000000	8209	0.4	1.2	1991791	2008209
300000	3000000	9987	0.3	1.0	2990013	3009987
400000	4000000	11455	0.3	1.0	3988545	4011455
500000	5000000	12721	0.3	1.0	4987279	5012721
600000	6000000	13840	0.2	.6	5986160	6013840
700000	7000000	14845	0.2	.6	6985155	7014845
800000	8000000	15758	0.2	.6	7984242	8015758
900000	9000000	16594	0.2	.6	8983406	9016594
1000000	10000000	17365	0.2	.6	9982635	10017365
1500000	15000000	20474	0.1	.3	14979526	15020474

1/ See Attachment IV for an explanation of Class A and Class B data.
2/ The chances are 95 out of 100 that the difference between the number of passengers in the population estimated from the sample and the number that would have been obtained from a complete census (using the same methods, efficiency, and diligence in data collection, analysis, and compilation) is less than the sampling error number shown.
3/ Sampling error number as a percentage of the estimated number of passengers in the population computed from unrounded data.
4/ Approximate sampling error rates for a 1% sample size may be calculated by multiplying 3.2 times the larger sample size data. These approximate sampling error rates (SER's) are very conservative, because they were calculated using a formula assuming a random sample, rather than the more efficient systematic sample that is the O & D data. Therefore, the actual sampling errors may be smaller (more precise) than the conservative SER's shown above. Also, these calculations were made about eighteen years ago, when the volume of the 10% sample was much smaller.

APPROXIMATE SAMPLING ERRORS OF ESTIMATED NUMBER OF PASSENGERS IN A CATEGORY FROM A 10% SAMPLE (CLASS B DATA) 1/

Number of Passengers in a Category		12-Month Data				
		Approximate Sampling Error			Range	
In the Sample	In the Population	Number 2/	Percent 3/	Percent 4/	From	To
1	10	25	247.1		1	35
5	50	55	110.5		1	105
10	100	78	78.1		22	178
20	200	110	55.2		90	310
30	300	135	45.1		165	435
40	400	156	39.1		244	556
50	500	175	34.9		325	675
60	600	191	31.9		409	791
70	700	207	29.5		493	907
80	800	221	27.6		579	1021
90	900	234	26.0		666	1134
100	1000	247	24.7		753	1247
200	2000	349	17.5		1651	2349
300	3000	428	14.3		2572	3428
400	4000	494	12.4		3506	4494
500	5000	552	11.0		4448	5552
600	6000	605	10.1		5395	6605
700	7000	654	9.3		6346	7654
800	8000	699	8.7		7301	8699
900	9000	741	8.2		8259	9741
1000	10000	781	7.8		9219	10781
2000	20000	1105	5.5		18895	21105

1/ See Attachment IV for an explanation of Class A and Class B data.
2/ The chances are 95 out of 100 that the difference between the number of passengers in the population estimated from the sample and the number that would have been obtained from a complete census (using the same methods, efficiency, and diligence in data collection, analysis, and compilation) is less than the sampling error number shown.
3/ Sampling error number as a percentage of the estimated number of passengers in the population computed from unrounded data.
4/ Approximate sampling error rates for a 1% sample size may be calculated by multiplying 3.2 times the larger sample size data. These approximate sampling error rates (SER's) are very conservative, because they were calculated using a formula assuming a random sample, rather than the more efficient systematic sample that is the O & D data. Therefore, the actual sampling errors may be smaller (more precise) than the conservative SER's shown above. Also, these calculations were made about eighteen years ago, when the volume of the 10% sample was much smaller.

APPROXIMATE SAMPLING ERRORS OF ESTIMATED NUMBER OF PASSENGERS IN A CATEGORY FROM A 10% SAMPLE (CLASS A DATA) 1/

Number of Passengers in a Category		12-Month Data				
		Approximate Sampling Error			Range	
In the Sample	In the Population	Number 2/	Percent 3/	Percent 4/	From	To
3000	30000	1353	4.5	14.4	28647	31353
4000	40000	1562	3.9	12.5	38438	41562
5000	50000	1747	3.5	11.2	48253	51747
6000	60000	1913	3.2	10.2	58087	61913
7000	70000	2067	3.0	9.6	67933	72067
8000	80000	2209	2.8	9.0	77791	82209
9000	90000	2343	2.6	8.3	87657	92343
10000	100000	2470	2.5	8.0	97530	102470
20000	200000	3491	1.7	5.4	196509	203491
30000	300000	4275	1.4	4.4	295725	304275
40000	400000	4934	1.2	3.8	395066	404934
50000	500000	5514	1.1	3.5	494486	505514
60000	600000	6039	1.0	3.2	593961	606039
70000	700000	6520	0.9	2.9	693480	706520
80000	800000	6968	0.9	2.9	793032	806968
90000	900000	7388	0.8	2.6	892612	907388
100000	1000000	7784	0.8	2.6	992216	1007784
200000	2000000	10969	0.5	1.6	1989031	2010969
300000	3000000	13384	0.4	1.3	2986616	3013384
400000	4000000	15398	0.4	1.3	3984602	4015398
500000	5000000	17151	0.3	.9	4982849	5017151
600000	6000000	18717	0.3	.9	5981283	6018717
700000	7000000	20140	0.3	.9	6979860	7020140
800000	8000000	21448	0.3	.9	7978552	8021448
900000	9000000	22662	0.3	.9	8977338	9022662
1000000	10000000	23795	0.2	.6	9976205	10023795
1500000	15000000	28568	0.2	.6	14971432	15028568
2000000	20000000	32311	0.2	.6	19967689	20032311
2500000	25000000	35352	0.1	.3	24964648	25035352

1/ See Attachment IV for an explanation of Class A and Class B data.
2/ The chances are 95 out of 100 that the difference between the number of passengers in the population estimated from the sample and the number that would have been obtained from a complete census (using the same methods, efficiency, and diligence in data collection, analysis, and compilation) is less than the sampling error number shown.
3/ Sampling error number as a percentage of the estimated number of passengers in the population computed from unrounded data.
4/ Approximate sampling error rates for a 1% sample size may be calculated by multiplying 3.2 times the larger sample size data. These approximate sampling error rates (SER's) are very conservative, because they were calculated using a formula assuming a random sample, rather than the more efficient systematic sample that is the O & D data. Therefore, the actual sampling errors may be smaller (more precise) than the conservative SER's shown above. Also, these calculations were made about eighteen years ago, when the volume of the 10% sample was much smaller.

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To provide for the designation of the week of October 6 through October 12, 1985, as "Myasthenia Gravis Awareness Week". (Oct. 16, 1985; 99 Stat. 517) Price: $1.00

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